

Z E G A R E L L I
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February 10, 2014

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

Re: Litman, et. al. v. Cannery Casino Resorts, et. al.
Case No. 2012-8149 (Court of Common Pleas of Washington County)
Sanction Notice

Gentlemen:

You filed Preliminary Objections to Plaintiffs' Reply to New Matter, at the above-referenced case number with the Court of Common Pleas of Washington County. I am notifying you that your filing violates Rule 1023.1 et seq. of the Pennsylvania Rules of Civil Procedure, which governs pleadings to which an attorney affixes his or her signature. It also violates the Judicial Code.

Pursuant to Rule 1023.2, I have attached a Motion for Sanctions, which we will be filed and presented filing after the expiration of twenty-eight (28) days of the date above if you do not withdraw your pleading. Nothing in this motion is a waiver of Plaintiffs' rights.

Very truly yours,

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Ventures Law Group, P.C.

By 
Gregg R. Zegarelli

Enclosure

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 FOR SANCTIONS

On behalf of Plaintiffs

Counsel of Record for this Party:

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

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

JANINE LITMAN and TIMOTHY MASTROIANNI,
individually and jointly,

CASE NO: 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Nevada limited liability company, WASHINGTON TROTting ASSOCIATION, INC., a Delaware corporation, WTA ACQUISITION CORP., a Delaware corporation, CANNERY CASINO RESORTS, LLC, CANNERY CASINO RESORTS and WASHINGTON TROTting ASSOCIATION, INC. t/d/b/a THE MEADOWS RACE-TRACK & CASINO, an unincorporated association, CANNERY CASINO RESORTS, an unincorporated association consisting of one or more yet unidentified natural and/or legal persons, individually and jointly,

Defendants.

NOTICE OF PRESENTATION
MOTION FOR SANCTIONS

TO:

WILLIAM L. STANG, ESQ.
PATRICK L. ABRAMOWICH
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, March 11, 2014 at 9:15 a.m. or at such other time as the Court may deem appropriate. You are invited to attend.

February 10, 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, except as otherwise stated:

WILLIAM L. STANG, ESQ.
PATRICK ABRAMOWICH, ESQ.
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February 10, 2014

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WASHINGTON COUNTY, PENNSYLVANIA
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JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
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WASHINGTON TROTting ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTting 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

MOTION FOR SANCTIONS

On behalf of Plaintiffs

Counsel of Record for this Party:

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

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

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

CASE NO: 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTting ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTting ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
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ciation, CANNERY CASINO RESORTS,
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sons, individually and jointly,

Defendants.

MOTION FOR SANCTIONS

1. Defendants filed preliminary objections three times, objecting to each and every count in the Complaint, as demurrers. Plaintiffs tried to re-plead to avoid motion practice, until it became clear that there was nothing Plaintiffs could do to stop Defendants' mechanical thwarting of the proceeding by objections to each and every count by preliminary objections.

2. On the eve of the argument on the Preliminary Objections (months later after the filing of this action), Defendants then also filed a Motion to Dismiss for Lack of Subject-Matter Jurisdiction of this Court, without any reference to controlling provisions, and a completely ungrounded, if not absurd, argument that Plaintiffs should have intervened Gaming Board proceeding that was internally confidential.

3. This Court denied Defendants' Motion to Dismiss. Then, the Defendants further filed a Motion for Reconsideration, presenting it twice, the first time of which was refused (as was certain) by The Hon. Katherine B. Emery, and then further denied by this Court.

4. Having stated that prior conduct, Defendants filed New Matter even though, in substance, the "New Matter" is properly "to the contrary" denials of Plaintiffs' claims. Defendants even pleaded in "New Matter" averments regarding the claims and subject-matter jurisdiction in complete and utter disregard of the multiple rulings of this Court.

5. The Defendants' Preliminary Objections are being presented for an improper purpose, and to harass or cause unnecessary delay or needless increase in the cost of litigation in violation of Pa.R.Civ.P. 1023.1.

6. Plaintiff seeks sanctions against all the Defendants and its counsel of record, as well as an admonishment for such conduct.¹

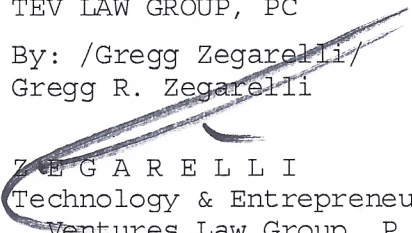
WHEREFORE, Plaintiffs request the stated sanctions and admonishment stated herein.

February 10, 2014

Respectfully submitted,

TEV LAW GROUP, PC

By: /Gregg Zegarelli/
Gregg R. Zegarelli


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¹ Defendants have also stonewalled proper discovery, the subject of separate motion practice.

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WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
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Plaintiffs,

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WASHINGTON TROTTING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTING ASSOCIATION,
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sons, individually and jointly,

Defendants.

CIVIL DIVISION

CASE NO: 2012-8149

PROPOSED ORDER

On behalf of Plaintiffs

Counsel of Record for this
Party:

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

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WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

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

Plaintiffs,

v.

CASE NO: 2012-8149

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability com-
pany, WASHINGTON TROTting ASSO-
CIATION, INC., a Delaware corpo-
ration, WTA ACQUISITION CORP., a
Delaware corporation, CANNERY
CASINO RESORTS, LLC, CANNERY CA-
SINO RESORTS and WASHINGTON
TROTting ASSOCIATION, INC.
t/d/b/a THE MEADOWS RACETRACK &
CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association
consisting of one or more yet
unidentified natural and/or le-
gal persons, individually and
jointly,

Defendants.

ORDER

AND, NOW, this _____ day of March, 2014, upon consideration of
the Plaintiffs' Motion Sanctions, it is hereby ORDERED that each
defendant and its counsel of record shall pay to Plaintiffs the
amount of \$_____, and this Court hereby publicly admon-
ishes Defendants and its counsel for such conduct.

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, except as stated otherwise:

WILLIAM L. STANG, ESQ.
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February 10, 2014

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