

Docket Number: 3233

INDEPENDENT STATE STORE UNION; ED CLOONAN, JOANNE CONNOLLY, GARY
COYNE, JAMES HENRY, DENNIS HOAG, LARRY JOHNSON, RICHARD SCOTT,
TIMOTHY SEABROOK, LOUIS VOLPETTI, and DAVID WANAMAKER

~~Kimber L. Latsha, Esquire~~
~~Steven M. Montresor, Esquire~~
Ian J. Blynn, Esquire

CLOSED
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD

Faith Diehl, Chief Counsel
Jill L. Urey, Assistant Counsel

April 14, 2000

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$300.00+.

April 25, 2000

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 5/25/00.

May 2, 2000

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 27, 2000.

May 3, 2000

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General April 28, 2000.

May 25, 2000

Preliminary Objections to Claimant's Claim and Brief in Support of the Preliminary Objections to Claimant's Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Response and Brief due June 26, 2000.**

May 30, 2000

Signed Verification, to be attached to Defendant's Preliminary Objections to Claimant's Claim, substituting the unsigned Verification that was inadvertently attached to the Preliminary Objections, filed by attorney for Defendant.

June 26, 2000

Answer to Preliminary Objections to Claimant's Claim as well as Brief in Support of Answer to Preliminary Objections to Claimant's Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 26, 2000

Answer to Claim with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Reply to New Matter due on or before August 31, 2000.**

August 10, 2000

Motion to Stay Proceedings and Brief in Support of Motion to Stay Proceedings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 29, 2000

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

September 11, 2000

Defendant's Response to Claimants' Motion to Stay Proceedings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 4, 2000

The Board rendered an Opinion and made the following Order: "AND NOW, this 4th day of October, 2000, upon consideration of Claimants' Motion to Stay Proceedings and Respondent's Response to same, it is hereby **ORDERED** and **DECREED** that the Motion be **GRANTED** and that all further proceedings herein be **STAYED** pending the resolution of the investigation into the same matter by the United States Department of Labor, Wage and Hour Division." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 10, 2000

Acceptance of Service of Opinion and Order dated October 4, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 5, 2000.

October 18, 2000

Acceptance of Service of Opinion and Order dated October 4, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 17, 2000.

October 22, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 21, 2001**.

November 19, 2001

Letter received from Defendant advising that they contacted the District Director for U.S. Dept. of Labor, Wage and Hour Division, Joseph F. Dietrick, who informed them that to date, the Department of Labor's investigation is on-going.

November 29, 2001

Letter received from Plaintiff advising that the U.S. Dept. of Labor, Wage and Hour Division is continuing its investigation and that it is possible that an amicable resolution can be achieved through this investigation.

May 22, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 21, 2002**.

June 10, 2002

Letter received from attorney for Plaintiff advising that the U.S. Dept. of Labor Wage and Hour Division is continuing its investigation into this matter and it appears that an amicable resolution can be achieved as the parties are continuing to work toward a resolution of this matter.

June 18, 2002

Letter received from attorney for Defendant concurring with Plaintiff's status letter dated June 3, 2002.

January 13, 2003

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 12, 2003**.

January 29, 2003

Entry of Appearance of Ian J. Blynn, Esquire as well as Withdrawal of Appearance of Kimber L. Latsha, Esquire and Steven M. Montresor, Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 29, 2003

Letter/Status Report received from attorney for Plaintiff advising that all of the Claimants have received the overtime pay due to them as a result of the intervention of the Federal Department of Labor and he will be in touch with the Board as soon as he can determine whether the case can be withdrawn. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 11, 2003

Defendant filed letter advising that they have complied with the terms of the investigation by the US Department of Labor, Wage and Hour Division and as soon as they receive notice from the Department of Labor as to the conclusion of this matter, they will inform the Board and opposing counsel.

June 20, 2003

Defendant filed Praecipe to Discontinue Claim, executed by parties. Copy forwarded to Plaintiff.

July 29, 2003

Board issued Opinion and Order. Order as follows: **AND NOW**, this 29th day of July, 2003, it is hereby **ORDERED** and **DECREED** that, upon consideration of the Praecipe to Discontinue, this matter is hereby marked "withrawn, settled, discontinued and ended." Copy forwarded to Plaintiff and Defendant.

August 6, 2003

Defendant filed Acceptance of Service of Opinion and Order dated July 29, 2003. Receipt of same acknowledged by Defendant August 4, 2003.

August 11, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated July 29, 2003. Receipt of same acknowledged by Plaintiff August 5, 2003.
