

Docket Number: 2809

PENNSYLVANIA PHARMACIES ASSOCIATION, BELL EDGE PHARMACY, BURNS  
PHARMACY, CAMBRIA PHARMACY #3, ELWYN PHARMACY, ESTERSON PHARMACY,  
HAUSSMANN'S PHARMACY, WELDON PHARMACY, and other, similarly situated  
Pharmacies

Joseph W. Marshall, III, Esquire

\*Gregory L. Liacouras, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Chief Counsel

**October 30, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$93,000,000.00

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**November 5, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT DECEMBER 7, 1998.

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**December 7, 1998**

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

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**CLOSED**

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The Board rendered the following Order: "AND NOW, this 22nd day of December, 1998, the request of the Department of Public Welfare for a ten-day enlargement of time in which to file Defendant's Brief in Support of Preliminary Objections is hereby **GRANTED**. Defendant's Brief shall be filed on or before February 8, 1999."

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**January 8, 1999**

Amended Statement of Class Action Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 9, 1999**

Acceptance of Service of Order dated December 22, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Defendant December 28, 1998.

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**January 13, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of January, 1999, it is **ORDERED** and **DECREED** that the Preliminary Objections filed by the aforementioned Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, are hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that the Defendant herein shall file their response to the Plaintiff's Amended Statement of Class Action Claim (Complaint) within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 21, 1999**

Acceptance of Service of Opinion and Order dated January 13, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 19, 1999.

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**January 21, 1999**

Acceptance of Service of Opinion and Order dated January 13, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 19, 1999.

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**January 25, 1999**

Acceptance of Service of Opinion and Order dated January 13, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 15, 1999.

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**January 25, 1999**

Acceptance of Service of Amended Claim dated January 13, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 15, 1999.

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**February 12, 1999**

Preliminary Objections to Amended Statement of Claim and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 18, 1999**

Letter forwarded to Plaintiff requesting response to Defendant's Preliminary Objections to Amended Statement of Claim and Brief in Support. Response due from Plaintiff March 20, 1999.

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**March 2, 1999**

Status letter received from Plaintiff verifying the briefing schedule .

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**March 18, 1999**

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

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**\*July 23, 1999**

Entry of Appearance of Gregory L. Liacouras as co-counsel on behalf of Plaintiff filed.

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**CLOSED**

August 3, 1999

The Board rendered an opinion and made the following Order: "AND NOW, this 3rd day of August, 1999, upon consideration of the preliminary objections filed by the defendant and the opposition filed by plaintiff, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the preliminary objections are overruled. **FURTHER**, defendant is **ORDERED** to file a response to the Amended Statement of Class Action Claim within thirty (30) days of the exit date of this order." Copy forwarded to attorney for Plaintiff and attorney for Defendant. **Response due from Defendant September 3, 1999.**

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**August 6, 1999**

Acceptance of Service of Opinion and Order dted August 3, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for **Defendant August 4, 1999.**

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**August 11, 1999**

Motion of Plaintiffs' Counsel for Leave to Withdraw filed by attorney for Plaintiff.

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**August 16, 1999**

The Board made the following Order: "**AND NOW**, this 16th day of August, 1999, upon consideration of the Motion of Plaintiffs' Counsel for Leave to Withdraw, it is hereby **ORDERED** and **DECREED** that said petition is **GRANTED** and that petitioner, R. Christopher Raphaely, be permitted to withdraw his appearance of record for the plaintiffs in the above matter." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Christopher Raphaely, Esquire.

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**August 18, 1999**

Motion of Defendant for Reconsideration and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Plaintiff. Response due from Plaintiff September 23, 1999.

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**August 18, 1999**

Acceptance of Service of Opinion and Order dated August 3, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 16, 1999.

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**August 24, 1999**

Acceptance of Service of Order dated August 16, 1999 received from attorney for Defendant (DPW). Receipt of same acknowledged by attorney for Defendant August 18, 1999.

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**August 25, 1999**

Acceptance of Service of Order dated August 16, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 23, 1999.

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**August 25, 1999**

Response of Plaintiffs to Defendant's Motion for Reconsideration as well as Brief in Support filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

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**August 31, 1999**

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

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**August 31, 1999**

Motion for Extension of Time as well as Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 22, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of September, 1999, upon consideration of the defendant's motion for reconsideration of the Board's opinion and order of August 3, 1999 and the opposition filed by the plaintiffs, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the motion is **GRANTED. FURTHER, IT IS ORDERED** that this Board's opinion and order of August 3, 1999 is modified to sustain the defendant's preliminary objection based upon plaintiffs' failure to exhaust their administrative remedies, that the defendant is to provide expedited administrative review of plaintiffs' claims, and that this action is dismissed without prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**CLOSED**  
September 22, 1999  
Acceptance of Service of Opinion and Order dated September 22, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 1999.  
**October 8, 1999**

Acceptance of Service of Opinion and Order dated September 22, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 1, 1999.