

Docket Number: 2607

COUNTY OF ALLEGHENY

~~Louis J. Capezzi, Jr., Esquire~~  
Randy J. Riley, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
~~Kathleen Grogan, Assistant Counsel~~  
Jason Manne, Assistant Counsel

**January 26, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: In excess of \$300.00.

---

**January 30, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 3/3/98.

---

**February 6, 1998**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 3, 1998.

---

**CLOSED**

---

Letter received from attorney for Defendant requesting a 30-day extension of time until March 30, 1998, in which to file Defendant's Response to Plaintiff's Claim.

---

**February 27, 1998**

Letter forwarded to Defendant granting Defendant a 30-day extension of time until March 30, 1998, in which to file Defendant's Response to Plaintiff's Claim. Response due March 30, 1998.

---

**March 31, 1998**

Letter received from attorney for Defendant requesting a 30-day extension of time in which to file Defendant's Response to Plaintiff's Claim.

---

**April 2, 1998**

Letter forwarded to Defendant granting Defendant's request for a 30-day extension of time in which to file Defendant's Response to Plaintiff's Claim. Response due May 4, 1998.

---

**June 4, 1998**

Defendant's Response and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**July 6, 1998**

Certificate of Service of Plaintiff's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 8, 1998**

Answer to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 9, 1998**

Letter forwarded to parties directing parties to commence with discovery.

---

**February 10, 1999**

Notice of Service of Plaintiff's First Request for Answers to Interrogatories filed by attorney for Plaintiff.

---

**February 11, 1999**

Motion to Compel Responses to Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**February 18, 1999**

Letter forwarded to parties directing Plaintiff to file their Brief in Support and thereafter, Defendant to file their Response and Brief.

Plaintiff's Brief due March 18, 1999. Defendant's Response and Brief due April 19, 1999.

---

**March 11, 1999**

Letter received from attorney for Defendant requesting an extension of time until April 16, 1999 in which to file Defendant's Response to Plaintiff's Motion to Compel Responses to Discovery.

---

**March 12, 1999**

Letter forwarded to Defendant granting Defendant's request for an extension of time until April 16, 1999 in which to file Defendant's Response to Plaintiff's Motion to Compel Responses to Discovery.

---

**March 19, 1999**

Letter received from attorney for Plaintiff requesting the Board to withdraw the Plaintiff's Motion to Compel Responses to Discovery filed on February 16, 1999.

---

**April 1, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of April, 1999, it is hereby **ORDERED** and **DECREED** that the Plaintiff's, County of Allegheny, letter-type Motion to Withdraw its Motion to Compel Responses to Discovery is hereby **GRANTED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

---

**April 6, 1999**

Acceptance of Service of Opinion and Order dated April 1, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 5, 1999.

---

Letter forwarded to parties requesting status. Responses due from parties June 8, 1999.

---

Letter received from attorney for Defendant advising that the parties are engaged in coordinated discovery and said case is not ready for trial.

---

**June 1, 1999**

Letter received from attorney for Plaintiff advising that the parties are in discovery.

---

**July 1, 1999**

Letter received from attorney for Plaintiff requesting an extension of time until October 1, 1999 in which to respond to Defendant's discovery requests.

---

**July 6, 1999**

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until October 1, 1999 in which to respond to Defendant's discovery requests.

---

**September 30, 1999**

Letter received from attorney for Plaintiff requesting a second extension of time until December 31, 1999 in which to respond to Defendant's discovery requests.

---

**October 1, 1999**

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for a second extension of time until December 31, 1999 in which to respond to Defendant's discovery requests.

---

**December 29, 1999**

Letter received from attorney for Plaintiff requesting a third extension of time until March 31, 2000 in which to respond to Defendant's discovery requests.

---

**December 30, 1999**

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for a third extension of time until March 31, 2000 in which to respond to Defendant's discovery requests. Plaintiff response due **March 31, 2000**.

---

**February 15, 2000**

DPW's Motion for a Protective Order Compelling Claimant to Share in the Costs of Compliance with Claimant's Discovery and Brief in Support of its Motion for a Protective Order Compelling Claimants to Share in the Costs of Compliance with Claimant's Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**March 17, 2000**

Claimant's Response to DPW's Motion for a Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**March 23, 2000**

Defendant's Reply Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**April 6, 2000**

Claimants' Response to DPW's Reply Brief Opposing DPW's Motion for a Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**April 19, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of April, 2000, it is **ORDERED** and **DECREED** that the Defendant's Motion for a Protective Order Compelling Claimants to Share in the Costs of Compliance with Claimant's Discovery is **GRANTED** subject to the following terms and conditions:(a) The Defendant shall bear fifty percent (50%) of the cost incurred to digitize the requested documents. (b) Plaintiff shall pay its pro-rata share of the other fifty percent (50%) of the cost of the digitized documents which have been prepared by the Defendant pursuant to discovery requests. The remaining pro-rata share of the 50% of the costs shall be paid by the other Plaintiffs who requested the same discovery (c) The Defendant shall make the discovery available to the Plaintiff within thirty (30) days of receipt of payment from the Plaintiff. (d) Since the parties agreed that it is best to use common digital media to comply with the discovery requests, Defendant shall not be required to produce all of the discovery in hard copy form."

**April 27, 2000**

Plaintiff's Motion for Clarification, Brief in Support and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **Response due from Defendant May 30, 2000.**

**April 28, 2000**

Letter received from attorney for Plaintiff requesting an extension of time until July 28, 2000 in which to comply with Defendant's discovery requests.

**May 1, 2000**

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until July 28, 2000 in which to comply with Defendant's discovery requests.

**May 3, 2000**

Acceptance of Service of Opinion and Order dated April 19, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 2, 2000.

**May 22, 2000**

Notice of Appeal as well as Petition for Review as filed in Commonwealth Court by attorney for Plaintiff.

**May 23, 2000**

DPW's Response to Claimant's Motion for Clarification filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**May 23, 2000**

Letter received from attorney for Plaintiff requesting an extension of time until August 31, 2000 in which to respond to Defendant's discovery requests.

---

**May 24, 2000**

Letter received from attorney for Defendant advising that although they do not object to Plaintiff's request, they do not agree that an extension is warranted for the reasons cited in Plaintiff's letter.

---

**May 24, 2000**

Letter forwarded to attorney for Plaintiff granting extension of time until August 31, 2000 to respond to Defendant's discovery requests.

---

**May 30, 2000**

Order rendered in Commonwealth Court as follows: "NOW, May 22, 2000, upon consideration of the above petition for review, and it appearing that the Board of Claims' decision was entered April 12, 2000, that the last day to petition for review thereof was May 12, 2000, and that petitioner's petition for review was filed May 18, 2000, the petition for review is hereby dismissed as untimely filed. See Pa. R.A.P. 1512(a)(1)."

---

**June 5, 2000**

Motion to Vacate an Order rendered in Commonwealth Court filed by attorney for Plaintiff.

---

**June 5, 2000**

Claimant's Reply to Defendant's Response to Claimants' Motion for Clarification filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**June 30, 2000**

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant August 7, 2000.

---

**July 10, 2000**

Response to Motion to Compel Discovery Requesting an Extension of Time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**July 12, 2000**

Letter forwarded to Defendant granting Defendant a 90-day extension of time until October 13, 2000 in which to respond to Plaintiff's Motion to Compel Discovery.

---

**August 24, 2000**

Letter received from attorney for Plaintiff requesting an extension of time until October 31, 2000 to respond to discovery.

---

**CLOSED**

---

**October 2, 2000**

Letter received from attorney for Defendant requesting an extension of time until January 19, 2001, in which to respond to all discovery requests and/or Motions to Compel Discovery.

---

**October 3, 2000**

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until January 19, 2001, in which to respond to all discovery requests and/or Motions to Compel Discovery.

---

**October 31, 2000**

Letter received from attorney for Plaintiff requesting an extension of time until January 19, 2001 in which to either produce the documentation requested or to file objections to the Department's requests.

---

**November 6, 2000**

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until January 19, 2001 in which to either produce the documentation requested or to file objections to the Department's requests.

---



**December 18, 2000**

Praecipe for Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**December 19, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of December, 2000, upon receipt of a Praecipe for Discontinuance, advising the Board that "Pursuant to a separate settlement agreement between the parties, this matter may be closed, ended and discontinued with prejudice.", executed by Michael A. Hynum, Esquire, attorney for Plaintiff, and docketed with this Board under date of December 18, 2000, it is **ORDERED** and **DIRECTED** that said case be marked "closed, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

---

**December 20, 2000**

Acceptance of Service of Order dated December 19, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 20, 2000.

---