

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

BUTTERS'S ENTERPRISES, INC., : No. 00-01482
and TIM BUTTERS, :
Plaintiffs :
 :
vs. : CIVIL ACTION - LAW
 :
JOSEPH A. PRATO and :
ANN C. PRATO, his wife, :
KELLY PRATO t/d/b/a :
JOEY PRATO'S PRODUCE, :
and JOEY PRATO, INC., : Motion for Sanction Re:
Defendants : Cillo's Interrogatories

ORDER

AND NOW, this 31st day of December 2002, upon consideration of Defendant Cillo's Motion for Sanctions with respect to Plaintiffs' Response to Defendant Cillo's First Set of Interrogatories, it is ORDERED and DIRECTED as follows:

1. With respect to Interrogatory 2, Plaintiffs responded there were check stubs which they would provide, but have not done so. Plaintiffs shall provide the check stubs to Marc Lovecchio within forty-five (45) days of this Order.

2. With respect to Interrogatories 3, 4, 5, 6 and 7, the Court GRANTS Defendant Cillo's motion. The Plaintiffs shall completely and specifically answer these interrogatories within forty-five (45) days. In addition to names of individuals, the Plaintiffs must provide addresses and phone numbers as requested, as well as the specific facts that each individual possesses.

3. With respect to Interrogatories 8, 9, and 12 the Court DENIES the motion and finds the answer given is sufficient.

4. With respect to Interrogatory 10, Plaintiffs shall provide a list of expected or intended witnesses within forty-five (45) days. If Plaintiffs discover additional witnesses or wish to change their witness list, they can supplement it at a later date. However, Plaintiffs must provided a preliminary list to Marc Lovecchio, Esquire within forty-five (45) days.

5. With respect to Interrogatory 11, the Plaintiffs indicated they may call their accountants and someone from Geneva Companies as expert witnesses. However, Plaintiffs did not provide a business address or business telephone number for either the accountants or Geneva Companies. Plaintiffs are ORDERED to provide the business addresses and business phone numbers for these individuals and entities within forty-five (45) days.

If Plaintiffs fail to provide the answers and documents to Interrogatories 2, 3, 4, 5, 6, 7, 10, and 11 as ordered, the Court may impose sanctions, including attorney fees, striking their pleadings or dismissing this law suit upon motion of Defendant Cillo.

By The Court,

Kenneth D. Brown, J.

cc: Timothy Butters
R 613 E Third St
Williamsport PA 17701
Marc Lovecchio, Esquire
Fred Holland, Esquire
Work File
Gary Weber, Esquire (Lycoming Reporter)