

Docket Number: 3904

NEXIDIOM, INC.

Karen Munster, COO  
Matthew R. Wimer, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA LIQUOR CONTROL BOARD

~~FAITH S. DIHIL, CHIEF COUNSEL~~

Kristine A. Plakans, Assistant Counsel  
Melissa M. Gowers, Assistant Counsel  
Trisha L. Romano, Esquire

**August 22, 2007**

Plaintiff filed Claim and filing fee. Amount of Claim: \$201,070.00.

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**August 22, 2007**

Board called Plaintiff advising of filing deficiency: lacks proof of mailing and proper verification.

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**August 27, 2007**

Plaintiff emailed Board requesting a sample verification form be forwarded. Board informed Plaintiff that sample verification forms are not forwarded. Plaintiff requested another deficiency form be forwarded.

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**August 28, 2007**

Board issued a letter to Plaintiff along with notice of deficiency.

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**September 7, 2007**

Plaintiff filed claim a second time which was also deficient, in which it lacked proof of mailing and proper verification.

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**September 27, 2007**

Plaintiff filed a proof of mailing and verification of statement of claim.

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**October 1, 2007**

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

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**October 9, 2007**

Defendant filed Answer to Plaintiff's Claim.

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**October 9, 2007**

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General October 4, 2007.

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**October 17, 2007**

Defendant filed a corrected Certificate of Service (originally served Plaintiff at incorrect address) of its Answer to Plaintiff's Statement of Claim.

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**October 17, 2007**

Board issued letter to Plaintiff directing its response to Defendant's New Matter.

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**October 29, 2007**

Plaintiff filed Response to New Matter Set Forth by Defendant.

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**November 2, 2007**

Board issued letter to parties to proceed with discovery.

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**November 20, 2008**

Plaintiff filed Praecipe for Appearance of Matthew R. Wimer, Esquire, on behalf of Plaintiff.

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**July 27, 2009**

Plaintiff requested 234.1 - to attend with duces tecum subpoena.

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**July 28, 2009**

Board forwarded 234.1 to attend with duces tecum subpoena dated July 28, 2009, to Plaintiff.

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**June 11, 2010**

Plaintiff filed letter advising that the parties have engaged in discovery and have responded to requests for productions of documents. Plaintiff request a hearing scheduling order.

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**June 15, 2010**

Board issued letter requesting Proposed Scheduling Order from parties.

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**June 30, 2010**

Defendant filed Proposed Scheduling Order.

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**June 30, 2010**

Defendant filed Entry of Appearance of Trisha L. Romano, Esquire as Counsel for Defendant, Pennsylvania Liquor Control Board.

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**July 1, 2010**

Plaintiff filed Proposed Scheduling Order.

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**July 6, 2010**

Plaintiff filed letter advising that neither side anticipates the need for further discovery or the production of expert reports, and its client agrees with proposed dates for pre-trial motions, statements, conference, and a hearing to start on December 13, 2010.

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**July 12, 2010**

Board issued a scheduling order. Scheduling order as follows: **"AND NOW**, this 12th day of July, 2010, 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 August 16, 2010;<sup>1</sup> 2. The last day for defendants' expert report, if any, to be provided to plaintiff is August 16, 2010;<sup>1</sup> 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by September 6, 2010;<sup>2</sup> 4. The last day for filing pre-trial motions is September 20, 2010;<sup>2</sup> 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than October 25, 2010 (Please note BOC R.P. 501(b)

and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, November 2, 2010 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, December 13, 2010 and (excepting Tuesday, December 14) shall run through Friday, December 17, 2010, or as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

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**July 19, 2010**

Plaintiff filed Acceptance of Service of Scheduling Order dated July 12, 2010. Receipt of same acknowledged July 15, 2010.

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**July 23, 2010**

Defendant filed Acceptance of Service of Scheduling Order dated July 12, 2010. Receipt of same acknowledged July 20, 2010.

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**October 25, 2010**

Plaintiff filed Pre-Trial Statement.

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**October 25, 2010**

Defendant filed Pre-Trial Statement.

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**October 29, 2010**

Defendant filed letter requesting to supplement its Pre-Trial Statement. Defendant to add exhibit D-22, which was previously produced to opposing counsel during discovery.

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**November 2, 2010**

Board pre-trial conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101 commencing at 1:00 p.m.

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**November 8, 2010**

Plaintiff filed Motion to reschedule hearing.

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**November 8, 2010**

Plaintiff filed Brief on the admissibility of Parol Evidence.

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**November 9, 2010**

Board issued an Amending Order. Order as follows: **"AND NOW**, this 9<sup>th</sup> day of November, 2010, upon consideration of Nexidiom's motion to reschedule hearing and the consent of counsel for the Pennsylvania Liquor Control Board, it is hereby **ORDERED** and **DECREED** that the hearing in this matter will begin on Wednesday, December 15, 2010 and continue until Friday, December 17, 2010, if necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

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**November 15, 2010**

Defendant filed Acceptance of Service of Amending Order dated November 9, 2010. Receipt of same acknowledged November 10, 2010.

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**November 18, 2010**

Plaintiff filed Acceptance of Service of Amending Order dated November 9, 2010. Receipt of same acknowledged November 16, 2010.

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**November 23, 2010**

Plaintiff requested 234.1 - to attend with duces tecum subpoena.

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**November 23, 2010**

Board forwarded 234.1 to attend with duces tecum subpoena dated November 23, 2010, to Plaintiff.

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**December 3, 2010**

Defendant filed Proposed Stipulations.

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**December 3, 2010**

Defendant filed Brief on the Admissibility of Parol Evidence.

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**December 13, 2010**

Plaintiff's Supplemental Exhibit List filed by Plaintiff.

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**December 13, 2010**

Plaintiff transmitted via fax settlement letter.

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**December 14, 2010**

Board canceled (Board) Hearing which was scheduled for December 15, 16 and 17, 2010 per Plaintiff's letter request.

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**December 17, 2010**

Plaintiff filed Praecipe to Settle and Discontinue.

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**December 21, 2010**

Board issued an Order. Order as follows: **AND NOW**, this 21st day of December, 2010, upon receipt of a Praecipe executed by Matthew R. Wimer, Esquire, on behalf of Plaintiff, Nexidiom, Inc., requesting that the Board mark the above-captioned matter settled and discontinued, docketed with this Board under date of December 17, 2010, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice. Copies forwarded to Plaintiff and Defendant.