(CONSOLIDATED INTO 4045)

Docket Number: 4043

SIMPLE BRANDS, LLC

John J. Jacko, III, Esquire
Christopher Hapka, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD

~~Faith S. Diehl, Chief Counsel~~
Dean F. Piermattei, Esquire
Stephanie E. DiVittore, Esquire
Vincent L. Champion, Esquire

CLOSED

June 14, 2012

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: $81,248,000.

June 15, 2012

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

June 25, 2012

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged June 20, 2012.

July 13, 2012

Defendant filed preliminary objections, brief in support and proposed order.

July 16, 2012

Board forwarded letter to Plaintiff, with copy to Defendant, advising of the rules for filing responses/briefs.

August 10, 2012

Plaintiff filed Answer to Defendant’s Preliminary Objections and Preliminary Objections, brief in support and proposed order to Defendant’s preliminary objections, brief in support.

August 10, 2012

Board forwarded letter to Defendant, with copy to Plaintiff, advising of the rules for filing responses/briefs.

August 27, 2012

Defendant filed Response in Opposition to Plaintiff’s Preliminary Objections to Defendant’s Preliminary Objections to the Statement of Claim and Brief in Opposition.

September 17, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW,** this 17th day of September, 2012, upon consideration of Simple Brands' preliminary objections to the PLCB preliminary objections, Simple Brands' preliminary objection based upon the PLCB's failure to properly verify its preliminary objections is **SUSTAINED.** The PLCB is **GRANTED** 15 days to file amended preliminary objections with proper verification." Copy forwarded to Plaintiff and Defendant.

September 24, 2012

Plaintiff filed Acceptance of Service of Opinion and Order dated September 17, 2012. Receipt of same acknowledged September 19, 2012.

September 25, 2012

Defendant filed Acceptance of Service of Opinion and Order dated September 17, 2012. Receipt of same acknowledged September 24, 2012.

September 27, 2012

Defendant filed Amended Preliminary Objections, Brief in Support and Proposed Order.

September 28, 2012

Board forwarded letter to Plaintiff, with copy to Defendant, advising of the rules for filing responses/briefs.

October 24, 2012

Plaintiff filed Preliminary Objections to Amended Preliminary Objections, Brief in Support, Answer to Amended Preliminary Objections and Proposed Order.

October 25, 2012

Board forwarded letter to Defendant requesting response to Preliminary Objections.

November 21, 2012

Defendant filed Response in Opposition to Preliminary Objections to Amended Preliminary Objections and Brief in Opposition.

November 27, 2012

Defendant filed Praecipe to Attach Verification to Defendant's Response in Opposition to Preliminary Objections to Amended Preliminary Objections.

December 20, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW,** this 20th day of December, 2012, upon consideration of the PLCB's amended preliminary objections and supporting brief, Simple Brands' preliminary objections to the PLCB amended preliminary objections and supporting brief, and PLCB answer and brief, it is hereby **ORDERED** and **DECREED** that: 1) Simple Brands' preliminary objection to the PLCB's amended preliminary objection based upon statute of limitations/jurisdiction is **OVERRULED**;2) Simple Brands' preliminary objection to the PLCB's amended preliminary objection based upon sovereign immunity is **SUSTAINED** and this PLCB objection is **STRICKEN**; 3) PLCB's amended preliminary objection based upon statute of limitations/jurisdiction is **OVERRULED**; 4)PLCB's amended preliminary objection to Simple Brands' request for attorney fees is **SUSTAINED** and this request is **STRICKEN;** 5) Simple Brands' request for an award of costs remains. The PLCB is **ORDERED** to file its Answer and New Matter to the Statement of Claim within 30 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

January 4, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated December 20, 2012. Receipt of same acknowledged January 2, 2013.

January 22, 2013

Defendant filed Answer and New Matter.

January 23, 2013

Board forwarded letter to Plaintiff, with copy to Defendant requesting a response to new matter.

February 13, 2013

Plaintiff filed preliminary objections to the respondent's answer and new matter, brief in support and proposed order.

February 15, 2013

Defendant filed Second Amended Answer and New Matter.

February 19, 2013

Board forwarded letter to Plaintiff, with copy to Defendant requesting a response to new matter.

March 7, 2013

Plaintiff filed Answer to Defendant's Second Amended New Matter dated February 15, 2013.

March 8, 2013

Board forwarded letter to parties directing them to proceed with discovery.

March 11, 2013

Plaintiff filed Motion for Partial Judgment on the Pleadings, Memorandum of Law in Support and Proposed Order.

March 12, 2013

Board forwarded letter to Defendant, with copy to Plaintiff advising of the rules for filing responses/briefs.

April 8, 2013

Defendant filed response in opposition to Plaintiff's motion for partial summary judgment, brief in opposition and proposed order.

April 17, 2013

Plaintiff filed Entry of Appearance of Christopher Hapka of Fellheimer & Eichen LLP on behalf of Plaintiff.

April 17, 2013

Plaintiff filed reply memorandum of law in support of its motion for partial judgment on the pleadings.

April 18, 2013

Plaintiff filed Certificate of Service of the Entry of Appearance of Christopher Hapka, Esquire.

April 18, 2013

Plaintiff filed Notice of Service of First Set of Requests for Production of Documents.

April 26, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW,** this 26th day of April, 2013, upon consideration of Plaintiff's Motion for Partial Judgment on the Pleadings, the Defendant's Response in Opposition thereto and the Plaintiff's Reply Memorandum, **IT IS ORDERED** that the Motion is **DENIED** in its entirety. The parties are directed to proceed with discovery." Copy forwarded to Plaintiff and Defendant.

May 1, 2013

Defendant filed Acceptance of Service of Opinion and Order dated April 26, 2013. Receipt of same acknowledged April 30, 2013.

May 3, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated April 30, 2013. Receipt of same acknowledged April 30, 2013.

May 20, 2013

Defendant filed Notice of Service of its Response to Plaintiff's First Set of Requests for Production of Documents.

August 12, 2013

Plaintiff filed Omnibus Motion to Compel Discovery Responses, Memorandum of Law in Support and Proposed Order.

August 13, 2013

Board forwarded letter to Defendant, with copy to Plaintiff, advising of the rules for filing responses/briefs.

September 9, 2013

Defendant filed Response to Plaintiff's Omnibus Motion to Compel Discovery Responses, Memorandum of Law in Opposition and Proposed Order.

September 17, 2013

Plaintiff filed Reply Brief in Support of its Omnibus Motion to Compel Discovery Responses.

September 25, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW,** this 25th day of September, 2013, upon consideration of the Motion to Compel Discovery Responses filed by Simple Brands, the response to the Motion from Pennsylvania Liquor Control Board ("PLCB"), and the reply filed by Simple Brands, IT IS **ORDERED** that PLCB shall, within sixty (60) days of the exit date of this Order, produce all documents, e-mails, electronic documents and communications responsive to the Requests for Production served by Simple Brands on October 23, 2012 and April 17, 2013 except as noted below. If PLCB asserts any claims of privilege to any such documents, PLCB shall provide a "privilege log" of the type described in this Opinion for each document claimed to be privileged. The objections made by PLCB to Requests 3, 4 and 12 of the First Request and Requests 33, 34 and 35 of the Second Request are **OVERRULED.** The objections made by PLCB to Requests 37 and 38 of the Second Request are **SUSTAINED.** The motion to compel testimony by a PLCB representative that all documents have been produced is **DENIED** without prejudice." Copy forwarded to Plaintiff and Defendant.

October 3, 2013

Defendant filed Acceptance of Service of Opinion and Order dated September 25, 2013. Receipt of same acknowledged October 3, 2013.

October 4, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated September 25, 2013. Receipt of same acknowledged October 1, 2013.

October 4, 2013

Plaintiff filed Certificate of Service of its Acceptance of Service of Opinion and Order dated September 25, 2013.

October 8, 2013

Plaintiff filed a stipulation (signed by both parties) and proposed order consolidating appeals for all purposes.

October 10, 2013

Board rendered an Order. Order as follows: "**AND NOW**, this 10th day of October, 2013, it is so **ORDERED** and **DECREED** that the foregoing stipulation is APPROVED and entered as an Order of the Board of Claims.

October 18, 2013

Plaintiff filed Acceptance of Service of Order dated October 10, 2013. Receipt of same acknowledged October 15, 2013.

October 23, 2018

Board rendered a Praecipe Order. Order as follows: "**AND NOW**, this 23rd day of October, 2018, upon receipt of a Praecipe executed by John J. Jacko, III, Esquire, on behalf of Plaintiff, Simple Brands, LLC, requesting that the Board kindly mark the above-captioned consolidated action settled, discontinued and ended with prejudice, docketed with this Board under date of October 22, 2018, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.