

Docket Number: 2801

PETER D. HUNT, E. MICHAEL DUGAN,
NANCY R. JOHNSON,
MARILYN J. LABOSKY, MICHELLE M. LOGAN,
CONNIE R. RUSIN AND RHONDA J. SEAMON
Paula J. McDermott, Esquire (Plaintiff)
vs.

GARY GOECKEL, TINA PICKETT AND JANET LEWIS,
BRADFORD COUNTY COMMISSIONERS, AND BRADFORD
COUNTY RETIREMENT BOARD
Robert E. Durrant, Esquire
Michael Palombo, Esquire (Defendant)
vs.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR-S COUNCIL ON DRUG AND ALCOHOL ABUSE,
OFFICE OF THE GOVERNOR OF THE
COMMONWEALTH OF PENNSYLVANIA; DEPARTMENT OF HEALTH,
OFFICE OF HEALTH, OFFICE OF DRUG AND ALCOHOL PROGRAMS,
COMMONWEALTH OF PENNSYLVANIA; AND STATE CIVIL SERVICE
COMMISSION
~~Michael A. Farnan, Deputy Attorney General~~
Linda Lloyd, Deputy Attorney General

CLOSED

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: [unknown]

[September 29, 1997]

Petition for Review/Notice of Appeal Filed.

September 29, 1997

Filed-Other

Matter filed in the Court of Common Pleas of Bradford County and transferred to this Court.

October 7, 1997

Order Filed

Oral argument on the question of the jurisdiction of the Board of Claims to hear this matter is scheduled for October 29, 1997 at 10:00 a.m., via telephone conference call and shall originate from the chambers of a designated judge in Harrisburg.

Ross, S.J. October 8, 1997 Order exit.

EVENT RESULT: Hearing scheduled.

October 29, 1997

Memorandum and Order

Having concluded that jurisdiction is proper in this Court, the Commonwealth respondents shall file an answer to the petition for review by November 19, 1997. Kelton, S.J. Order exit 10-30-97.

November 12, 1997

Application for Reargument
Filed by respondents.

November 12, 1997

Supplemental Appendix

November 18, 1997

Answer and New Matter
To Complaint Joining Additional Defendants.

November 24, 1997

Answer to Application for Reargument filed by Respondent.

November 26, 1997

Answer to Application for Reargument filed by petitioner.

November 26, 1997

Order Filed.

The application for reargument filed by additional respondents is granted and this Court's Order dated 10/29/97 is vacated. This matter shall be submitted on briefs to a panel of judges of this Court. Additional respondents=brief (15 copies) by Jan, 5, 1998. Petitioners=brief (15 copies) in opposition shall be filed 30 days from service of respondents=brief. Original respondents= brief (15 copies) shall be filed concurrent with the brief of the party with whom they are principally aligned. PER CURIAM. Order exit

November 26,1997

Answer to New Matter.

January 5, 1998.

Filed-Other

Brief for Governor's Counsel et al. In support of Transfer to the Board of Claims.

January 23, 1998

Answer to New Matter raised by Additional Respondents filed on behalf of Petitioner.

February 2, 1998

Filed-Other

Brief in opposition to Petition to Transfer.

February 4, 1998

Filed-Other in opposition to additional respondents petition to transfer.

February 19, 1998

Reply Brief filed.

Governor's Council, Atty. Michael A. Farnan

June 24, 1998

Transferred to the Board of Claims. Michael, S.J. (8 pages)

August 28, 1998

Filed-Other

Transferred to the Board of Claims, per order dated June 24, 1998.

***** ALLOCATUR *****

*** OPINION *****

FILED DATE: June 24, 1998

J: Hon. Charles P. Mirarchi Jr.

OPINION: SOB

DATE ARG/SUB: February 20, 1998

OPINION: TYPE: Majority - Reported

September 23, 1998

Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant.

Additional copies of Claim filed with the Board of Claims.

October 20, 1998

Praeipie for Entry of Appearance filed by attorney for Additional Defendant (Michael A. Farnan, Deputy Attorney General). Copy forwarded to attorney for Plaintiff and attorney for Defendant by

attorney for Additional Defendant.

October 21, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT [November 16, 1998]

November 2, 1998

Acceptance of Service of Opinion and Order dated October 21, 1998 received from additional . Receipt of same acknowledged by attorney for Plaintiff October 27, 1998.

November 13, 1998

Acceptance of Service of Claim dated October 21, 1998. Receipt of same acknowledged by attorney for additional Defendant October 26, 1998.

November 20, 1998

Preliminary Objections of Commonwealth Respondent=s and Brief in Support of the Preliminary Objections of the Commonwealth Respondents filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff by attorney for additional Defendant.

December 1, 1998

Letter forwarded to attorney for Plaintiff and Defendant directing them to respond to the additional Defendant=s Preliminary Objections. Response due January 3, 1999.

December 10, 1998

Proposed Order, Claimant=s Preliminary Objections to the Preliminary Objections of Commonwealth Respondents and Claimants= Brief Opposing Preliminary Objections of Commonwealth Respondents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and Additional Defendant by attorney for Plaintiff.

January 25, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of January 1999, upon consideration of Additional Defendants= preliminary objections to the Complaint and Claimant=s preliminary objections to the preliminary objections, and for the reasons set forth in the accompanying opinion, it is **ORDERED** that Additional Defendants= preliminary objections are **OVERRULED** and Claimants preliminary objections are **SUSTAINED**. Copies forwarded to attorney for Plaintiff and

Defendant.

February 1, 1999

Acceptance of Service of Opinion and Order dated January 26, 1999 received from Deputy Attorney General. Receipt of same acknowledged by Deputy Attorney General January 29, 1999.

February 8, 1999

Acceptance of Service of Opinion and Order dated January 26, 1999 received from additional Defendant. Receipt of same acknowledged by additional Defendant February 4, 1999.

April 14, 1999

Petitioners=Answers to Additional Respondents=Request for Production of Documents filed by attorney for Plaintiff. Copies forwarded to attorney for Respondents and Additional Respondents by attorney for Plaintiff.

May 6, 1999

Letter forwarded to attorney for Plaintiff informing them that the Board does not accept discovery material.

August 16, 1999

Claimants=Motion to Compel and for Sanctions against Respondents for Respondents=Failure to Answer Claimants= Interrogatories and Request for Production of Documents Directed to Respondents= filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and Additional Defendant by attorney for Plaintiff.

August 17, 1999

Claimants=Motion to Dismiss Additional Respondents= Objections to Claimants=Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and Additional Defendant by attorney for Plaintiff.

September 9, 1999

Reply/Opposition to Claimants= Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for additional Defendants by attorney for Defendant.

September 9, 1999

Brief in Support of Additional Respondents= Objections to Claimants= Document Requests filed by attorney for Additional Defendants. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendants.

October 5, 1999

Proposed Order and Claimants= Motion to Withdraw without prejudice Claimants= Motion to Dismiss Additional Respondents= Objections to Claimants= Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 3, 1999

The Board rendered the following Order: **AAND NOW**, this 3rd day of November, 1999, it is hereby **ORDERED** and **DECREED** that upon consideration of Claimants= Motion to Withdraw Without Prejudice Claimants= Motion to Dismiss Additional Respondents= Objections to Claimants= Request for Production of Documents, Claimants= Motion is **GRANTED**.@ Copy forwarded to all parties of record.

November 8, 1999

Acceptance of Service of Order dated November 3, 1999 received by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 5, 1999.

November 29, 1999

Acceptance of Service of Order dated November 3, 1999 received from attorney for Defendant (Gary Goeckel). Receipt of same acknowledged by attorney for Defendant (Gary Goeckel) November 23, 1999.

December 16, 1999

Proposed Order, Claimants= Motion to Withdraw Claimants= Motion to Compel and for Sanctions against Respondents for Respondents= Failure to Answer Claimants= Interrogatories and Request for Production of Documents Directed to Respondents filed by attorney for Plaintiff.

January 14, 2000

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 14th day of January, 2000, it is hereby **ORDERED** and **DECREED** that the Motion to Withdraw the Motion for Sanctions is hereby **GRANTED** and the Motion for Sanctions is hereby dismissed as being **MOOT**.@ Copy forwarded to attorneys of record.

January 24, 2000

Acceptance of Service of Opinion and Order dated January 14, 2000 received by attorney for Additional Defendant. Receipt of same acknowledged by Attorney for Additional Defendant January 19, 2000.

February 15, 2000

Acceptance of Service of Opinion and Order dated January 14, 2000 received from attorney for Plaintiff.

Receipt of same acknowledged by attorney for Plaintiff February 10, 2000.

May 26, 2000

Letter forwarded to parties requesting a status report. Due 6/26/00.

June 19, 2000

Letter received from Deputy Attorney General's Office advising that discovery is ongoing. Copy forwarded to Plaintiff by Deputy Attorney General's Office.

June 26, 2000

Letter received from attorney for Additional Defendant advising that discovery is ongoing.

June 26, 2000

Letter received from attorney for Plaintiff advising that they concur with the Additional Defendant's status report.

December 18, 2000

Withdrawal of Appearance of Michael A. Farnan, Deputy Attorney General and Entry of Appearance of Linda Lloyd as counsel for Defendant.

April 27, 2001

Claimant Nancy R. Johnson's Praecipe to Discontinue Action filed by attorney for Plaintiff.

May 15, 2001

The Board made the following Order: **AND NOW**, this 15th day of May 2001 upon receipt of Claimant Nancy Johnson's Praecipe to Discontinue Action requesting the Board to ...@Please mark only this portion of the case discontinued...@executed by Heather M. Faust, Esquire, on behalf of Plaintiff herein, and docketed with this Board under date of April 27, 2001, it is **ORDERED** and **DIRECTED** that only the portion of the case for Claimant Nancy R. Johnson, be marked, Aclosed, ended and discontinued with prejudice@. Copy forwarded to attorney for Plaintiff and Defendant.

May 18, 2001

Acceptance of Service of Order dated May 15, 2001 received from attorney for additional Defendant. Receipt of same acknowledged by attorney for additional Defendant May 16, 2001.

May 29, 2001

Acceptance of Service of Order dated May 15, 2001, received from attorney Defendant. Receipt of same acknowledged by attorney for Defendant 25, 2001.

May 29, 2001

Acceptance of Service of Order dated May 15, 2001 received from Chief Deputy Attorney General.
Receipt of same acknowledged by Chief Deputy Attorney General May 21, 2001.

October 30, 2001

Letter forwarded to parties requesting a status. Due 11/30/01.

November 30, 2001

Letter received from attorney for Plaintiff advising that they are in the process of preparing a detailed settlement demand outlining its position on the issues raised in the above-referenced Claim.

June 13, 2002

Letter forwarded to parties requesting a status report. Response due **7-12-02**.

July 11, 2002

Letter received from attorney for Defendant advising that they have attempted to resolve that they have attempted to resolve this case with written and verbal communications.

July 12, 2002

Letter received from Plaintiff advising that Defendant has not responded to any of their inquiries regarding settlement.

September 5, 2002

Motion to Dismiss Additional Respondents filed by attorney for Additional Defendants.

September 20, 2002

Letter received from Additional Defendant advising that they are in agreement with Defendant's Motion to dismiss them as Additional Defendants.

October 7, 2002

Claimants' Motion to Dismiss Respondents' Motion for failure to file Supporting Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 25, 2002

Brief in Support of Motion to Dismiss Additional Respondents filed by attorney for Additional Defendant.

Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

January 8, 2003

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 8th day of January, 2003, upon consideration of the Respondents=Motion to Dismiss Additional Respondents, the Additional Respondents concurrence in the Motion, and for the reasons set forth in the accompanying opinion, it is **ORDERED** that the Motion be **GRANTED**, the Additional Respondents, the Commonwealth of Pennsylvania, Governor=s Council on Drug and Alcohol Abuse, Office of the Governor of the Commonwealth of Pennsylvania; Department of Health, Office of Health, Office of Drug and Alcohol Programs, Commonwealth of Pennsylvania, and State Civil Service Commission, are hereby **DISMISSED** from this matter. Since the Respondent has complied with the objection raised in Claimants= Motion to Dismiss Respondents= Motion, that motion is deemed moot. Furthermore, this Claim is hereby **TRANSFERRED** to the Court of Common Pleas of Bradford County, Pennsylvania.@ Copy forwarded to all parties of record.

January 14, 2003

Acceptance of Service of Opinion and Order dated January 8, 2003, received from attorney for Defendant.
Receipt of same acknowledged by attorney for Defendant January 10, 2003.

January 23, 2003

Acceptance of Service of Opinion and Order dated January 8, 2003, received from attorney
Additional Defendant. Receipt of same acknowledge by attorney for Additional Defendant
January 13, 2003.