

GEORGE B. SHEPARD  
VS.  
COMMONWEALTH OF PENNSYLVANIA,  
COAL & CLAY MINE SUBSIDIENCE BOARD,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Frank J. Muraca, Esquire  
Armand E. Olivetti, Jr., Esquire  
Marc A. Roda, Esquire

Locket No. 882



April 13, 1983

Case received from Court of Common Pleas, Lackawanna County, Pennsylvania. Case transferred by Order dated April 5, 1983, as follows: "AND NOW, this 5th day of April, 1983, upon the Motion and Stipulation of Counsel for the Plaintiff and Defendant, IT IS HEREBY ORDERED that the Clerk of Judicial Records transfer the record in the instant matter to the Prothonotary of the Board of Claims of the Commonwealth of Pennsylvania, AND IT IS FURTHER ORDERED that the Discontinuance with prejudice in the instant action of record to Lackawanna County #83-CIV-216 is hereby approved."

AS RECEIVED FROM COURT OF COMMON PLEAS:

January 14, 1983 Complaint filed.

February 9, 1983 Preliminary objections and Memorandum of Law filed by Defendant.

March 31, 1983 Praecipe for Discontinuance as to the State Treasurer of the Commonwealth of Pennsylvania only filed by Plaintiff.

April 5, 1983 Motion and Stipulation of Counsel and Order filed by attorney for Plaintiff and attorney for Defendant.

April 14, 1983 Requested Plaintiff to forward an additional six copies of the Complaint plus filing fee.

April 27, 1983 Additional copies of Complaint and filing fee filed. Amount of Claim: \$9,500.00.

May 2, 1983 Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

May 31, 1983 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

-JWA-

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November 3, 1983 Hearing scheduled before Eastern Panel December 15 and 16, 1983, if necessary, in Board's Conference Room at 10 a.m.

December 15, 1983 Hearing held in Board's Conference Room at 10 a.m. Case completed.

February 9, 1984 Testimony of hearing held December 15, 1983 filed.

February 13, 1984 Copy of testimony of hearing held December 15, 1983 forwarded to attorney for Defendant.

April 16, 1984 Findings of Fact and Conclusions of Law as well as Affidavits of William Watkins, Bob Fadden, Brian K. Farrell and Carol Lasky as well as deposition (2 sheet document) of George B. Shepard relative to original exhibits in his possession filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

June 28, 1984 Brief in Support of Claim filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 26, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, this 26th day of June 1984, upon consideration of Claimant's request to present additional evidence, the matter will be reopened to allow Claimant to present said evidence as requested at a time and place to be set. The Defendant shall, of course, have the opportunity to object to or offer such relevant rebuttal to said evidence as it deems fit."

June 29, 1984 Copies of Opinion and Order dated June 26, 1984, forwarded to attorney for plaintiff and attorney for defendant.

September 17, 1984 Hearing scheduled for October 18, 1984 before Eastern District, to be held in Board of Claims' Conference Room, commencing at 10 a.m.

October 16, 1984 Hearing held in Board's Court Room, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10 a.m. Case completed.

November 9, 1984 Testimony of hearing held October 18, 1984. Copy forwarded to attorney for defendant.

- OVER -

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Dennis Strain

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MULTIPLE COPIES



December 3, 1984 Supplemental Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 31, 1984 Motion to Enlarge Time for Filing Brief filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 7, 1985 The Board made the following Order: "Upon consideration of the Motion To Enlarge Time For Filing Brief filed on behalf of the Commonwealth of Pennsylvania, Department of Environmental Resources, the Department's brief shall be filed on or before January 17, 1985." Dated: January 7, 1985  
Copies forwarded to attorney for plaintiff and attorney for defendant.

January 14, 1985 Defendant's Brief and Proposed Findings filed by attorney for Defendant. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 19, 1985 Eastern Hearing Panel Report filed.

August 23, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of August, 1985, we find in favor of the defendant, Commonwealth of Pennsylvania, Coal and Clay Mine Subsidence Board, Department of Environmental Resources, and against the Plaintiff, George B. Shepard. Each party to bear its own costs." Copies forwarded to attorney for plaintiff, Mr. Shepard and attorney for defendant.