

Docket Number: 3819

JAMES POPOVICH AND DELORES POPOVICH, HUSBAND AND WIFE

Samuel P. Kamin, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

~~Christopher Zettler, Chief Counsel~~

Julia A. Sheridan, Deputy Chief Counsel

CLOSED

January 23, 2006

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$100,000.00

January 24, 2006

Board issued Acknowledgment letter and forwarded a copy of the Claim to Attorney General.

January 31, 2006

Attorney General filed Acknowledgment of Claim dated January 24, 2006. Receipt of same acknowledged January 27, 2006.

February 28, 2006

Defendant filed Answer to Plaintiff's Claim.

March 2, 2006

Board forwarded letter directing the parties to commence with discovery.

March 5, 2007

Board forwarded letter to parties requesting a status report.

March 9, 2007

Plaintiff's attorney filed a letter stating that settlement negotiations have broken down and they are requesting that the Board set the matter for hearing.

March 12, 2007

Board sent letter to parties requesting a proposed scheduling order.

March 29, 2007

Board sent letter to Plaintiff, with copy to Defendant, advising that no action will be taken to Plaintiff's request for a hearing.

April 6, 2007

Plaintiff filed Proposed Scheduled Order.

April 10, 2007

Defendant filed Proposed Scheduled Order.

April 13, 2007

Board rendered a scheduling order. Order as follows: "AND NOW, this 13th day of April, 2007, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant is May 7, 2007¹; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is May 15, 2007¹; 3. All discovery, including exchange of any expert rebuttal reports, shall be completed by May 29, 2007²; 4. The last day for filing pre-trial motions is June 11, 2007²; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than July 2, 2007 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, July 11, 2007 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Monday, September 10, 2007. Said hearing shall be held at the Saint Joseph's Center, 2900 Seminary Drive, Greensburg, PA commencing at 9:30 a.m. ¹If expert testimony is to be offered without production of a report, a summary of such testimony, as described in Pa. R.C.P. 4003.5(a)(1), shall be provided in lieu of such report. ²All discovery motions shall be filed at least 30 days in advance of the close of discovery to allow for a 15 day response period and decision by the Board prior to the close of the discovery." Copy forwarded to Plaintiff and Defendant.

May 7, 2007

Plaintiff filed Expert Report of Peter J. Mancino.

May 7, 2007

Plaintiff filed acceptance of service of Scheduling Order dated

April 13, 2007. Receipt of same acknowledged May 3, 2007.

May 10, 2007

Defendant filed acceptance of service of Scheduling Order dated April 13, 2007. Receipt of same acknowledged April 18, 2007.

July 2, 2007

Defendant filed pre-hearing memorandum.

July 5, 2007

Plaintiff filed pretrial statement.

July 11, 2007

Pretrial conference held at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m.

September 4, 2007

Defendant filed Motion to Strike Plaintiff's Expert Report.

September 5, 2007

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 5th day of September, 2007, it is hereby **ORDERED** and **DECREED** that Defendant's motion to strike Plaintiff's expert report is **DISMISSED.**" Copy forwarded to Plaintiff and Defendant.

September 6, 2007

Defendant transmitted (via fax) Acceptance of Service of Opinion and Order dated September 5, 2007. Receipt of same acknowledged September 5, 2007.

September 10, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated September 5, 2007. Receipt of same acknowledged September 7,

2007.

September 10, 2007

Panel hearing held at the Bishop Connare Center, 2900 Seminary Drive, Greensburg, PA commencing at 9:30 a.m. Case completed.

September 11, 2007

Defendant filed Acceptance of Service of Opinion and Order dated September 5, 2007. Receipt of same acknowledged September 5, 2007.

October 19, 2007

Testimony of panel hearing held September 10, 2007 filed. Copy forwarded to attorney for Defendant. Last day of testimony.

November 2, 2007

Plaintiff filed Proposed Findings of Fact, Conclusions of Law and Discussion.

November 27, 2007

Defendant filed Proposed Findings of Fact, Conclusions of Law and Brief in Support.

December 4, 2007

Panel Report submitted.

February 21, 2008

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 21st day of February, 2008, after a hearing and a review of the briefs in this matter, it is hereby **ORDERED** and **DECREED** that the claim of James Popovich and Delores Popovich, husband and wife, against the Commonwealth of Pennsylvania, Department of Revenue, Pennsylvania Lottery Bureau, is hereby **DENIED**. Each party shall bear its own costs and attorneys' fees." Copy forwarded to Plaintiff, Defendant and Chief Deputy Attorney General.

February 26, 2008

Attorney General filed Acceptance of Service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged on February 25, 2008.

February 28, 2008

Plaintiff filed acceptance of service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged February 27, 2008.

February 28, 2008

Defendant filed acceptance of service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged February 25, 2008.
