

(CONSOLIDATED WITH 4029, 4043, 4044)

Docket Number: 4045

SIMPLE BRANDS, LLC

John J. Jacko, III, Esquire
~~Christopher Hapka, Esquire~~
Alan Fellheimer, Esquire
Susan Moon O, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD**

~~Faith S. Diehl, Chief Counsel~~
~~Stephanie E. DiVittore, Esquire~~
~~Vincent L. Champion, Esquire~~
Dean F. Piermattei, Esquire
Jill Neary Weikert, Esquire(co-counsel)

June 14, 2012

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$843,369.00+.

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

Defendant filed Amended 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 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." Docket Nos. 4029, 4043 and 4044 are consolidated into Docket No. 4045.

October 18, 2013

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

October 18, 2013

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

October 18, 2013

Plaintiff filed Certificate of Service of its Acceptance of Service of Order dated October 10, 2013.

November 22, 2013

Defendant transmitted via facsimile a letter requesting a 60 day extension of time in which to produce all documents, e-mails, electronic documents and communications responsive to Plaintiff's request for production. Plaintiff denies this request.

November 25, 2013

Defendant filed a letter requesting a 60 day extension of time in which to produce all documents, e-mails, electronic documents and communications responsive to Plaintiff's request for production. Plaintiff denies this request.

November 25, 2013

Board forwarded (via facsimile and U.S. Mail) a letter granting Defendant's request for a 60 day extension of time in which to provide the additional documents required by our Order of September 25, 2013.

November 26, 2013

Plaintiff transmitted (via facsimile) a letter objecting to Defendant's request for an extension, as well as an objection to Defendant producing documents entirely in PDF format.

November 26, 2013

Board forwarded (via facsimile and U.S. Mail) a letter to both parties in response to Plaintiff's letter of November 26, 2013.

December 2, 2013

Plaintiff filed (via U.S. Mail) a letter objecting to Defendant's request for an extension, as well as an objection to Defendant producing documents entirely in PDF format.

December 3, 2013

Defendant transmitted (via facsimile) a copy of a letter addressed to Plaintiff in regards to Plaintiff's November 26, 2013 letter objecting to Defendant's request for an extension of time.

December 4, 2013

Defendant filed (via U.S. Mail) a copy of a letter addressed to Plaintiff in regards to Plaintiff's November 26, 2013 letter objecting to Defendant's request for an extension of time.

April 21, 2014

Plaintiff requested via telephone Subpoenas 4009.21 - to produce documents.

April 22, 2014

Board forwarded Subpoenas 4009.21 - to produce documents) dated April 22, 2014 to Plaintiff.

April 22, 2014

Plaintiff requested via telephone one Subpoena 234.1 - to attend.

April 23, 2014

Board forwarded one Subpoena 234.1 - to attend dated April 23, 2014 to Plaintiff.

May 2, 2014

Plaintiff filed Notice of Service of a subpoena served upon Kroll, Inc.

June 9, 2014

Plaintiff filed Notice of Service of Plaintiff's Notice of Deposition of Joseph Conti and Notice of Deposition of Respondent's Corporate Representative.

August 28, 2014

Plaintiff filed Motion for Protective Order and Memorandum in Support as well as Affidavit of Penny Weiner and Proposed Order.

August 29, 2014

Board forwarded letter to Defendant requesting response to motion for protective order.

September 18, 2014

Defendant filed Response to Plaintiff's Motion for a Protective Order and Memorandum of Law in Opposition.

September 29, 2014

Plaintiff filed a Reply Memorandum of Law in Support of Plaintiff's Motion for a Protective Order as well as Proposed Order.

October 8, 2014

Board made an Opinion and rendered the following Order: "**AND NOW**, this 8th day of October, 2014, upon consideration of the Motion for a Protective Order filed by Simple Brands LLC, the response thereto filed by the Pennsylvania Liquor Control Board, and the reply from Simple Brands, **IT IS ORDERED** that the Motion is **DENIED**." Copy forwarded to Plaintiff and Defendant.

October 14, 2014

Defendant filed Acceptance of Service of Order dated October 8, 2014. Receipt of same acknowledged October 10, 2014.

January 7, 2015

Plaintiff filed Praecipe for Withdrawal of Appearance of Christopher Hapka, Esquire and a Praecipe for Entry of Appearance of Alan Fellheimer, Esquire and Susan Moon O, Esquire as well as Certificate of Service on behalf of Plaintiff.

January 26, 2015

Plaintiff requested via telephone two Subpoenas 234.1 - to attend.

January 26, 2015

Board forwarded two Subpoenas 234.1 - to attend dated January 26, 2015 to Plaintiff.

February 13, 2015

Plaintiff filed Notice of Service of Notices for Deposition.

February 24, 2015

Defendant filed Emergency Motion to Compel Discovery & For Protective Order, Brief in Support and Proposed Order.

February 24, 2015

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 24th day of February, 2015, upon consideration of PLCB's Emergency Motion to Compel Discovery and for a Protective Order, it is hereby **ORDERED** that the motion for a protective order is **DENIED**. Simple Brands, LLC is **ORDERED** to file a response to the PLCB's motion to compel within thirty (30) days from the date of this Order." Copy forwarded to Plaintiff and Defendant.

March 2, 2015

Defendant filed Acceptance of Service of Opinion and Order dated February 24, 2015. Receipt of same acknowledged March 2, 2015.

March 26, 2015

Plaintiff filed Brief in Opposition to Defendant's Motion to Compel and for a Protective Order as well as Proposed Order.

March 31, 2015

Board forwarded letter via Facsimile and U.S. Mail directing Defendant to file a response to Plaintiff's Brief in Opposition within 20 days.

April 20, 2015

Defendant filed a Brief in Support of Emergency Motion to Compel Discovery & For Protective Order.

April 23, 2015

Plaintiff filed its Sur-Reply Brief in Opposition to Defendant's Emergency Motion to Compel Discovery & For Protective Order.

April 29, 2015

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 29th day of April, 2015, upon consideration of the Emergency Motion to Compel Discovery filed by the Pennsylvania Liquor Control Board, the opposition to the motion filed by Simple Brands, LLC, and subsequent filings, **IT IS ORDERED** that: 1) regarding the request to compel more specific responses to the First Request for Production of Documents, the motion is **DENIED**; 2) regarding the request to compel more specific answers to the First Set of Interrogatories, the motion is **GRANTED** and Simple Brands, LLC is **ORDERED** to provide more specific answers to the First Set of Interrogatories in accordance with this Opinion within 45 days of the exit date of this Order; and 3) regarding the request to compel production of a privilege log, the motion is **DENIED** as moot." Copy forwarded to Plaintiff and Defendant.

May 8, 2015

Defendant filed Acceptance of Service of Opinion and Order dated April 29, 2015. Receipt of same acknowledged May 5, 2015.

May 8, 2015

Plaintiff filed Acceptance of Service of Opinion and Order dated April 29, 2015. Receipt of same acknowledged May 4, 2015.

June 8, 2015

Defendant requested via telephone four Subpoenas 4009.21 - to produce documents.

June 8, 2015

Board forwarded four Subpoenas 4009.21 - to produce documents dated June 8, 2015 to Defendant).

May 9, 2016

Defendant filed Notice of Service of Notice of Deposition.

July 14, 2016

Defendant filed Notice of Service of Notice of Deposition.

March 1, 2017

Defendant filed Entry of Appearance entering the appearance of Dean F. Piermattei and Pillar+Aught, and withdrawal of appearance of Rhoads & Sinon LLP on behalf of Defendant.

April 21, 2017

Plaintiff filed praecipe for hearing.

April 24, 2017

Board forwarded letter to parties requesting proposed scheduling order.

April 24, 2017

Defendant transmitted via facsimile a letter in response to Plaintiff's praecipe for hearing.

April 24, 2017

Defendant filed via U.S. mail a letter in response to Plaintiff's praecipe for hearing.

April 27, 2017

Plaintiff filed a letter in response to Defendant's letter regarding scheduling a hearing.

May 5, 2017

Plaintiff filed proposed scheduling order.

May 9, 2017

Defendant filed proposed scheduling order.

May 9, 2017

Defendant filed a letter with exhibits regarding the progression of the case.

May 11, 2017

Board rendered a Scheduling Order. Order as follows: **"AND NOW**, this 11th day of May, 2017, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to the defendant is November 27, 2017; 2. The last day for defendant's expert report, if any, to be provided to the plaintiff is January 5, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by February 2, 2018; 4. The last day for filing pre-trial motions is February 16, 2018; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 28, 2018 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, April 4, 2018 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, May 7, 2018 and running through Friday, May 18, 2018, or as otherwise 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.

May 19, 2017

Plaintiff filed acceptance of service of Scheduling Order dated May 11, 2017. Receipt of same acknowledged May 16, 2017.

May 22, 2017

Defendant filed acceptance of service of Scheduling Order dated May 11, 2017. Receipt of same acknowledged May 19, 2017.

October 16, 2017

Defendant filed Entry of Appearance of Jill Neary Weikert, Esquire of Pillar Aught LLC as co-counsel on behalf of Defendant.

February 14, 2018

Plaintiff transmitted via facsimile a letter advising that the parties jointly request a two-week extension of time for the pre-trial motion deadline.

February 14, 2018

Board rendered a Revised Scheduling Order. Order as follows: "AND NOW, this 14th day of February, 2018, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to the defendant was November 27, 2017; 2. The last day for defendant's expert report, if any, to be provided to the plaintiff was January 5, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, were to be completed by February 2, 2018; 4. The last day for filing pre-trial motions is March 2, 2018; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 28, 2018 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, April 4, 2018 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, May 7, 2018 and running through Friday, May 18, 2018, or as otherwise 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.

February 20, 2018

Plaintiff filed acceptance of service of Revised Scheduling Order dated February 14, 2018. Receipt of same acknowledged February 15, 2018.

March 2, 2018

Defendant filed Motion for Summary Judgment, Brief in Support and Proposed Order.

March 2, 2018

Defendant filed Motion in Limine to Preclude Testimony of Colleen Vallen, Brief in Support and Proposed Order.

March 5, 2018

Board forwarded letter to Plaintiff, with copy to Defendant requesting a response to Defendant's motion for summary judgment.

March 5, 2018

Board forwarded letter to Plaintiff, with copy to Defendant requesting a response to Defendant's motion to preclude testimony.

March 5, 2018

Defendant filed Praecipe to Attach Exhibits to Defendant's Motion in Limine.

March 9, 2018

Defendant filed acceptance of service of Revised Scheduling Order dated February 14, 2018. Receipt of same acknowledged March 7, 2018.

March 13, 2018

Board forwarded Notice of Settlement Conference.

March 16, 2018

Plaintiff filed its Response in Opposition to Defendant's Motion for Summary Judgment, Brief in Opposition and Proposed Order.

March 16, 2018

Plaintiff filed its Response in Opposition to Defendant's Motion in Limine to Preclude Testimony of Colleen Vallen, CPA and Proposed Order.

March 27, 2018

Defendant transmitted via facsimile a letter requesting a two day extension of time in which to file its final expert report.

March 27, 2018

Plaintiff transmitted via facsimile a letter objecting to Defendant's request for a two day extension of time in which to file its final expert report.

March 27, 2018

Defendant transmitted via facsimile a letter in response to Plaintiff's letter objecting to Defendant's request for an extension to file its final expert report.

March 27, 2018

Board forwarded letter to parties allowing Defendant to file its additional rebuttal report two days after its pre-trial statement is due.

March 28, 2018

Plaintiff filed its pre-hearing memoranda.

March 28, 2018

Defendant filed a reply brief in support of its motion in limine.

March 28, 2018

Defendant filed a reply brief in support of its motion for summary judgment.

March 28, 2018

Defendant filed its pre-trial statement.

March 30, 2018

Defendant filed Expert Report of Charles M. Curley - Rebuttal Report along with a CD of photos and videos.

April 2, 2018

Plaintiff filed via U.S. Mail a letter objecting to Defendant's request for a two day extension of time in which to file its final expert report.

April 4, 2018

Plaintiff filed a sur reply brief in further opposition to Defendant's motion for summary judgment.

April 4, 2018

Board held pre-trial conference.

April 9, 2018

Defendant filed Supplement #1 to pre-trial statement.

April 10, 2018

Defendant requested via telephone three Subpoenas 234.1 - to attend and testify.

April 10, 2018

Board forwarded three Subpoenas 234.1 - to attend and testify to Defendant.

April 11, 1028

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 11th day of April, 2018, upon consideration of the Motion in Limine and Brief filed by the Pennsylvania Liquor Control Board ("PLCB"), the Response and Brief thereto filed by Simple Brands, and the PLCB's Reply Brief, it is hereby **ORDERED** and **DECREED** that the Motion in Limine is **DENIED.**" Copy forwarded via Facsimile & U.S. Mail to Plaintiff and Defendant.

April 11, 2018

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 11th day of April, 2018, upon consideration of the Motion for Summary Judgment filed by the Pennsylvania Liquor Control Board, the response thereto filed by Simple Brands, the reply of the PLCB, and the sur-reply brief of Simple Brands, it is hereby **ORDERED** and **DECREED** that the Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part. The motion is **GRANTED** and judgment of no liability is entered in favor of PLCB with respect to: 1) all claims for damages arising from the sale of spirits and 2) all claims for damages in Count II of the original statements of claim at Docket Nos. 4043, 4044, and 4045 for damages arising from Sunday sales of wine or spirits and/or damages in the form of payment to Simple Brands simply for "designing, manufacturing and providing wine kiosks." The motion is **DENIED** on all other issues." Copy forwarded via Facsimile & U.S. Mail to Plaintiff and Defendant.

April 11, 2018

Plaintiff filed Objections to Defendant's Email Exhibits on Kiosk Functionality.

April 11, 2018

Defendant requested via telephone four Subpoenas 234.1 - to attend and testify.

April 11, 2018

Board forwarded four Subpoenas 234.1 - to attend and testify to Defendant.

April 11, 2018

Defendant filed letter advising that the PLCB would prefer that Mr. Fajt recuse himself from the hearing.

April 11, 2018

Plaintiff filed a letter requesting that Defendant's recusal request be denied.

April 12, 2018

Plaintiff requested via telephone five Subpoenas 234.1 - to attend and testify.

April 13, 2018

Board forwarded four Subpoenas 234.1 - to attend and testify to Plaintiff.

April 13, 2018

Plaintiff filed Motion for Reconsideration of the Order and Opinion dated April 11, 2018 and proposed order.

April 13, 2018

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 13th day of April 2018, upon consideration of Simple Brands' Motion for Reconsideration of the Order and Opinion dated April 11, 2018, it is hereby **ORDERED** and **DECREED** that the motion is **DENIED**." Copy forwarded to Plaintiff and Defendant.

April 17, 2018

Board forwarded letter to parties recusing Judge Fajt.

April 27, 2018

Plaintiff filed an Exhibit List.

April 27, 2018

Plaintiff filed a Demonstrative Exhibit List.

April 27, 2018

Plaintiff filed Plaintiff and Defendant's Joint Exhibit List.

April 27, 2018

Plaintiff filed Objections to Defendant's Exhibits.

April 27, 2018

Plaintiff filed paper copies of its exhibits and the joint exhibits.

April 27, 2018

Plaintiff filed acceptance of service of Opinion and Order dated April 11, 2018. Receipt of same acknowledged April 13, 2018.

April 27, 2018

Plaintiff filed acceptance of service of Opinion and Order dated April 11, 2018. Receipt of same acknowledged April 13, 2018.

April 27, 2018

Plaintiff filed acceptance of service of Opinion and Order dated April 13, 2018. Receipt of same acknowledged April 13, 2018.

April 27, 2018

Plaintiff filed acceptance of service of Opinion and Order dated April 13, 2018. Receipt of same acknowledged April 20, 2018.

April 27, 2018

Defendant filed Trial Fact Stipulations.

April 27, 2018

Defendant filed its Objections to Plaintiff's Trial Exhibits.

April 27, 2018

Defendant filed its Exhibit List.

April 27, 2018

Defendant filed copy of subpoena issued to Mark D. Bodnar.

April 27, 2018

Defendant filed copy of subpoena issued to James D. Lesser, Jr.

May 1, 2018

Defendant filed its Exhibits.

May 2, 2018

Defendant transmitted a letter via facsimile advising that the parties reached an agreement to settle the case and that there will be no need to proceed to trial.

October 22, 2018

Plaintiff filed praecipe to mark settled, discontinued and ended.

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.

October 31, 2018

Defendant filed acceptance of service of Order dated October 23, 2018. Receipt of same acknowledged October 29, 2018.

November 26, 2018

Plaintiff filed Affidavit of Alan S. Fellheimer, Esquire Attesting to Non-Payment in Support of Plaintiff's Emergency Request to Enforce the Settlement Agreement Pursuant to Pa.R.C.P. No. 229.1 and Proposed Order.

November 26, 2018

Board forwarded letter to Defendant, with copy to Plaintiff, requesting a response to Plaintiff's Affidavit.

December 11, 2018

Defendant filed Response to Plaintiff's Emergency Request to Enforce the Settlement Agreement and proposed order.

December 12, 2018

Board forwarded letter to parties advising of dates available for a status conference.

December 17, 2018

Plaintiff transmitted via facsimile a letter advising that Plaintiff is available on December 27 or 28, 2018 for a status conference.

December 18, 2018

Defendant transmitted via facsimile a letter advising that Defendant is available on December 28, 2018 for a status conference.

December 18, 2018

Board scheduled a status conference for Friday, December 28, 2018 at 1:00 p.m.

December 27, 2018

Plaintiff transmitted via facsimile a praecipe to withdraw the Affidavit of Alan S. Fellheimer, Esquire Attesting to Non-Payment in Support of Plaintiff's Emergency Request to Enforce the Settlement Agreement Pursuant to Pa.R.C.P. No. 229.1 as well as a letter stating payment has been received and there is no need for the conference scheduled for December 28, 2018.

December 27, 2018

Plaintiff filed via U.S. mail a praecipe to withdraw the Affidavit of Alan S. Fellheimer, Esquire Attesting to Non-Payment in Support of Plaintiff's Emergency Request to Enforce the Settlement Agreement Pursuant to Pa.R.C.P. No. 229.1 as well as a letter stating payment has been received and there is no need for the conference scheduled for December 28, 2018.
