

ZEGARELLI
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April 2, 2014
VIA HAND DELIVERY

The Hon. Debbie O'Dell-Seneca
President Judge
Court of Common Pleas
Washington County Courthouse
1 South Main Street, Suite 2002
Washington, PA 15301

Re: Litman, et. at. v. Cannery Casino Resorts, et. al.
Washington County Case No. 2012-8149

Dear Judge O'Dell-Seneca:

For such remedies as may please the Court pursuant to L-1028(c), please take notice that Defendants and their counsel of record failed to file a Brief in Support of Preliminary Objections to *Plaintiffs' Reply to New Matter* in violation of the Rule and your Order, dated March 11, 2014.

The issue scheduled for argument this Friday are the merits of Defendants' Preliminary Objections, and Plaintiffs' related Motion for Sanctions regarding Defendants' pleading *as of the date signed by them*.

On Monday evening, March 31st, Defendants served (with an untimely Brief) yet another motion once again, this time a 111 page facsimile discovery Motion to Compel, with a presentation date and time imposed on top of this Court's schedule for the preliminary objections and sanctions motion. Counsel for Defendants are expected to know that discovery issues confuse the merits of the question, are out of order, beyond scope, and are in violation of L-200.6. Defendants served their discovery motion without awaiting Plaintiffs' supplemental responses known to be due in their office on Tuesday and Wednesday, and while *refusing to confer* in an attempt to ensure this motion practice. Defendants refused to wait three days for arrival of the trackable FEDEX, emergency force-serving a 111 page motion to present at the sanctions motion, notwithstanding Defendants responded to Plaintiffs' June 10, 2013 requests on March 20, 2014 and after refusing to produce anything and then seeking, as usual, for this Court to reconsider its Order. Accordingly, Plaintiffs object to *ex post facto* discovery issues (real or feigned) being presented on Friday.

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By: 
Gregg R. Zegarelli

Enclosure

cc. Record Counsel for Defendants (by facsimile)
Patrick Abramowich, Esq., Benjamin Feldman, Esq.,
Mark Passero, Esq. and William Stang, Esq. w/enc.

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March 28, 2014

VIA FEDEX: 7983 6789 4697
Cover by Facsimile: 412.391.6984

Patrick L. Abramowich, Esq.
Fox Rothschild LLP
625 Liberty Avenue
29th Floor
Pittsburgh, PA 15222-3115, USA

Re: Litman v. Cannery Casino, et. al.
2012-8149 (Washington County, PA)

Dear Patrick:

Please find enclosed Bates Nos. 1119 to 1157 and discovery supplements. The documents include income breakdown, details on pay and damages, tax returns, a CD, criminal proceeding documents, professional history, and privilege log. My understanding is that you refuse to discuss your Wednesday letter by voice; the absurdity, burdensomeness and obdurateness of that position aside, I trust that the inclusions will satisfy your concerns following your review, and, if not, this letter will serve for you to contact me to meet and confer accordingly.

Very truly yours,

Z E G A R E L L I
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Ventures Law Group, P.C.

By: /Gregg Zegarelli/
Gregg R. Zegarelli

Enclosures

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TO: Patrick Abramowich, Esq., Benjamin Feldman, Esq.,
Mark Passero, Esq., William Stang, Esq.

COMPANY: Fox Rothschild

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UPPER ST. CLAIR OFFICE

CLIENT/PROJECT: Litman v. Cannery, 2012-8149

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