

Docket Number: 1832

MICHAEL W. LUCHETTA d/b/a
MICKEY'S SNACK BAR

~~Arthur K. Dils, Esquire~~
Mark S. Fenice, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE,
PENNSYLVANIA LOTTERY

~~Jeffrey Snoddy, Chief Counsel~~
Jullia A. Sheridan, Esquire

November 3, 1994

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$3,275.97.

November 17, 1994

Copies of Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General.

December 9, 1994

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 23, 1994.

CLOSED

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

February 9, 1995

Praecipe to withdraw appearance filed by Arthur K. Dils, Esquire. Copy forwarded to attorney for Defendant by Arthur K. Dils, Esquire.

February 13, 1995

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

April 17, 1995

Praecipe for Nonsuit filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

May 11, 1995

The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of May, 1995, a Rule to Show Cause is issued upon Plaintiff, Michael W. Luchetta d/b/a Mickey's Snack, Bar, wherein it is DIRECTED that Plaintiff advise the Board within thirty (30) days from the exit date of this Order why this case

May 11, 1995 (Cont'd)

should not be dismissed. This Rule shall become absolute in the event the Board does not receive a response to said Rule." Copies forwarded to Plaintiff and attorney for Defendant.

May 19, 1995

Acceptance of Service of Opinion and Order dated May 11, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 16, 1995.

June 6, 1995

Plaintiff's Answer to Rule to Show Cause filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 7, 1995

Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$1,886.33. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 19, 1995

Copies of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General.

June 20, 1995

The Board rendered an Opinion and made the following Order: "AND NOW, this 20th day of June, 1995, it is ORDERED and DECREED that the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Revenue, Pennsylvania State Lottery, are DISMISSED as being moot." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 13, 1995

Acceptance of Service of Opinion and Order dated June 20, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 26, 1995.

July 13, 1995

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 23, 1995.

July 19, 1995

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

August 9, 1995

Plaintiff's Answer to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 14, 1996

Letter forwarded to parties requesting a status report.
Response due 6/13/96.

May 19, 1997

Letter forwarded to parties requesting a status report.
Response due 6/18/97.

July 18, 1997

The Board rendered an Opinion and made the following Order: **"AND NOW, this 18th day of July, 1997, a Rule to Show Cause is issued upon Plaintiff, Michael W. Luchetta d/b/a Mickey's Snack Bar, wherein it is DIRECTED that Plaintiff advise the Board within thirty (30) days of this Order why this case should not be marked closed for failure to prosecute. This Rule shall become absolute and the case shall be marked closed with prejudice in the event the Board does not receive a response to said Rule."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 28, 1997

Acceptance of Service of Opinion and Order dated July 18, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 22, 1997.

September 2, 1998

The Board rendered an Opinion and made the following Order: **"AND NOW, this 2nd day of September, 1998, this Order is issued as a result of the failure of Plaintiff, Michael W. Luchetta d/b/a Mickey's Snack Bar, to advise the Board of Claims within 30 days of July 30, 1997, why the case should not be dismissed for failure to prosecute. It is, therefore, DIRECTED that the Rule to Show Cause be made ABSOLUTE and the record marked 'closed with prejudice.'**" Copies forwarded to attorney for Plaintiff and attorney for Defendant.