

Docket Number: 1815

GERTRUDE MAGDELINSKAS

George H. Mecleary, Jr., Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Charles E. Anderson, Assistant Counsel

April 21, 1994

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: Unknown.

April 29, 1994

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

May 9, 1994

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 3, 1994.

May 12, 1994

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 2, 1994.

July 1, 1994

Preliminary Objections of Defendant to Plaintiff's Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 1, 1994

Brief in Support of Preliminary Objections of Defendant to Plaintiff's Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 18, 1994

Motion for Leave to Amend Complaint as well as Amended Complaint attached as Exhibit "A" filed by attorney for Plaintiff.

August 23, 1994

Copy of Motion for Leave to Amend Complaint forwarded to attorney for Defendant.

August 23, 1994

Response and Brief in Support of Said Response to Defendant's Preliminary Objections to Plaintiff's Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 8, 1994

Acceptance of Service of Motion for Leave to Amend Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 26, 1994.

December 6, 1994

The Board rendered an Opinion and made the following Order: **AND NOW**, this 6th day of December, 1994, the request of the Plaintiff, Gertrude Magdolinskas, to file an Amended Complaint is hereby **GRANTED**. The Plaintiff is given thirty (30) days from the exit date of this Order to file her Amended Complaint. The Preliminary Objections asserted by the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, on May 12, 1994, are **MOOT**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 28, 1994

Copy of Amended Complaint as filed as Exhibit "A" to the Motion to Amend Complaint forwarded to attorney for Defendant.

January 26, 1995

Preliminary Objections of Defendant to Plaintiff's Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 28, 1995

Brief in Support of Preliminary Objections of Defendant to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 25, 1995

Response to Defendant's Preliminary Objections to Plaintiff's Claim and Brief in Support, thereof, filed by attorney for Plaintiff.

September 1, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of September, 1995, after due consideration of the pleadings and briefs submitted by the parties, it is hereby **ORDERED** that Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Preliminary Objections are **DENIED**. It is further **ORDERED** that Plaintiff, Gertrude Magdelinskas, comply with Rule of Civil Procedure 1019(h) and further amend the Complaint by submission of the writing characterized as 'Memorandum of Understanding'. Plaintiff shall have ten (10) days from the exit date to comply with this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

September 12, 1995

Acceptance of Service of Opinion and Order dated September 1, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 5, 1995.

September 12, 1995

Motion for Leave to Amend Complaint filed by attorney for Plaintiff.

September 12, 1995

Memorandum of Understanding filed by attorney for Plaintiff.

September 14, 1995

Acceptance of Service of Opinion and Order dated September 1, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 5, 1995.

October 16, 1995

Defendant's Response to Plaintiff's Motion for Leave to Amend Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 4, 1995

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 4th day of December, 1995, the Plaintiff, Gertrude Magdelinskas, is **ORDERED** to file with the Board a copy of the 'Memorandum of Understanding.' This instrument will be made part of the pleadings. Accordingly, the present Motion for Leave to Amend Complaint is **MOOT**. The Board has addressed this issue in a prior Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 8, 1998

Panel Hearing scheduled for January 26, 27, and 28, 1999, in Board's Court Room No. 1, Fulton Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

CLOSED
Hearing cancelled. Plaintiff did not show up for the hearing. As per Mr. McLaughlin a Motion to Dismiss will be filed.

February 9, 1999

Testimony of hearing held January 26, 1999 filed.

February 16, 1999

Copy of testimony of hearing held January 26, 1999 forwarded to attorney for Defendant.

February 23, 1999

Acceptance of Service of testimony dated February 16, 1999 received by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 18, 1999.

.....**August 30, 1999**

The Board made the following Order: **AND NOW**, this 30th day of August, 1999, upon consideration of oral Motion to Dismiss the Plaintiff's, Gertrude Magdelinskas, Complaint with prejudice made by Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, it is **ORDERED, ADJUDGED and DECREED** that the Motion is **GRANTED** and this action is **DISMISSED** with prejudice. Copy forwarded to attorney for Plaintiff and Defendant.

September 8, 1999

Acceptance of Service of Opinion and Order dated August 30, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 3, 1999.

CLOSED