

HOURIGAN, KLUGER & QUINN

A PROFESSIONAL CORPORATION

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June 9, 2015

via certified mail, return receipt requested, article no. 7015 0640 0007 6405 2867

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

RECEIVED

JUN - 9 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**RE: Richard Scloppert v. City Delivery Service, Inc.
Pa. Public Utility Commission Docket No. C-2015-2478408
Our File No. 07008-289**

Dear Secretary Chiavetta:

I am enclosing an original and three copies of City Delivery Service, Inc.'s Motion to Dismiss in the above matter. Please file the original and requisite number of copies then return the remaining time-stamped copies in the enclosed self-addressed, stamped envelope. A copy of this motion has been served upon the Complainant as evidenced by the attached Certificate of Service.

If you have any questions, please contact me. Thank you for your attention to this matter.

Sincerely,



H. Chris Kang

Enclosure

cc: Richard Scloppert (via first class mail and email)

RECEIVED

JUN - 9 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

HOURIGAN, KLUGER & QUINN
A PROFESSIONAL CORPORATION

BY: RICHARD M. GOLDBERG, ESQUIRE
H. CHRIS KANG, ESQUIRE

ATTORNEY FOR THE RESPONDENT

IDENTIFICATION NO. 01758 (RMG); 316782 (HCK)

LAW OFFICES
600 THIRD AVENUE
KINGSTON, PA 18704-5815
(570) 287-3000

Richard Scloppert	:	
	:	Before the Pennsylvania Public Utility
Complainant	:	Commission
v.	:	
	:	
City Delivery Service, Inc.	:	Docket No. C-2015-2478408
	:	
Respondent	:	

MOTION TO DISMISS

Respondent City Delivery Service, Inc. ("CDS") hereby moves to dismiss the formal complaint filed by Complainant Richard Scloppert as follows:

1. On April 24, 2015, Mr. Scloppert filed a formal complaint against CDS with the Public Utility Commission ("PUC").
2. On May 13, 2015, CDS timely filed its preliminary objections to the formal complaint.
3. As evidenced by the Certificate of Services attached to the preliminary objections, CDS served Mr. Scloppert by first class mail that same day.

4. Despite the notice to plead attached to the preliminary objections, Mr. Scloppert has failed to file any answers or amend his formal complaint within 10 days.

To avoid waste of administrative resources and further legal costs, CDS asks that the PUC dismiss Mr. Scloppert's formal complaint with prejudice.

Respectfully submitted,
HOURIGAN, KLUGER & QUINN, P.C.



Richard M. Goldberg, Esquire
I.D. No. 01758
H. Chris Kang, Esquire
I.D. No. 316782
Counsel for the Respondent

600 Third Avenue
Kingston, PA 18704
(570) 287-3000 (telephone)
(570) 287-8005 (facsimile)
Dated: June 9, 2015

HOURIGAN, KLUGER & QUINN
A PROFESSIONAL CORPORATION

BY: Richard M. Goldberg, Esquire
H. Chris Kang, Esquire

ATTORNEY FOR The Respondent

IDENTIFICATION NO. 01758 (RMG); 316782 (HCK)

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Richard Scloppert	:	
	:	Before the Pennsylvania Public Utility
Complainant	:	Commission
v.	:	
	:	
City Delivery Service, Inc.	:	Docket No. C-2015-2478408
	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have served on this day a true copy of the foregoing motion to dismiss upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

By First Class Mail and Email

Richard Schappert
4250 Bear Creek Boulevard
Bear Creek Twp, PA 18702
rich5245@yahoo.com

Respectfully submitted,
HOURIGAN, KLUGER & QUINN, P.C.



H. Chris Kang, Esquire
I.D. No. 316782
Counsel for the Respondent

Dated: June 9, 2015

CERTIFIED MAIL®



7015 0640 0007 6405 2867

Return Receipt Requested

First Class Mail

UNITED STATES POSTAGE
 PRIMEV BOWLS
02 1M
0004271421 JUN 09 2015
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HOURIGAN, KLUGER & QUINN
A PROFESSIONAL CORPORATION
600 Third Avenue
Kingston, PA 18704

TO

ROSEMARY CHIAVETTA, SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

FIRST CLASS MAIL