Docket Number: 3956

MICHAEL PICCOLINO

Barry J. Chromey, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE,
PENNSYLVANIA LOTTERY

Christopher Zettlemoyer, Chief Counsel
Thomas J. Gohsler, Counsel

February 24, 2009

Plaintiff filed Claim and filing fee. Amount of Claim: $26,000.00+.

February 24, 2009

Board called Plaintiff advising of filing deficiency: claim lacks proper verification and proof of mailing. Faxed notice of deficiency to Plaintiff.

March 6, 2009

Plaintiff filed corrected claim with proper verification and proof of mailing. ACCEPTED FOR FURTHER PROCESSING.

March 10, 2009

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

March 17, 2009

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged March 13, 2009.

April 3, 2009

Defendant filed Answer, New Matter and Preliminary Objections in Response to Plaintiff’s Statement of Claim, as well as Defendant’s Brief in Support of Defendant’s Answer, New Matter and Preliminary Objections in Response to Plaintiff’s Statement of Claim. [08A052609D]

May 4, 2009

Plaintiff transmitted via facsimile a letter requesting a 20 day extension to file its response to Defendant’s New Matter and Preliminary Objections. Letter also states that the Defendant has no objection.

May 5, 2009

Board issued letter to Plaintiff, with copy to Defendant granting extension of time to file its responsive brief.

May 7, 2009

Plaintiff filed a letter requesting a 20 day extension to file its response to Defendant's New Matter and Preliminary Objections. Letter also states that the Defendant has no objection.

May 26, 2009

Plaintiff filed Answer to New Matter and Brief in Support of its Claim and in Response to the Pleadings of Defendant.

July 20, 2009

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 20th day of July, 2009, upon consideration of the Department of Revenue's Preliminary Objections to Michael Piccolino's Statement of Claim, it is **ORDERED** and **DECREED** that the preliminary objection related to the failure of Claimant to exhaust his administrative remedy is **SUSTAINED**. The action is **DISMISSED** without prejudice." Copies forwarded to Plaintiff and Defendant.

July 27, 2009

Defendant filed Acceptance of Service of Opinion and Order dated July 20, 2009. Receipt of same acknowledged July 22, 2009.

July 27, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated July 20, 2009. Receipt of same acknowledged July 23, 2009.
