

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 451 MD 2013****Page 1 of 8****March 9, 2015****CAPTION**

Nicola M. Cucinotta, and
 Tamara J. Cucinotta,
 formerly Tamara J. Davis,
 Petitioners
 v.
 Commonwealth of Pennsylvania,
 Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: June 23, 2014 Active Stay

Journal Number: 25-06-2014

Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES**RELATED CASES**

Docket No / Reason	Type
481 MD 2013	Related
Similar Issue(s)	

COUNSEL INFORMATION**Petitioner Davis, Tamara J.**

Pro Se: No

IFP Status:

Attorney:	Lyman, Cletus P.	
Law Firm:	Lyman & Ash	
Address:	1612 Latimer St	
	Philadelphia, PA 19103-6308	
Phone No:	(215) 732-7040	Fax No: (215) 732-2496

Attorney:	Fettner, Michael S.	
Law Firm:	Lyman & Ash	
Address:	1612 Latimer St	
	Philadelphia, PA 19103	
Phone No:	(215) 732-7040	Fax No:

Attorney:	Sweeney, Michael Thomas	
Law Firm:	Lyman & Ash	
Address:	1612 Latimer St	
	Philadelphia, PA 19103	
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Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 451 MD 2013****Page 2 of 8****March 9, 2015****COUNSEL INFORMATION****Petitioner Cucinotta, Tamara J.**

Pro Se: No

IFP Status:

Attorney: Lyman, Cletus P.
Law Firm: Lyman & Ash
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Petitioner Cucinotta, Nicola M.

Pro Se: No

IFP Status:

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Pro Se: No

IFP Status:

Attorney: Taylor, Alison
 Law Firm: PENNSYLVANIA DEPARTMENT OF HEALTH
 Address: PA Department of Health
 625 Forster St 825 H&w Bldg
 Harrisburg, PA 17120-0701
 Phone No: (717) 783-2500 Fax No:

Attorney: Miner, Audrey F.
 Law Firm: Pennsylvania Department of Health
 Address: Office of Legal Counsel
 625 Forster Street
 Room 825 Health & Welfare Building
 Harrisburg, PA 17120
 Phone No: (717) 783-2500 Fax No: (717) 705-6042

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
09/06/2013	Miscellaneous Docket Filing Fee	53.50	09/06/2013	2013-CMW-H-001861	53.50
09/13/2013	Copy Work (Per Page)	3.50	09/13/2013	2013-CMW-H-001907	3.50
03/12/2014	Petition for Reconsideration - Original Jurisdiction	15.00	03/18/2014	2014-CMW-H-000579	15.00

AGENCY/TRIAL COURT INFORMATION

Court Below:

County:

Order Appealed From:

Documents Received: September 6, 2013

Order Type:

OTN(s):

Lower Ct Docket No(s):

Lower Ct Judge(s):

Division:

Judicial District:

Notice of Appeal Filed:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:**BRIEFING SCHEDULE****Petitioner****Cucinotta, Nicola M.****Brief**

Due: January 2, 2014

Filed: January 2, 2014

Respondent**Commonwealth of Pennsylvania****Brief**

Due: December 2, 2013

Filed: December 2, 2013

Cucinotta, Tamara J.**Brief**

Due: January 2, 2014

Filed: January 2, 2014

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Due: January 2, 2014

Filed: January 2, 2014

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 6, 2013	Petition for Review Filed Cucinotta, Nicola M. Cucinotta, Tamara J. Davis, Tamara J.		Petitioner Petitioner Petitioner	
September 10, 2013	Notice Exited Commonwealth Court Filing Office			09/10/2013
October 7, 2013	Preliminary Objections Lamb, William H.	Commonwealth of Pennsylvania	Respondent	
October 16, 2013	Filed - Other Lyman, Cletus P.	Davis, Tamara J.	Petitioner	
	Document Name: Affidavit of Service of complaint on Attorney General			
October 28, 2013	Answer to Preliminary Objections Fettner, Michael S. Lyman, Cletus P. Sweeney, Michael Thomas Fettner, Michael S. Fettner, Michael S. Lyman, Cletus P. Lyman, Cletus P. Sweeney, Michael Thomas Sweeney, Michael Thomas	Cucinotta, Nicola M. Cucinotta, Nicola M. Cucinotta, Nicola M. Davis, Tamara J. Cucinotta, Tamara J. Davis, Tamara J. Cucinotta, Tamara J. Davis, Tamara J. Cucinotta, Tamara J.	Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner	
	Document Name: Plaintiff's Answer to Preliminary Objections			
October 31, 2013	Order Filed Per Curiam			11/01/2013
	Document Name: Now, October 31, 2013, briefs in support of preliminary objections shall be filed and served			
	Comment: by 12/02/13. Briefs in opposition to preliminary objections shall be filed and served by 01/02/14.			
November 6, 2013	Entry of Appearance Frank, Joel L.	Commonwealth of Pennsylvania	Respondent	
December 2, 2013	Respondent's Brief Filed Commonwealth of Pennsylvania		Respondent	
	Document Name: In support of P.O.'s			
January 2, 2014	Petitioner's Brief Filed Cucinotta, Nicola M. Cucinotta, Tamara J. Davis, Tamara J.		Petitioner Petitioner Petitioner	
	Document Name: Brief in Opposition to POs			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 28, 2014	Application for Intervention (Pa.R.A.P. 1531b) Schneller, James Philadelphia Metro Task Force		Possible Intervenor Possible Intervenor	
	Document Name: Application for Leave to Intervene			
January 31, 2014	Hearing Scheduled Per Curiam			01/31/2014
	Document Name: Hearing on the application for leave to intervene filed by James D. Schneller, representing himself Comment: and Philadelphia Metro Task Force, is set for February 24, 2014 at 12:00 noon in Courtroom 3001, Pennsylvania Judicial Center, 601 Commonwealth Ave., Harrisburg, PA 17120 at the same time as the hearing scheduled on the application for leave to intervene in Ballen, et al, v. Corbett, et al, No. 481M.D. 2013.			
	Any responses to the application for leave to intervene shall be filed and served on or before 2/19/14.			
February 19, 2014	Answer to Application to Intervene (Pa.R.C.P. 2328) Fettner, Michael S. Lyman, Cletus P. Sweeney, Michael Thomas Fettner, Michael S. Fettner, Michael S. Lyman, Cletus P. Lyman, Cletus P. Sweeney, Michael Thomas Sweeney, Michael Thomas	Cucinotta, Nicola M. Cucinotta, Nicola M. Cucinotta, Nicola M. Davis, Tamara J. Cucinotta, Tamara J. Davis, Tamara J. Cucinotta, Tamara J. Davis, Tamara J. Cucinotta, Tamara J.	Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner	
	Document Name: Plaintiffs' Answer to Schneller Application to Intervene			
February 19, 2014	Filed - Other Fettner, Michael S. Lyman, Cletus P. Sweeney, Michael Thomas Fettner, Michael S. Fettner, Michael S. Lyman, Cletus P. Sweeney, Michael Thomas Sweeney, Michael Thomas	Cucinotta, Nicola M. Cucinotta, Nicola M. Cucinotta, Nicola M. Davis, Tamara J. Cucinotta, Tamara J. Davis, Tamara J. Davis, Tamara J. Cucinotta, Tamara J.	Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner	
	Document Name: Plaintiff's Brief in opposition to Schneller Application to Intervene			
February 19, 2014	Praecipe Schneller, James Philadelphia Metro Task Force		Possible Intervenor Possible Intervenor	
	Document Name: Praecipe for Evidentiary Hearing and for Jury on Pending Motion and on the Merits Hearing			
February 24, 2014	Order Denying Application for Intervention McGinley, Bernard L.			02/26/2014
	Document Name: The application for leave to intervene filed by James D. Schneller, representing himself and Comment: Philadelphia Metro Task Force, is denied.			
March 12, 2014	Application for Reconsideration Schneller, James		Possible Intervenor	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 12, 2014	Application for Intervention (Pa.R.A.P. 1531b) Schneller, James		Possible Intervenor	
	Document Name: AMENDED filed w/i the appl for reconsideration			
March 26, 2014	Order Denying Application for Reconsideration Pellegrini, Dan			03/27/2014
	Document Name: Upon consideration of the application for reconsideration and amended application for leave to Comment: intervene filed by James D. Schneller and Philadelphia Metro Task Force, said applications are denied.			
April 23, 2014	Order Filed Per Curiam			04/23/2014
	Document Name: The Chief Clerk is directed to list Respondents' Preliminary Objections for oral argument Comment: before the Court sitting en banc on June 18, 2014, in Harrisburg. Sixty minutes total argument time shall be set aside for a single argument in these cases, with counsel for Respondents having thirty minutes and counsel for Petitioners sharing thirty minutes to argue their respective positions.			
April 24, 2014	Tentative Session Date Krimmel, Michael			
	Document Name: June 2014 (Harrisburg)			
April 29, 2014	Notice of Appeal to PA Supreme Court Filed Schneller, James		Possible Intervenor	
	Document Name: 288 MT 2014			
May 1, 2014	Application to Proceed In Forma Pauperis Schneller, James		Possible Intervenor	
	Document Name: Application for leave to proceed in forma pauperis on appeal with verified statement			
May 5, 2014	Order Denying Application to Proceed In Forma Pauperis Oler, J. Wesley, Jr.			05/06/2014
	Document Name: Now, May 5, 2014, upon consideration of James D. Schneller's application Comment: for leave to proceed in forma pauperis on appeal, it appearing that James D. Schneller has income from a trust including a weekly cash payment, the application is denied.			
May 6, 2014	Argument Scheduled Krimmel, Michael			
	Document Name: Wed., 6/18/14, 9:30 AM, En Banc, No. 25, Crtrm 5001, PJC, Harrisburg, Pa. - #25			
May 16, 2014	Application for Stay Schneller, James		Possible Intervenor	
	Document Name: Application for Stay Pending Appeal			
May 23, 2014	Application to Dismiss Frank, Joel L.	Commonwealth of Pennsylvania	Respondent	
	Document Name: Application to Dismiss for Mootness			
May 29, 2014	Order Filed Per Curiam			05/29/2014
	Document Name: In consideration of Respondent's Application to dismiss the matter as moot and Comment: awaiting an answer from Petitioners, it is hereby Ordered that the argument scheduled for Wednesday, June 18, 2014, at 9:30 a.m., in En Banc Courtroom 5001, Fifth Floor, Pennsylvania Judicial Center, Harrisburg, P A, is cancelled.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 9, 2014	Answer to Application for Stay Fettner, Michael S. Lyman, Cletus P. Sweeney, Michael Thomas	Cucinotta, Nicola M. Cucinotta, Nicola M. Cucinotta, Nicola M.	Petitioner Petitioner Petitioner	
	Document Name: Answer of Petitioners Cucinotta Et al. to Motion of James Schneller to stay pending appeal			
June 19, 2014	Order Denying Application for Stay Per Curiam			06/20/2014
	Document Name: Upon consideration of possible intervenor, James D. Schneller's application for stay pending appeal, Comment: said application is denied.			
June 20, 2014	Answer to Application to Dismiss Fettner, Michael S. Lyman, Cletus P. Sweeney, Michael Thomas	Cucinotta, Nicola M. Cucinotta, Nicola M. Cucinotta, Nicola M.	Petitioner Petitioner Petitioner	
	Document Name: Answer of Cuccinottas to Application of Commonwealth to Dismiss for Mootness			
June 20, 2014	Order Denying Application to Dismiss Per Curiam			06/23/2014
	Document Name: Upon consideration of Respondent's application to dismiss as moot, said application is denied. Comment: This case is suspended pending final resolution of Whitewood v. Wolf, 1:13-cv-1861, including all appeals by those seeking intervention in that matter. A motion to dismiss may be refiled after final resolution of all appeals in that case.			
December 9, 2014	Entry of Appearance Miner, Audrey F. Taylor, Alison	Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Respondent Respondent	
December 24, 2014	Praecipe for Withdrawal of Appearance Cunningham, John J., IV Frank, Joel L. Lamb, William H.	Commonwealth of Pennsylvania Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Respondent Respondent Respondent	
January 5, 2015	Praecipe Schneller, James		Possible Intervenor	
	Document Name: Praecipe for Change of Address			

SESSION INFORMATION

Journal Number: 25-06-2014
 Consideration Type: En Banc Argument
 Listed/Submitted Date: June 18, 2014

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REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: March 12, 2014
Disposition: Order Denying Application for Reconsideration
Disposition Date: March 26, 2014
Record Remittal: