

**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTTHING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTHING ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CASE NO: 2012-8149

**NOTICE OF PRESENTATION
Motion to Compel Discovery**

On behalf of Plaintiffs

Counsel of Record for this Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

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Defendants.

NOTICE OF PRESENTATION
Motion to Compel Discovery

TO:

WILLIAM L. STANG, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

PLEASE TAKE NOTICE that Plaintiffs will present the following Motion to the Honorable Debbie O'Dell Seneca, Court of Common Pleas of Washington County, Pennsylvania on Tuesday, February 18, 2014 at 9:15 a.m. or at such other time as the Court may deem appropriate. You are invited to attend.

February 14, 2014

TEV LAW GROUP, PC

By: /Gregg Zegarelli/
Gregg R. Zegarelli

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this date, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following:

PATRICK ABRAMOWICH, ESQ.
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February 14, 2014

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MOTION TO COMPEL DISCOVERY

On behalf of Plaintiffs

Counsel of Record for this Party:

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MOTION TO COMPEL DISCOVERY

1. Plaintiffs issued their First Request for Production of Documents and Interrogatories on June 10, 2013¹, Exhibits 1 and 2. Defendants waived all objections other than awaiting relevancy regarding a ruling on preliminary objections.

2. Plaintiffs have represented and hereby represent that they will hold the responses as confidential and not make a public record of documents without prior consent by Defendants. Instead, Defendants are holding Plaintiffs hostage for documents.

¹ Plaintiffs, without waiver, expect motion practice regarding Defendants' obdurately deficient Responses and Objections to Requests for Admission in due course.

3. Defendants have not produced any documents whatsoever,² nor have Defendants produced the required privilege log.³ Defendants even refuse to produce the documents which it concedes are not confidential, because it refuses to produce part of the documents.

4. Each and every objection that claims privilege and/or work-product must identify the documents contemplated by the objection referenced for further in-camera review of this Court, if necessary.

5. Defendants refused to produce to respond regarding the Gaming Board investigation file indicating that the file is not publicly available, notwithstanding that Plaintiffs have already stipulated to confidentiality to override the objection.

6. Defendants have refused to respond regarding any minutes, records or emails, notwithstanding that Plaintiffs have already stipulated to confidentiality to override the objection.

7. Defendants have refused to respond regarding any videos or other recordings, notwithstanding that Plaintiffs have already stipulated to confidentiality to override the objection.

8. Defendants have refused to produce any business or financial records, notwithstanding that Plaintiffs have already stipulated to confidentiality to override the objection.

9. Defendants have refused to respond regarding document retention policies, training or other manuals, notwithstanding that Plaintiffs have already stipulated to confidentiality to override the objection. Moreover, Defendants refuse to identify the documents destroyed or the custodian or other actor(s) who performed the destruction.

10. Defendants have refused to respond regarding variances and/or ownership specifications of various public documents.

² After three sets of Preliminary Objections to every count, a Motion to Dismiss, a Motion for Reconsideration, Defendants have recently filed Preliminary Objections to Plaintiffs' Reply to New Matter.

³ Today, and following service of a 1023.1 Motion for Sanctions, Defendants have now withdrawn certain Preliminary Objections and indicated that they will produce at an unstated time the privilege log required to have been produced on February 5, 2014.

11. In addition, Defendants have refused in every request, other than possibly insurance coverage, to respond fully and accurately, as expressly requested by the instructions and the requests.

WHEREFORE, Plaintiffs request that this Court compel the discovery requested, as Defendants are clearly, based upon the history in this case, are acting to delay, harass and to increase the costs of litigation.

February 14, 2014

Respectfully submitted,

TEV LAW GROUP, PC

By: /Gregg Zegarelli/
Gregg R. Zegarelli

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CIVIL DIVISION

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PROPOSED ORDER

On behalf of Plaintiffs

Counsel of Record for this
Party:

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Defendants.

ORDER

AND, NOW, this _____ day of February, 2014, upon consideration of the Plaintiff's Motion to Compel, it is hereby ORDERED and DECREED that each Defendant shall respond to Plaintiffs' requests for documents and things, and shall further produce a privilege/workproduct log, within FIVE (5) calendar days, or be subject to sanction by this Court.

BY THE COURT,

_____, J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this date, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following:

PATRICK ABRAMOWICH, ESQ.
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February 14, 2014

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