

Docket Number: 2649

PENNSYLVANIA PHARMACISTS ASSOCIATION, on behalf of its members  
and all others similarly situated

Carleton O. Strouss, Esquire  
Raymond Pepe, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
Joseph McHale, Esquire  
Kimberly A. Hendrix, Esquire  
Elizabeth R. Leong, Esquire

**CLOSED**

**February 13, 1998**

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

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**February 19, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT MARCH 19, 1998.**

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**February 26, 1998**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 20, 1998.

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**February 26, 1998**

Acceptance of Service of Claim received from attorney for Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 20, 1998.

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**March 6, 1998**

Pennsylvania Pharmacists Association's Uncontested Motion for Stay of Proceedings and for Order with respect to Prospective Claims filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 19, 1998**

The Board rendered the following Order: **AND NOW**, this 19th day of March, 1997, upon consideration of the Pennsylvania Pharmacists Association's Uncontested Motion to Stay Proceedings and for Order with Respect to Prospective Claims, it is hereby **ORDERED**, that further proceedings with respect to the Pennsylvania Pharmacists Association's Statement of Claim are stayed pending resolution of the federal court proceedings at Docket No. 97-CV-2120 and directing that, in addition to applying to the six month period immediately prior to its filing, PPA's Statement of Claim will apply to any damages suffered by members of the class identified therein at any time after PPA's Statement of Claim was filed.

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**March 23, 1998**

Acceptance of Service of Order dated March 19, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by

attorney for Plaintiff March 20, 1998.

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**March 27, 1998**

Acceptance of Service of Order dated March 19, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant.

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**October 1, 1998**

Letter forwarded to parties requesting status. Response due from parties November 1, 1998.

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**October 28, 1998**

2nd letter forwarded to parties requesting status. Response due from parties November 30, 1998.

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**October 30, 1998**

Plaintiff's Status Report filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 4, 1998**

Plaintiff's Motion to Lift Stay and to Convene a Status Conference and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 11, 1998**

Defendant's letter opposing Plaintiff's Motion to Lift Stay and to Convene a Status Conference.

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**December 7, 1998**

Defendant's Response in Opposition to Plaintiff's Motion to Stay and to Convene a Status Conference filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 7, 1998**

Defendant's Brief in Support of its Response in Opposition to Plaintiff's Motion to Stay and to Convene a Status Conference filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 14, 1998**

Plaintiff's Reply Memorandum in Support of Motion to Lift Stay filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 5, 1999**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 5th day of February, 1999, upon consideration of Plaintiff's Motion to Lift Stay and to Convene a Status Conference pursuant to BOC R.P. 501(a), it is hereby **ORDERED** that the motion is **GRANTED** and the stay of proceedings entered by the Board on March 19, 1998 is hereby lifted. **FURTHER, IT IS ORDERED** that within thirty (30) days of the exit date of this Order, each party shall submit a proposed schedule for discovery and for any dispositive motions which it may file. A status conference pursuant to BOC 501(a) will be scheduled by the Board.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 9, 1999**

Acceptance of Service of Opinion and Order dated February 5, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 8, 1999.

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**February 16, 1999**

Acceptance of Service of Opinion and Order dated February 5, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 9, 1999.

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**February 19, 1999**

Entry of Appearance of Joseph McHale, Esquire, Kimberly A. Hendrix, Esquire and Elizabeth R. Leong, Esquire filed on behalf of Defendant.

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**March 5, 1999**

Plaintiff's Scheduling Order and Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 10, 1999**

Revised Scheduling Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 22, 1999**

Class Certification Hearing set for June 22, 1999 in Court Room No. 1, 200 North Third Street, Suite 600, Harrisburg, PA 17101 before Judge David C. Clipper.

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**March 24, 1999**

The Board rendered the following Order: **AND NOW**, this 24th day of March, 1999, upon consideration of presentations by the parties, this scheduling order is hereby entered pursuant to BOC R.P. 501 (a)(2), and it is hereby **ORDERED**. 1.The answer of the defendant shall be filed on or before April 2, 1999. 2.The reply to new matter, if any, shall be filed on or before April 22, 1999. 3.The plaintiff shall file its motion for class certification, and brief in support thereof on or before April 30, 1999.4. The defendant shall file its brief in opposition to class certification, if any, on or before May 20, 1999. If the defendant opposes class certification, the plaintiff may file a reply brief not later than three business days prior to the class certification hearing. 5.The class certification hearing will be held on June 22, 1999 at 9:30 a.m. 6.Discovery shall be concluded by June 25, 1999. The parties shall endeavor to stipulate to any factual matters relating to the issues raised in their motions with the objective of obviating discovery. 7.Motions for partial summary judgment or summary judgment, together with supporting briefs, shall be filed on or before July 1, 1999. 8.Briefs in opposition to motions for partial summary judgment or summary judgment shall be filed on or before July 30, 1999. 9.Reply briefs in support of motions for partial summary judgment or summary judgment shall be filed on or before August 19, 1999.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 26, 1999**

Acceptance of Service of Order dated March 24, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 25, 1999.

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**April 2, 1999**

Acceptance of Service of Order dated March 24, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 1, 1999.

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**April 2, 1999**

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

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**April 21, 1999**

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

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**April 30, 1999**

Notice of Service of Claimant's Second Request for Production of Documents filed by attorney for Plaintiff.

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**April 26, 1999**

Letter forwarded to parties directing parties to commence with discovery.

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**April 30, 1999**

Motion for Class Certification and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 20, 1999**

Letter received via fax requesting until May 24, 1999 in which to file Defendant's Response to Plaintiff's Motion for Class Certification.

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**May 21, 1999**

Letter forwarded to Defendant granting Defendant's request for an extension of time until May 24, 1999 in which to file Defendant's Response to Plaintiff's Motion for Class Certification.

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**May 24, 1999**

Letter received via fax requesting until May 25, 1999 in which to file Defendant's Response to Plaintiff's Motion for Class Certification.

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**May 25, 1999**

Letter forwarded to parties granting Defendant's request until May 25, 1999 in which to file Defendant's Response to Plaintiff's Motion for Class Certification. Response due May 25, 1999.

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**May 25, 1999**

Defendant's Response to Plaintiff's Motion for Class Certification filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 4, 1999**

Letter received from attorney for Defendant requesting cancellation of the Class Certification hearing set for June 22, 1999.

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**June 8, 1999**

The Board rendered the following Order: **AND NOW**, this 8th day of June, 1999, it is **ORDERED** and **DECREED** that the Class Certification Hearing originally scheduled for June 22, 1999, is now rescheduled for hearing on June 28 and 29, 1999, at 9:30 a.m. in Court Room #1, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania 17101. it is further **ORDERED** and **DECREED** that the parties shall adhere to the Scheduling Order issued on March 24, 1999.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 11, 1999**

Acceptance of Service of Order dated June 8, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 11, 1999.

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**June 23, 1999**

Acceptance of Service of Order dated June 8, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 15, 1999.

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**June 25, 1999**

Hearing scheduled for June 28 and 29, 1999, at 9:30 a.m. in Court Room #1, 200 North Third Street, Suite 600, Harrisburg,

Pennsylvania 17101 **CONTINUED.**

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**July 6, 1999**

Letter received from attorney for Plaintiff advising that the parties do not object to a continuance and will file an updated status on/or before August 16, 1999.

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**September 17, 1999**

Letter received from attorney for Plaintiff advising that the parties are engaged in settlement negotiations.

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**January 3, 2001**

Letter forwarded to parties requesting status. Response due from parties February 5, 2001.

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**February 5, 2001**

Status Report filed by attorney for attorney for Plaintiff advising that the parties continue to discuss settlement negotiations.

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**August 8, 2001**

Letter forwarded to parties requesting status. Response due from parties September 10, 2001.

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**September 10, 2001**

Status Report filed by attorney for Plaintiff advising that the parties continue discussing settlement negotiations.

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**September 17, 2001**

Letter forwarded to Plaintiff granting Plaintiff's request for a general continuance (one (1) year) to discuss settlement negotiations.

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**September 17, 2002**

Status Report filed by attorney for Plaintiff advising that the parties continue to explore the possibility of settlement. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 22, 2004**

Plaintiff filed Praecipe for Discontinuance. Copy forwarded to



Defendant.

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**December 23, 2004**

Board rendered an Opinion and Order. Order as follows:  
"AND NOW, this 23rd day of December, 2004, upon receipt of a Praecipe For Discontinuance filed by Raymond Pepe, Esquire, docketed with this Board under date of December 22, 2004, it is **ORDERED** and **DIRECTED** that said cases be marked "closed, discontinued and ended with prejudice."

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**January 4, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated December 23, 2004. Receipt of same acknowledged by Plaintiff December 27, 2004.