

Docket Number: 3953

TWELFTH AVENUE, LLC

Joseph A. Grappone, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR AND INDUSTRY**

Jane Pomerantz, Chief Counsel
David L. Narkiewicz, Assistant Chief Counsel
Harry R. Walter, III, Assistant Counsel
Joseph M. Gavazzi, Assistant Counsel

January 29, 2009

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$334,000.00

January 29, 2009

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

February 9, 2009

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General February 4, 2009.

April 6, 2010

Defendant filed Praecipe to Enter Appearance of David L. Narkiewicz, Assistant Chief Counsel and Harry R. Walter, III Assistant Counsel.

April 6, 2010

Defendant filed Preliminary Objections to the Statement of Claim and Brief in Support.

April 7, 2010

Board forwarded letter to Plaintiff advising of the Rules to file its response and a responsive brief.

May 6, 2010

Plaintiff filed Response to Respondent's Preliminary Objections to the Statement of Claim.

May 10, 2010

Board forwarded letter to Plaintiff requesting Brief.

May 25, 2010

Plaintiff filed Brief in Support of Claimant's Response to Respondent's Preliminary Objections

June 8, 2010

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 8th day of June, 2010, upon consideration of the preliminary objection in the nature of a demurrer of the Commonwealth of Pennsylvania, Department of Labor and Industry, and the response thereto of Twelfth Avenue, LLC, it is **ORDERED** that the preliminary objections are **OVERRULED**. Defendant shall have 20 days from the exit date of this Order to file a responsive pleading to Plaintiff's claim." Copy forwarded to Plaintiff and Defendant.

June 10, 2010

Defendant filed Acceptance of Service of Opinion and Order dated June 8, 2010. Receipt of same acknowledged by Defendant June 9, 2010.

June 25, 2010

Defendant filed Answer to the Statement of Claim and New Matter

June 28, 2010

Board forwarded letter to Plaintiff requesting response to New Matter.

July 9, 2010

Plaintiff filed Reply to New Matter.

July 13, 2010

Board forwarded letter to parties to proceed with discovery.

May 13, 2013

Plaintiff filed Motion to Compel Answers to Interrogatories and Responses to the Request for Production of Documents as well as a cover letter advising the Board of Plaintiff's address change.

May 13, 2013

Board forwarded letter to Defendant requesting response to Motion to Compel.

June 13, 2013

Defendant filed an answer to Plaintiff's motion to compel answers to interrogatories and responses to request for production of documents and proposed order.

June 14, 2013

Board rendered an Order. Order as follows: "**AND NOW**, this 14th day of June, 2013, upon consideration of the Motion to Compel Answers to Interrogatories and Responses to Request for Production of Documents by Plaintiff, Twelfth Avenue, LLC, and Defendant's Answer to the Motion to Compel, it is hereby **ORDERED** that Defendant shall file Answers to Plaintiff's Interrogatories and Responses to Plaintiff's Request for Production of Documents on or before July 26, 2013." Copy forwarded to Plaintiff and Defendant.

June 19, 2013

Defendant filed Acceptance of Service of Order dated June 14, 2013. Receipt of same acknowledged June 17, 2013.

June 20, 2013

Plaintiff filed Acceptance of Service of Order dated June 14, 2013. Receipt of same acknowledged June 17, 2013.

July 23, 2013

Defendant filed Notice of Service of Defendant's Answer to First Set of Interrogatories and Answers to First Set of Production of Documents.

March 17, 2014

Plaintiff filed Motion to Compel More Specific Answers to Discovery and to Strike Objections as well as Brief in Support.

March 17, 2014

Board forwarded letter to Defendant requesting response to Motion to Compel.

April 11, 2014

Defendant filed Answers to Motion to Compel More Specific Answers to Interrogatories and Responses to Request for Production of Documents and to Remove Defendant's Objections as well as Brief in Support.

May 1, 2014

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 1st day of May, 2014, upon consideration of Plaintiff's Motion to Compel More Specific Answers to Interrogatories and Responses to Requests for Production of Documents and to Remove Defendant's Objections and Defendant's Answers to the Motion to Compel, **IT IS ORDERED** that: 1) the Motion is **DENIED** as moot with respect to removal of Defendant's Objections; 2) the Motion is **DENIED**, in part, regarding the request for more specific responses to the First Requests for Production of Documents; and 3) the Motion is **GRANTED**, in part, and Defendant is **ORDERED** to provide more specific answers to the First Set of Interrogatories, ##2, 3, 4, 5, 8, 9, 10, 11, 12, 13(g), 13 (h), 14, 15, 16(e) 16(f), 17, 18, 19(e), 19(f), 20, 21, 23, 24 and 25 as set forth in the foregoing Opinion within 45 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

May 6, 2014

Defendant filed Acceptance of Service of Opinion and Order dated May 1, 2014. Receipt of same acknowledged May 5, 2014.

May 7, 2014

Plaintiff filed Acceptance of Service of Opinion and Order dated May 1, 2014. Receipt of same acknowledged May 5, 2014.

November 21, 2014

Defendant filed Praecipe for Entry of Appearance of Joseph M. Gavazzi, Assistant Counsel, as co-counsel on behalf of Defendant.
