

Docket Number: 1325

THOMAS F. KILROE

Vincent X. Yakowicz, Esquire
Thomas F. Kilroe, Esquire

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD

Ken Skelly, Chief Counsel
Nathan Pringle, Deputy Chief Counsel

December 19, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$6,155.35+.

December 29, 1988

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

January 9, 1989

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 30, 1988.

CLOSED

Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 10, 1989

Application of Respondent for Award of Costs and Attorneys' Fees Pursuant to 42 Pa. C.S.A. Section 2503(9) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 22, 1989

Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 24, 1989

Answer of Thomas F. Kilroe to Commonwealth-PLCB's Application for Costs and Attorneys' Fees and Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 31, 1989

Preliminary Objections to Claimant's counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 3, 1989

Amended Preliminary Objections to Claimant's Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 7, 1989

Kilroe's Motion to Dismiss PLCB's Preliminary Objections to Kilroe's Answer and Counterclaim to PLCB's Application for Award of Costs and Attorneys' Fees filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 10, 1989

Petitioner Kilroe's Answer to Commonwealth PLCB's Preliminary Objections and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 17, 1989

Kilroe's Motion to Dismiss PLCB's Preliminary Objections (dated March 31, 1989) to Kilroe's Answer and Counterclaim to PLCB's Application for Award of Costs and Attorney's Fees filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 8, 1989

Brief in Support of Preliminary Objections to Counterclaim As Amended filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 17, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of May, 1989, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Liquor Control Board, in the nature of a Motion to Dismiss for Want of Jurisdiction is **DENIED**; however, the Preliminary Objections in the nature of a Motion to Strike Impertinent Matter are hereby **GRANTED**, and Paragraphs 29 and 30 of Plaintiff's Complaint are hereby **ORDERED STRICKEN**. Further, the Plaintiff's Motion to Dismiss the Preliminary Objections of the Pennsylvania Liquor Control Board's Application for Award of Costs and Attorneys' Fees is hereby **GRANTED**. It is hereby further **ORDERED** that Defendant's Application for Award Costs and Attorneys' Fees pursuant to 42 Pa. C.S.A. §2503, is hereby **DEFERRED** for decision until the conclusion of this case. The same will then be decided with the Board's Final Opinion in this matter." Copy forwarded to

attorney for Plaintiff and attorney for Defendant.

May 24, 1989

Acceptance of Service of Opinion and Order dated May 17, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 19, 1989.

May 25, 1989

Acceptance of Service of Opinion and Order dated May 17, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 22, 1989.

June 16, 1989

Petition for Stay of Proceedings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 18, 1989

Objections of Thomas F. Kline to Petition for Stay of Proceedings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 14, 1989

Petition for Extension of Time to File the Commonwealth's Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 17, 1989

The Board made the following Order: **"AND NOW**, this 17th day of July, 1989, a Petition for Extension of Time to File the Commonwealth's Answer was filed under date of July 14, 1989 over the signature of Nathan C. Pringle, Jr., Deputy Chief Counsel, attorney for Defendant, Commonwealth of Pennsylvania, Liquor Control Board. This request appears to be reasonable and is hereby **GRANTED**. Said Answer of the Commonwealth will be due on or before August 17, 1989. The Board will render its Opinion relative to the contents of the Petition requesting a Stay in the immediate future." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 21, 1989

Acceptance of Service of Opinion and Order dated July 17, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 19, 1989.

August 7, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 7th day of August, 1989, the request of the Defendant for a Stay of Proceedings is hereby **DENIED**. The Defendant is given thirty (30) days from August 17, 1989, to file responsive pleading to the Plaintiff's Complaint." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 10, 1989

Acceptance of Service of Opinion and Order dated August 7, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 8, 1989.

CLOSED

Answer of Thomas Kilroe to Request for Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

Acceptance of Service of Opinion and Order dated August 7, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 11, 1989.

September 18, 1989

Answer and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 13, 1989

Reply to Counterclaim and New Matter filed by Plaintiff.

October 18, 1989

Certificate of Service of Reply to Counterclaim and New Matter filed by attorney for Plaintiff.

January 8, 1990

Further Answer to Respondents Request to Produce Documents Dated 06/16/89, as Revised by Respondents letter of 11/21/89 filed by Plaintiff.

May 4, 1990

Depositions of Thomas F. Kilroe by Written Interrogatories filed by attorney for Defendant. Copy forwarded to Plaintiff, attorney for Plaintiff and attorney for Defendant.

June 14, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of June, 1991, a Rule to Show Cause is issued upon Plaintiff, Thomas J. Kilroe, to show cause why this case should not be dismissed with prejudice for failure to respond to the status report request of May 10, 1991. Said Rule is returnable no later than thirty (30) days after the entry of this Order." Copy forwarded to Plaintiff, attorney for Plaintiff and attorney for Defendant.

June 20, 1991

Acceptance of Service of Opinion and Order dated June 14, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 18, 1991.

June 26, 1991

Acceptance of Service of Opinion and Order dated June 14, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 22, 1991.

July 11, 1991

Response to Order of Fred C. Pace, Chief Administrative Judge dated June 14, 1991 filed by Plaintiff.

August 22, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of August, 1991, the Board is of the Opinion that the Response filed by the Plaintiff dated July 11, 1991, satisfies the Board's Order of June 14, 1991, and the Rule to Show Cause is thereby **DISMISSED**. The Plaintiff is further directed to file appropriate Answers to the Interrogatories filed by the Defendant May 4, 1990, within thirty (30) days of the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 30, 1991

Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 14, 1991

Deposition of Thomas F. Kilroe by Written Interrogatories dated May 2, 1990 filed by attorney for Plaintiff.

January 15, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of January, 1992, the request of the Defendant, in the nature of a Motion to Dismiss, is hereby **GRANTED**, and the Complaint of the Plaintiff is hereby **DISMISSED**." Copy forwarded to Plaintiff and attorney for Defendant.

January 23, 1992

Acceptance of Service of Opinion and Order received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 16, 1992.

CLOSED