

HCLT HAULING AND WAREHOUSING SYSTEMS, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA
LIQUOR CONTROL BOARD

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Cerald Gorrish, Esquire

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Kenneth Makowski, Esquire

DOCKET NO. 093

CLOSED

FORM C F O

- June 5, 1980 Complaint and filing fee filed. Amount of claim \$1,689,385.32.
- June 6, 1980 Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.
- Sept. 5, 1980 Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by defendant.
- Oct. 17, 1980 Brief in Support of Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- Nov. 13, 1980 Brief Contra Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- March 9, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of March, 1981, after due consideration of the Preliminary Objections and submissions of counsel in support and opposition thereto, it is ORDERED that Defendant's Preliminary Objections are hereby dismissed. Defendant shall have thirty (30) days in which to file a responsive pleading." Copies forwarded to attorney for plaintiff and attorney for defendant.
- March 27, 1981 Petition to Amend Order upon Preliminary Objections and to Extend Time in which to file an Answer filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- April 20, 1981 Letter received from attorney for plaintiff opposing defendant's Petition to Amend Order by Preliminary Objections and to Extend Time. Copy forwarded to attorney for defendant by attorney for plaintiff.
- April 29, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, to wit, this 29th day of April, 1981, after due consideration of the aforementioned pleadings, it is hereby ORDERED and DECREED that the Board shall hold an evidentiary hearing in connection with the ICB Petition on the 26th day of May, 1981, in the Board's Hearing Room, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, beginning at 10 a.m." Copies forwarded to attorney for plaintiff and attorney for defendant.



- OVER -

HOLT HAULING AND WAREHOUSING
SYSTEMS, INC. VS.
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Gerald Cornish, Esquire
Kenneth Makowski, Esquire

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Docket No. 613

CLOSED

May 26, 1981 Evidentiary Hearing held in Board's Court Room at 10 a.m.

September 12, 1981 Testimony of hearing held May 26, 1981 filed. Copy forwarded to attorney for defendant.

November 9, 1981 Hearing scheduled for February 23 and continuing until February 26, 1982, if necessary, in Board's Court Room at 10 a.m.

December 23, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 23rd day of December, 1981, the Petition of the Defendant to Amend the Board's Order of March 9, 1981, is hereby refused." Copies forwarded to attorney for plaintiff and attorney for defendant.

November 10, 1981 Hearing scheduled for 2/23 thru 2/26/82, changed to tentative schedule.

December 30, 1981 Hearing scheduled for 2/23 thru 2/26/82, if necessary, in Board's Court Room at 10 a.m.

January 21, 1982 Hearing scheduled for 2/23 thru 2/26/82 cancelled at the request of attorney for plaintiff.

January 25, 1982 Hearing scheduled for June 15 and continuing until June 18, 1982, if necessary, in Board's Court Room at 10 a.m.

January 22, 1982 Respondent's Answer filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 1, 1982 Holt Hauling and Warehousing Systems, Inc.'s Request for Production of Documents to Pennsylvania Liquor Control Board - Set No. 1 AND Interrogatories of Holt Hauling and Warehousing Systems, Inc. to Pennsylvania Liquor Control Board - Set No. 1 filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

March 4, 1982 Proposed ^{Order} and Motion For Sanctions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 19, 1982 Answers of Respondent To Claimant's First Set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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HOLT HAULING AND WAREHOUSING
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~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Gerald Cornish, Esquire

Kenneth Makowski, Esquire

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CLOSED

FORM
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April 1, 1982 Hearing scheduled for June 15 through June 18, 1982, as well as June 22 through June 25, 1982, if necessary, in Board's Court Room at 10 a.m.

April 7, 1982 Supplementary Answers of Respondent to Claimant's First Set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 16, 1982 Interrogatories of Pennsylvania Liquor Control Board To Holt Hauling And Warehousing Systems, Inc. Set No. 1 filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 10, 1982 Claimant's Request for Admissions to Respondent Pennsylvania Liquor Control Board filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 19, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 19th day of May, 1982, the Motion for Sanctions is Mot and therefore dismissed."

May 20, 1982 Copies of Opinion and Order forwarded to attorney for plaintiff and attorney for defendant.

May 27, 1982 Claimant's Response to Interrogatories of PLCB (Set No. 1) filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 8, 1982 Petition to Bifurcate filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 11, 1982 The Board made the following Order: "AND NOW, this 11th day of June, 1982, a Petition to Bifurcate Hearing having been filed by Defendant praying that the hearing in the above entitled matter scheduled to commence June 5, 1982, be divided for hearing, initially to determine liability in the matter, and thereafter, if liability is determined to exist, an additional hearing for the purpose of proof of damages sustained, and it further appearing that counsel for the Plaintiff has agreed to this procedure, now therefore, it is ORDERED and DECREED, that the hearing in the above entitled matter be divided into two (2) parts: initially to determine if liability exists on the part of Defendant, and thereafter, if liability is so found, a hearing to determine the damage of the case." Copies of Order forwarded to attorney for plaintiff and attorney for defendant.

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HOLT HAJLING & WAREHOUSING
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Gerald R. Gaudin, Esquire
Henry M. Pennington, Esquire
Kenneth W. Makowski, Esquire

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June 15, 1982 Hearing held in Board's Court Room at 10 a.m.

June 15, 1982 Petition to Extend Time in which to File Answers to Claimant's Request for Admissions as well as Respondent's Answer to Request for Admissions filed by attorney for defendant at time of hearing. Copies given to all parties at time of hearing.

June 16, 1982 Hearing held in Board's Court Room at 10 a.m.

June 17, 1982 Hearing held in Board's Court Room at 10 a.m.

June 18, 1982 Hearing held in Board's Court Room at 10 a.m.

June 22, 1982 Hearing held in Board's Court Room at 10 a.m.

June 23, 1982 Hearing held in Board's Court Room at 10 a.m.

June 24, 1982 Hearing held in Board's Court Room at 10 a.m.

June 25, 1982 Hearing held in Board's Court Room at 10 a.m. Case completed.

June 25, 1982 Depositions of John Gaspich and Richard S. Ferner and Earl Craig Betts filed by attorney for plaintiff at time of hearing.

July 7, 1982 Testimony of hearing held June 15, 16, 17 and 18, 1982 filed.

July 3, 1982 Copy of testimony of hearing held June 15, 16, 17 and 18, 1982 forwarded to attorney for defendant.

August 4, 1982 Testimony of hearing held June 21, 23, 24 and 25, 1982 filed.

August 5, 1982 Copy of testimony of hearing held June 22, 23, 24 and 25, 1982 forwarded to attorney for defendant.

August 9, 1982 Proposed Order relative to time in which to file post-trial submissions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

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August 23, 1982 The Board made the following Order "AND NOW, this 23rd day of August, 1982, upon consideration of the application of Claimant, it is hereby ORDERED and DECREED that the schedule of post-trial submissions is modified as follows. Claimant shall file its initial post-trial submissions within thirty (30) days after the filing of the full transcript of the proceedings with the Board or within thirty (30) days after August 23, 1982, whichever date is later. The deadline for filing the remainder of the post-trial submissions by the parties shall be extended accordingly."

August 26, 1982 Copies of Order dated August 23, 1982 forwarded to attorney for plaintiff and attorney for defendant.

September 22, 1982 Findings of Fact, Conclusions of Law and Brief filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

October 29, 1982 Petition for Extension of Time within which to file Proposed Findings of Fact and Conclusions of Law and Memorandum in Support Thereof filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

November 22, 1982 Respondent's Proposed Conclusions of Law, Proposed Findings of Fact and Memorandum in Support Thereof filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 16, 1982 Errata filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for plaintiff.

December 16, 1982 Reply Memorandum in Support of Claimant's Proposed Findings of Fact and Conclusions of Law filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

February 3, 1983 Reply Memorandum in Support of Findings of Fact and Conclusions of Law filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 28, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of December, 1983, after review of the testimony and the briefs of respective counsel, it is ORDERED and DECREED as follows: 1. The Board finds in favor of Defendant, Commonwealth of Pennsylvania,

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Kenneth W. Makowski, Esquire

CLOSED

December 28, 1983 (Cont'd)

Liquor Control Board, and against Plaintiff, Holt Hauling & Warehousing Systems, Inc., on Holt's Claim for truck detention charges which were withheld by Defendant from monies due Plaintiff. 2. The Board finds in favor of Plaintiff, Holt Hauling & Warehousing Systems, Inc., and against Defendant, Commonwealth of Pennsylvania, Liquor Control Board, on Holt's Claim for deductions for monies due it, made by Defendant on account of breakage and damage to wines and liquors not caused by Holt Hauling & Warehousing Systems, Inc. Since the matter was heard on a bifurcated basis, a further hearing to determine damages aforesaid shall be scheduled by the Board." (Not Released for Publication due to Settlement Negotiations).

December 29, 1983

Notice from attorney for plaintiff that settlement had been consummated.

January 3, 1984

for withdrawal
Praeclipe filed by attorney for plaintiff Copies forwarded to all parties of record by attorney for plaintiff.

January 4, 1983

The Board rendered an Opinion and made the following Order: "AND NOW, this 4th day of January, 1984, upon receipt of Praeclipe, executed by Gerald Gornish, on behalf of Plaintiff, Holt Hauling and Warehousing Systems, Inc., same of which is docketed with this Board under date of January 3, 1984, it is ORDERED and DIRECTED that said case be marked "settled, discontinued and ended with prejudice". Copies forwarded to attorney for plaintiff and attorney for defendant.