

VIETNAM VETERANS COMMITTEE FOR
BETTER LEGISLATION
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AGRICULTURE

Barton A. Hertzbach, Esquire and
Joseph C. Vignola, Esquire

DOCKET NO 946

CLOSED

~~Delaney Davis, Esquire
Allen G. Washburn, Executive Deputy Attorney General
David D. Baker, Chief Deputy Attorney General
John B. Hamann, Chief Counsel~~

Stephen R. Pelcher, Assistant Counsel
Gerald T. Osburn, Chief Counsel

July 3, 1984 Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim:
\$213,000.00+.

July 10, 1984 Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.

September 10, 1984 Respondent's Answer and New Matter to Claimant's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 16, 1985 Plaintiff's Response to Defendant's Answer and New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 1, 1985 Hearing scheduled for December 3 through December 6, 1985, if necessary, in Board's Court Room at 10:00 a.m.

December 3, 1985 Hearing held in Board's Court Room at 10:00 a.m.

December 4, 1985 Hearing held in Board's Court Room at 10:00 a.m. Case completed.

January 22, 1986 Testimony of hearing held December 3, 1985 filed.

January 24, 1986 Copy of testimony forwarded to attorney for Defendant.

January 28, 1986 Testimony of hearing held December 4, 1985 filed.

January 30, 1986 Copy of testimony forwarded to attorney for Defendant.

April 15, 1986 Proposed Findings of Fact, Proposed Conclusions of Law and Memorandum of Law in Support of Plaintiff's proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

August 20, 1986 Defendant's Proposed Findings of Fact, Proposed Conclusions of Law and Memorandum of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

6/25/90
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COVER

DOCKET NO. 9
CLOSED

Barton A. Kertzbach, Esquire and
Joseph C. Vignola, Esquire

VIETNAM VETERANS COMMITTEE FOR
BETTER LEGISLATION
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AGRICULTURE

Allen C. Wreghitt, Executive Deputy Attorney General
David DeVries, Chief Deputy Attorney General
John P. Hines, Chief Counsel
Stephen R. Pezeter, Assistant Counsel
Gerald T. Osburn, Chief Counsel

February 20, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 20th day of February, 1987, sua sponte, hereby ORDERS the Plaintiff and the Defendant to appear before the Board at a date to be established in the future, at which time the Plaintiff shall be prepared to go forward and establish what monetary loss the Plaintiff believes it has suffered because of the activity of the Commonwealth in regard to the alleged Contracts between the parties." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 2, 1987 Acceptance of Service of Opinion and Order dated February 20, 1987, received from Defendant. Receipt of same acknowledged by Defendant February 25, 1987.

March 3, 1987 Acceptance of Service of Opinion and Order dated February 20, 1987, received from Plaintiff. Receipt of same acknowledged by Plaintiff February 24, 1987.

May 10, 1987 Hearing scheduled for June 30, 1987, in Board's Court Room No. 1 at 10:00 a.m. for the presentation of damages.

June 30, 1987 Hearing held in Board's Court Room No. 1 at 10:00 a.m. Case completed.

July 16, 1987 Testimony of hearing held June 30, 1987.

July 21, 1987 Copy of testimony for hearing held June 30, 1987 forwarded to attorney for Defendant.

July 27, 1987 Acceptance of Service of testimony dated July 21, 1987, received from Defendant. Receipt of same acknowledged by Defendant July 22, 1987.

September 28, 1987 Defendant's Memorandum Following the Hearing on June 30, 1987 Pursuant to the Board of Claims Order of February 20, 1987 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 1, 1987 Proposed Supplemental Findings of Fact of Plaintiff Vietnam Veterans Committee for Better Legislation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

6/25/90
JDB

OVER

VIETNAM VETERANS COMMITTEE FOR
BETTER LEGISLATION
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AGRICULTURE

Barton A. Hertzbach, Esquire and
Joseph C. Vignola, Esquire

~~John D. Hannum, Chief Counsel~~
Stephen R. Pelcher, Assistant Counsel
~~Gerald J. Osburn, Chief Counsel~~

DOCKET NO. 946

CLOSED

W-1011-1-15

September 21, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of September, 1988, 23 find in favor of Plaintiff, Vietnam Veterans Committee for Better Legislation, and against the Defendant, Commonwealth of Pennsylvania, Department of Agriculture, in the amount of Two Hundred Eleven Thousand Eight Hundred Ninety-Seven Dollars and Seven cents (\$211,897.07), plus interest from January 1, 1984. Each party to bear its own costs and counsel fees. Provided however, that the testimony before the Board suggested and implied that the Plaintiff was dissolved; accordingly, a further hearing is mandated pursuant to the Act of 1972, November 15; P.L. 1063, No. 271, \$7971, 15 Pa. C.S. A. \$7972. This hearing shall be held on a day to be set in the immediate future in 1988. The only issues to be addressed shall relate to the reimbursement of expenses and/or obligations incurred by Plaintiff in the performance of its activities on behalf of the Commonwealth and its proposed distribution of any remaining funds derived from this judgment. Plaintiff should be guided by the fact that the Board will expect specificity in its detailed expenses and a documented proposal for disbursement of any remaining proceeds."

September 23, 1988 Copies of Opinion and Order dated September 21, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

September 27, 1988 Acceptance of Service of Opinion and Order dated September 21, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27 1988.

September 29, 1988 Acceptance of Service of Opinion and Order dated September 21, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 26, 1988.

October 3, 1988 Motion for Post-Trial Relief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 21, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of October, 1988, it is hereby ORDERED and DECREED that the Defendant's Motion for Post-Trial Relief is hereby DENIED."

W-1011-1-15
10/25/88

COVER

VIETNAM VETERANS COMMITTEE FOR
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VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AGRICULTURE

Barton A. Hertzbach, Esquire and
Joseph C. Fignola, Esquire

~~John B. Heman, Chief Counsel~~
Stephen R. Pelcher, Assistant Counsel
Gerald J. Ashburn, Chief Counsel

DOCKET NO. 946

CLOSED

October 25, 1988 Copies of Opinion and order dated October 21, 1988, forwarded to attorney for Plaintiff and attorney for Defendant.

October 31, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 31st day of October, 1988, it is hereby ORDERED and DIRECTED that in accordance with 5 Pa. C.S.A. §7971(b), the Plaintiff, within fifteen (15) days from the date hereof, shall file with the Board its proposal for the disbursements of funds to be awarded in this case, proposed notification and certification of names and addresses of proposed organizations." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 31, 1988 Acceptance of Service of Opinion and Order dated October 21, 1988, received from attorney for Defendant. Receipt of same acknowledged by attorney for Plaintiff October 28, 1988.

October 31, 1988 Acceptance of Service of Opinion and Order dated October 21, 1988, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Defendant October 27, 1988.

November 1, 1988 Copy of Petition for Review as filed in Commonwealth court filed by attorney for Defendant.

November 2, 1988 Petition for review received from Commonwealth Court. [No. 2525 C.D. 1988]

November 4, 1988 Acceptance of Service of Opinion and Order dated October 31, 1988, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 2, 1988.

November 7, 1988 Acceptance of Service of Opinion and Order dated October 31, 1988, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 2, 1988.

December 9, 1988 File transmitted to Commonwealth Court.

6/25/90
JRM

SOVER

VIETNAM VETERANS COMMITTEE FOR
BETTER LEGISLATION

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AGRICULTURE

Baron A. Herzbach, Esquire and
Joseph C. Vignola, Esquire

Stephen R. Pelcher, Assistant Counsel
Gerald T. Osburn, Chief Counsel

DOCKET NO. 946

CLOSED

December 20, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 20th day of December, 1988, it is hereby ORDERED and DECREED that all proceedings before this Board are stayed pursuant to Pennsylvania Rule of Appellate Procedure §2572."

December 21, 1988 Copies of Opinion and Order dated December 20, 1988, forwarded to attorney for Plaintiff and attorney for Defendant.

December 28, 1988 Acceptance of Service Opinion and Order dated December 20, 1988, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 23, 1988.

July 25, 1989 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 20th day of July, 1989, the motion to quash the appeal filed by the Vietnam Veterans Committee for Better Legislation is granted."

January 8, 1990 Petition for Allowance of Appeal as filed in the Supreme Court filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 8, 1990 Brief of Respondent in Opposition to Petition for Allowance of Appeal as filed in the Supreme Court: filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 2, 1990 Copy of Order received from Supreme Court as follows: "This is to advise that the following Order has been entered for the Petition for Allowance of Appeal for the above-captioned matter: 'March 9, 1990, Petition Denied Per Curiam.'"

April 2, 1990 File returned from Commonwealth Court.

April 4, 1990 Request for the Production and Inspection of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 9, 1990 Certificates of Service of the Articles of Incorporation filed by attorney for Plaintiff via MAIL. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

7/29/91 gcl

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VIETNAM VETERANS COMMITTEE FOR
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DEPARTMENT OF AGRICULTURE

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Joseph C. Vignola, Esquire

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CLOSED

Stephen R. Pelcher, Assistant Counsel
Gerald T. Osburn, Chief Counsel

April 16, 1990

Defendant's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 7, 1990

Plaintiff's Answers to Defendant's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 7, 1990

Request for the Production and Inspection of Documents and Plaintiff Vietnam Veterans Committee for Better Legislation's Proposal for Distribution filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 19, 1990

Stipulation of Settlement executed by attorney for Plaintiff and attorney for Defendant and filed by attorney for Plaintiff.

August 15, 1990

The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of August, 1990, it is ORDERED and DECREED that an exploratory hearing shall be held before the Board of Claims, in Courtroom No. 1, 707 Transportation and Safety Building, beginning at 10:00 a.m. or the 18th day of September, 1990. It is further ORDERED and DECREED that Joseph C. Vignola, Esquire, of Philadelphia, Pennsylvania be, and is hereby, appointed as independent counsel to the Claimant, Vietnam Veterans Committee for Better Legislation, at a fixed fee, therefore, of One Hundred Dollars (\$100) per hour. It is further ORDERED and DECREED that Barton A. Hertzbech, Esquire, counsel for Claimant, shall provide the said Joseph C. Vignola, Esquire, with a copy of any fee agreement, time records, expense vouchers and any other records and documents which he believes shall justify his requested fee consistent with Rule No. 1.5 of the Rules of Professional Conduct. It is further ORDERED and DECREED that Claimant shall provide the said Joseph C. Vignola, Esquire, with any and all documents which will purport to establish the continued active existence of it since 1983. This documentation shall include all activities conducted by it in support of its corporate purpose. It is further ORDERED and DECREED that Defendant, Commonwealth of Pennsylvania, Department of Agriculture, shall, within ten (10) days of this Order, deposit with The Mellon Bank located at 10 South Market Street, Harrisburg, Pennsylvania, a check in the amount of Two Hundred Ninety-Two Thousand Three Hundred Seventy-Five Dollars and Fifty-Seven Cents (\$292,375.57), same to be administered and invested as deemed fit by James H. Best and Thomas C. Houser, Vice-President and Trust Officer, respectively, for said Mellon Bank. Interest accruing against the Defendant shall terminate as of the day Stipulation of

7/29/91
gac

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DEPARTMENT OF AGRICULTURE

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Joseph C. Vignola, Esquire
Stephen R. Pelcher, Assistant Counsel
Gerald T. Osburn, Chief Counsel

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CLOSED

- August 15, 1990 (continued) Settlement specified, i.e. June 12, 1990. Finally, it is ORDERED and DECREED that disbursements of said funds shall be done only on the issuance of an Order by the Board of Claims subsequent to the exploratory hearing." Copies forwarded to attorney for Plaintiff, attorney for Defendant, Chief Deputy Attorney General, Mr. Osburn, Mr. Vignola, and Mr. Best (Mellon Bank).
- August 20, 1990 Acceptance of Service of Opinion and Order dated August 15, 1990, received from attorney for Defendant (Gerald T. Osburn, Chief Counsel). Receipt of same acknowledged by attorney for Defendant August 25, 1990.
- August 20, 1990 Acceptance of Service of Opinion and Order dated August 15, 1990, received from attorney for Plaintiff (Barton A. Hertzbach, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 17, 1990.
- August 21, 1990 Acceptance of Service of Opinion and Order dated August 15, 1990, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 16, 1990.
- August 28, 1990 Acceptance of Service of Opinion and Order dated August 15, 1990, received from Joseph C. Vignola, Esquire. Receipt of same acknowledged by Joseph C. Vignola, Esquire, August 23, 1990.
- September 18, 1990 Exploratory hearing held this date in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:40 a.m. Case continued.
- September 27, 1990 Exploratory hearing scheduled for October 10, 1990, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.
- October 1, 1990 Testimony for exploratory hearing held September 18, 1990 filed.
- October 2, 1990 Copy of testimony for exploratory hearing held September 18, 1990 forwarded to attorney for Defendant.
- October 5, 1990 Acceptance of Service of testimony for hearing held September 18, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant

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October 3 1990

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Barton A. Hertzbach, Esquire and
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Stephen R. Pelcher, Assistant Counsel
Gerald T. Osburn, Chief Counsel

DOCKET NO. 946

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October 10, 1990 Amendment of Stipulation of Settlement filed by attorney for Plaintiff and attorney for Defendant.

October 10, 1990 Exploratory hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case concluded.

November 5, 1990 Statement of Account received from the Trust and Investment Department of the Mellon Bank.

November 8, 1990 Testimony for exploratory hearing held on October 10, 1990 filed.

November 9, 1990 Copy of testimony for exploratory hearing held on October 10, 1990 forwarded to attorney for Defendant.

November 9, 1990 Copy of testimony for exploratory hearing held on October 10, 1990 forwarded to attorney for Plaintiff and Independent Counsel for Plaintiff.

November 13, 1990 Petition for Allowance of Compensation and Expenses and Proposed Order filed by Independent Counsel for Plaintiff. Copies forwarded to attorney for Plaintiff and attorney for Defendant by Independent Counsel for Plaintiff.

November 19, 1990 Acceptance of Service of testimony for exploratory hearing held October 10, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1990.

November 19, 1990 Acceptance of Service of testimony for exploratory hearing held October 10, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 13, 1990.

November 21, 1990 Acceptance of Service of testimony for exploratory hearing held October 10, 1990 received from attorney for Plaintiff (Joseph C. Vignola, Esquire). Receipt of same acknowledged by attorney for Plaintiff November 13, 1990.

December 7, 1990 Statement of Account received from the Trust and Investment Department of the Mellon Bank.

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Barton A. Herzbach, Esquire and
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Stephen R. Pelcher, Assistant Counsel
Gerald T. Osburn, Chief Counsel

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January 7, 1991

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

February 4, 1991

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

February 14, 1991

The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of February, 1991, upon consideration of the annexed Petition and Verification of Independent Counsel, it is hereby ORDERED and DECREED that Joseph J. Vignola, Esquire, is hereby GRANTED compensation in the sum of Five Thousand Seven Hundred Twenty-Five Dollars and Fifty-One Cents (\$5,725.51) pursuant to the Order of this Board dated August 15, 1990; said allowance shall be charged upon the monies awarded to the Claimant, Vietnam Veterans Committee for Better Legislation, to be paid by them, Mellon Bank, the escrow bank, or Claimant's Counsel of Record as agreed to between Claimant and Independent Counsel. It is further ORDERED, since said Independent Counsel may be entitled to additional counsel fees and reasonable costs, that Claimant set aside the sum of Three Thousand Dollars (\$3,000.00) and not otherwise disperse same prior to the entry of the Final Order: for counsel fees to Mr. Vignola." Copies forwarded to attorney for Plaintiff, Independent Counsel, attorney for Defendant and Chief Deputy Attorney General.

February 14, 1991

The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of February, 1991, it is hereby ORDERED and DECREED as follows: 1. That this Board hereby accepts and approves the Stipulation and Settlement filed with this Board on June 19, 1990; and, 2. That this Board hereby accepts and approves the Amendment of Stipulation of Settlement filed with this Board on October 10, 1990; and, 3. That this Board hereby authorizes the release of funds from the special trust account established with Mellon Bank by the Independent Counsel consistent with this Order and the Order of February 14, 1991 dealing with the interim award of fees and costs to Independent Counsel; and, 4. That Independent Counsel shall file with the appropriated Federal, State and local taxing bodies any and all tax returns mandated by the establishment of this special trust account; and, 5. That all parties shall

- 2 -

VETERANS COMMITTEE FOR
BETTER LEGISLATION

Bartor A. Hertzbach, Esquire and
Joseph C. Vignoli, Esquire

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AGRICULTURE

Stephen R. Pelcher, Assistant-Counsel
~~General Counsel~~

February 14, 1991 report to this Board in writing within ninety (90) days hereof as to their compliance with the terms of this Order; and, 6. That for the limited purposes expressed herein, the Board retains jurisdiction over this matter." Copies forwarded to attorney for Plaintiff, Independent Counsel, attorney for Defendant and Chief Deputy Attorney General.

February 20, 1991 Acceptance of Service of Opinions and Orders dated February 14, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 15, 1991.

February 21, 1991 Acceptance of Service of Opinions and Orders dated February 14, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 14, 1991.

February 25, 1991 Acceptance of Service of Opinions and Orders dated February 14, 1991 received from Independent Counsel. Receipt of same acknowledged by Independent Counsel February 18, 1991.

February 25, 1991 Acceptance of Service of Opinions and Orders dated February 14, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 18, 1991.

March 1, 1991 Statement of Account received from the Trust and Investment Department of The Mellon Bank.

April 8, 1991 Statement of Account received from the Trust and Investment Department of The Mellon Bank.

May 1, 1991 Statement of Account received from the Trust and Investment Department of The Mellon Bank.

June 3, 1991 Statement of Account received from the Trust and Investment Department of The Mellon Bank.

July 8, 1991 Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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VIETNAM VETERANS COMMITTEE FOR
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Gerald T. Osburn, Chief Counsel

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CLOSED

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August 5, 1991 Statement of Account received from the Trust and Investment Department of The Mellon Bank.

August 20, 1991 The Board rendered an Opinion and made the following Order: "AND NOW, this 20th day of August, 1991, it is ORDERED and DECREED that the case of Vietnam Veterans Committee for Better Legislation, the Plaintiff, against the Defendant, Commonwealth of Pennsylvania, Department of Agriculture, be marked settled and terminated with prejudice." Copies forwarded to attorney for Plaintiff, Independent Counsel, and attorney for Defendant.

August 27, 1991 Acceptance of Service of Opinion and Order dated August 20, 1991 received attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1991.

September 6, 1991 Acceptance of Service of Opinion and Order dated August 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 22, 1991.

September 9, 1991 Acceptance of Service of Opinion and Order dated August 20, 1991 received from Independent Counsel. Receipt of same acknowledged by Independent Counsel September 3, 1991.