

Docket Number: 3562

ANTHONY S. JOHNSON

Anthony S. Johnson, Pro Se

VS.

COMMONWEALTH OF PENNSYLVANIA
~~DEPARTMENT OF CORRECTIONS, WILLIAM WOLFE, SUPERINTENDENT OF THE~~
~~STATE CORRECTIONAL INSTITUTE AT ALBION, V.L. KORMANIC, PATRICK~~
~~BRADY, DARRELL ELLIOTT, ADAM CHEEK AND JAMES BENTLY~~

~~Michael A. Farnan, Chief Counsel~~
~~Michael J. McGovern, Assistant Counsel~~
~~William E. Fairall, Jr., Deputy Chief Counsel~~

November 12, 2002

Claim and filing fee filed by Plaintiff. Amount of Claim: Not specified.

November 12, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 12/12/02.

November 19, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 15, 2002.

November 3, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 2, 2002.

December 2, 2002

Motion for Leave to Re-File Complaint filed by Plaintiff.

December 12, 2002

Letter received from attorney for Defendant concurring with Plaintiff that an Amended Complaint may assist in delineating the issues.

December 18, 2002

Letter received from Plaintiff clarifying that he does not want to file an Amended Complaint, but that he wants to re-file the Complaint.

January 23, 2003

Letter forwarded to Plaintiff, with copy to attorney for Defendant, advising that the Board will not take any action on Plaintiff's motion to re-file complaint.

February 3, 2003

Letter received from Plaintiff advising that Plaintiff does not wish to dismiss the action, and will file an amended complaint within the next couple of days.

February 13, 2003

*Amended Complaint filed by Plaintiff. Amount of Claim: \$392.93+.

February 21, 2003

Copy of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General. **Response due from Defendant 3/24/03.**

February 27, 2003

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 26, 2003.

March 3, 2003

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 25, 2003.

March 20, 2003

Defendants= Preliminary Objections to Plaintiff's First Amended Complaint and Brief in Support filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant. Plaintiff's Response & Brief in Opposition due 4/23/03.

June 4, 2003

Board issued Opinion and Order. Order as follows: **AAND NOW**, this 4th day of June, 2003, a Rule is entered upon Plaintiff to show cause why the relief requested in Defendant's Preliminary Objections should not be granted. Failure to provide a response within twenty (20) days from the date of this Order may result in the relief requested by Defendant being granted by the Board.@ Copy forwarded to Plaintiff and Defendant.

June 9, 2003

Defendant filed Acceptance of Service of Opinion and Order dated June 4, 2003. Receipt of same acknowledged by Defendant June 6, 2003.

June 13, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated June 10, 2003. Receipt of same acknowledged by Plaintiff June 10, 2003.

July 28, 2003

Plaintiff filed a letter and grievance as filed with the Department of Corrections.

August 11, 2003

Board issued an Opinion and Order. Order as follows: **AAND NOW**, this 11th day of August, 2003, Plaintiff is hereby **DIRECTED** and **ORDERED** to respond to Defendant's Preliminary Objections within sixty (60) days of the exit date of this Order. Failure to do so may result in the Board granting Defendant's requested relief.@ Copy forwarded to Plaintiff and Defendant.

August 21, 2003

Defendant filed Acceptance of Service of Opinion and Order dated August 11, 2003. Receipt of same acknowledged August 20, 2003.

August 22, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated August 11, 2003. Receipt of same acknowledged August 18, 2003.

October 16, 2003

Plaintiff filed Response to the Defendant's Preliminary Objections.

February 2, 2004

Plaintiff filed a letter requesting the status of this case and advising that he will be moving for summary judgment.

February 4, 2004

Board rendered an Opinion and Order. Order as follows: **AAND NOW**, this 4th day of February, 2004, based upon a review of the Briefs of the parties, it is hereby **ORDERED** and **DECREED** that the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Corrections, are hereby **GRANTED** with respect to Counts 2, 3 and 4, of the Complaint filed by Plaintiff, Anthony S. Johnson. These Counts shall be stricken from Plaintiff's Complaint. Count 1 shall survive these Preliminary Objections. Defendant is hereby **ORDERED** to file a responsive pleading to Count 1 within thirty (30) days of the exit date of this Order.@ Copy forwarded to Plaintiff and Defendant.

February 5, 2004

Plaintiff filed Motion for Summary Judgment.

February 10, 2004

Defendant filed Acceptance of Service of Opinion and Order dated February 4, 2004. Receipt of same acknowledged by Defendant February 9, 2004.

February 11, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated February 4, 2004. Receipt of same acknowledged by Plaintiff February 6, 2004.

February 25, 2004

Plaintiff filed Pleading for Supersedeas on Motion for Summary Judgment.

March 2, 2004

Defendant filed Answer to Plaintiff's Amended Complaint.

March 12, 2004

Board forwarded letter directing parties to commence with discovery.

March 22, 2004

Defendant filed Motion for Leave to Depose Plaintiff and a Proposed Order.

March 24, 2004

Plaintiff filed a letter advising that Plaintiff would like to depose Defendant, Patrick Brady.

April 14, 2004

Plaintiff filed Brief in Support of Motion for Summary Judgment upon Default.

May 12, 2004

Defendant filed Brief in Opposition to Plaintiff's Motion for Summary Judgment.

June 3, 2004

Plaintiff filed a Motion for Extension of Time to Reply to Motion in Opposition of Summary Judgment.

June 8, 2004

Board forwarded letter to Plaintiff, with copy to Defendant granting a 30 day extension of time for Plaintiff to file a Reply to Brief in Opposition of Plaintiff's Motion for Summary Judgment.

July 9, 2004

Plaintiff filed Brief in response to Defendant's Brief in Opposition to Motion for Summary Judgment.

July 27, 2004

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 27th day of July, 2004, after review of the Briefs in the above captioned matter, the Motion for Summary Judgment of the Plaintiff, Anthony Johnson, against the Defendant, Commonwealth of Pennsylvania, Department of Corrections, is hereby **DENIED**.@ Copy forwarded to Plaintiff and Defendant.

August 4, 2004

Defendant filed Acceptance of Service of Opinion and Order dated July 27, 2004. Receipt of same acknowledged August 2, 2004.

August 9, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated July 27, 2004. Receipt of same acknowledged August 4, 2004.

August 20, 2004

Plaintiff filed Application to Amend Order to Include Statement Specified in 42 Pa. C.S. '702(b).

August 30, 2004

Plaintiff filed Petition for Permission to Appeal from Interlocutory Order.

September 9, 2004

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 9th day of September, 2004, Plaintiff's Motion for Leave to Depose Defendant, Patrick Brady, is hereby **GRANTED.** The Defendants' Motion for Leave to Depose Plaintiff, Anthony S. Johnson is hereby **GRANTED.** Both depositions shall be taken in accordance with the guidelines as described in the accompanying Opinion." Copy forwarded to Plaintiff and Defendant.

September 21, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated September 9, 2004. Receipt of same acknowledged September 15, 2004.

September 23, 2004

Defendant filed Acceptance of Service of Opinion and Order dated September 9, 2004. Receipt of same acknowledged September 22, 2004.

September 30, 2004

Plaintiff filed an Application for Stay of the Proceedings Pending Appeal.

October 20, 2004

Plaintiff filed a courtesy copy of its Petition for Allowance of Appeal as filed in the Supreme Court of PA Western District.

October 21, 2004

Supreme Court filed Notice of Petition for Allowance of Appeal.

December 15, 2004

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 15th day of December, 2004, upon consideration of the plaintiff's application for a stay of proceedings pending appeal, it is **ORDERED** that plaintiff's application is **DENIED** for the reasons stated in the accompanying opinion." Copy forwarded to Plaintiff and Defendant.

December 20, 2004

Defendant filed Acceptance of Service of Opinion and Order dated December 15, 2004. Receipt of same acknowledged December 17, 2004.

December 23, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated December 15, 2004. Receipt of same acknowledged December 19, 2004.

February 18, 2005

Supreme Court Order received. Order as follows: "**AND NOW**, this 16th day of February, 2005, the Petition for Allowance of Appeal is hereby DENIED."

June 9, 2005

Defendant filed Notice of Deposition and Subpoena Duces Tecum of Patrick Brady.

June 9, 2005

Defendant filed Notice of Deposition and Subpoena Duces Tecum of Anthony Johnson.

August 11, 2005

Plaintiff filed Motion for Sanctions and Brief in Support. [09A090805D]

August 31, 2005

Plaintiff filed letter advising that there was a typographical error in the Board's letter of August 15, 2005, the Board stated that Defendant filed a Motion for Sanctions, when it was the Plaintiff that filed the Motion for Sanctions.

September 6, 2005

Defendant filed Response to Motion for Sanctions and Alleged Waiver and Brief in Support.

September 20, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 20th day of September, 2005, upon consideration of Plaintiff's Motion for Sanctions and Waiver of Defense of the July 27, 2004 Motion for Summary Judgment and Supporting Brief, and Defendant's Answer and Opposition Brief, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motions are **DENIED.**" Copy forwarded to Plaintiff and Defendant.

September 28, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 20, 2005. Receipt of same acknowledged September 22, 2005.

September 29, 2005

Defendant filed Acceptance of Service of Opinion and Order dated September 20, 2005. Receipt of same acknowledged September 27, 2005.

October 17, 2005

Plaintiff filed Motion for Reconsideration to the Board's Order of September 20, 2005, as it related to the Plaintiff's request for Admissions and the Board's Error in determining the Defendants' Timeliness in Responding. [09A101805D]

November 2, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 2nd day of November, 2005, upon consideration of the Plaintiff's Motion for Reconsideration, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion for Reconsideration of the Board's September 20, 2005 Order is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

November 8, 2005

Defendant filed Acceptance of Service of Opinion and Order dated November 2, 2005. Receipt of same acknowledged November 8, 2005.

November 9, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated November 2, 2005. Receipt of same acknowledged November 4, 2005.

December 7, 2005

Plaintiff filed Motion to Compel Answers to Interrogatories, Request for Admissions and Production of Documents.

December 30, 2005

Defendant filed Defendant Patrick Brady's Response to Plaintiff's Motion to Compel Discovery.

February 9, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 9th day of February, 2006, it is **ORDERED** and **DECREED** that the Motion to Compel Answers to Interrogatories, Request for Admissions and Production of Documents is **GRANTED** in part and **DENIED** in part. Commonwealth of Pennsylvania, Department of Corrections and Patrick Brady shall have 30 days from the exit date of this Order to provide the documents requested by the Plaintiff in the June 23, 2005 written Interrogatories and Request for Production of Documents without objection. Plaintiff's Motion to Compel Answers to Interrogatories from his June 23, 2005 request is **DENIED** in that the Defendant has adequately answered said Interrogatories. Defendant is also directed to provide answers including objections compliant with Pa. R.C.P. 4006 to the request for the production of documents contained in the Plaintiff's, Anthony Johnson's, letter of September 30, 2005, within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

February 16, 2006

Plaintiff filed a change of address advising that he has been moved to another facility.

March 1, 2006

Plaintiff filed acceptance of service of Opinion and Order dated February 9, 2006. Receipt of same acknowledged February 21, 2006.

March 8, 2006

Defendant filed Supplemental Response to Interrogatories and Request for Production of Documents.

March 8, 2006

Defendant filed Answers and Objections to Discovery Request.

March 8, 2006

Defendant filed Response to Subpoena Duces Tecum.

March 27, 2006

Plaintiff filed Motion for Extension of Time of 30 days to file a response to Defendant's answers and objections to discovery request and to file Motion for Sanctions.

April 26, 2006

Plaintiff filed Brief in Opposition to Defendant's Answers and Objections to Discovery Request of September 30, 2005. [09A052306D]

May 1, 2006

Board forwarded letter to Defendant advising that Board is treating Plaintiff's Brief in Opposition to Defendant's Answers and Objections to Discovery Request as a Motion to Compel and requesting that if Defendant opposes said motion, Defendant file a response within 30 days.

May 23, 2006

Defendant filed Brief in Opposition to Plaintiff's Motion to Compel Discovery.

June 5, 2006

Plaintiff filed letter advising that Plaintiff was transferred back to SCI Albion, 10745 Route 18, Albion, Pa 16475.

June 12, 2006

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 12th day of June, 2006, upon consideration of Plaintiff's motion to compel, said motion to compel is **GRANTED** in part and **DENIED** in part. The motion is **GRANTED** to the extent that Defendant is required to produce two sets of the administrative documents 6.3.1 and 7.8.1 and the Plaintiff's support team hearing record of October 31, 2001, along with any and all notes and supplemental paperwork to the Board in compliance with this Opinion, for in camera inspection by the Board within 30 days of the exit date of this Order. The motion is **DENIED** to the extent that the Defendant does not have to produce the last known addresses of Timothy Hametz and Laura Kauffman. However, counsel for Defendant is directed to exert his best effort to forward any/all discovery requests provided to him by Plaintiff to said individuals during the pendency of this action." Copy forwarded to Plaintiff and Defendant.

June 19, 2006

Plaintiff filed Acceptance of Service of the Opinion and Order dated June 12, 2006. Receipt of same acknowledged on June 15, 2006.

July 11, 2006

Defendant filed redacted documents previously provided to Plaintiff, copies of Department of Corrections' policies 06.03.01 and 07.08.01 and notes from the support team hearing of October 31, 2001, as required by the Board's June 12, 2006 Order.[09A071306]

August 2, 2006

Board rendered an Opinion and Order. Order as follows: **AND NOW,** this 2nd day of August, 2006, after reviewing the documents provided by the Defendant, the Defendant is hereby **ORDERED** to provide Plaintiff with a copy of the support team hearing records other than DC-46 and DC-14) as well as Subsection I (Storage of Property) of Section 20, Policy 6.3.1. The remaining sections of policies 6.3.1 and 7.8.1 and the support team hearing records need not be provided to the Plaintiff. Copy forwarded to Plaintiff and Defendant.

August 10, 2006

Plaintiff filed Acceptance of Service of the Opinion and Order dated August 2, 2006. Receipt of same acknowledged on August 7, 2006.

August 31, 2006

Defendant filed Response to Plaintiff's Discovery Requests in Accordance with the Board of Claims Order of August 2, 2006.

November 15, 2006

Plaintiff filed Certificate of Service of Interrogatories to a witness, Timothy Hametz.

November 15, 2006

Plaintiff filed Certificate of Service of Interrogatories to a witness, Laura Kauffman.

November 15, 2006

Plaintiff filed Certificate of Service of Plaintiff's Second Set of Interrogatories and Request for Defense.

December 11, 2006

Plaintiff filed Brief in Opposition to Defendant's Objections to Plaintiff's Second Set of Written Interrogatories to Patrick Brady.

December 15, 2006

The Board rendered an Order. Order as follows: **"AND NOW,** this 14th day of December, 2006, it is **ORDERED** and **DECREED** that Plaintiff's "Motion" is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

December 21, 2006

Defendant filed Acceptance of Service of Opinion and Order dated December 18, 2006. Receipt of same acknowledged on December 19, 2006.

December 26, 2006

Plaintiff filed Acceptance of Service of the Opinion and Order dated December 18, 2006. Receipt of same acknowledged on December 20, 2006.

January 25, 2007

Plaintiff filed a Motion to Compel Answers to Second Set of Interrogatories Purposed to Patrick Brady. [06A022207D]

February 20, 2007

Defendant filed Brief in Opposition to Motion to Compel Discovery.

March 7, 2007

The Board rendered an Order. Order as follows: **AND NOW**, this 7th day of March, 2007, it is **ORDERED** and **DECREED** that the motion to compel answers to second set of interrogatories submitted to Patrick Brady is **GRANTED** in part and **DENIED** in part. The Plaintiff's motion is **GRANTED** in reference to questions numbered three, four, six, eight and nine of his second set of written interrogatories to Patrick Brady. The Plaintiff's motion to compel answers to the remaining questions in the second set of interrogatories is **DENIED**. Accordingly, the Commonwealth of Pennsylvania, Department of Corrections, and Patrick Brady are **ORDERED** to answer in full questions three, four, six, eight and nine of the second set of written interrogatories within 20 days from the exit date of this Order. Copy to Plaintiff and Defendant.

March 14, 2007

Defendant filed Acceptance of Service of Opinion and Order dated March 7, 2007. Receipt of same acknowledged on March 12, 2007.

March 19, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated March 7, 2007. Receipt of same acknowledged on March 13, 2007.

April 5, 2007

Plaintiff filed a Certificate of Service of a letter sent to Defendant stating that the Defendant failed to answer the correct interrogatory as ordered by the Board and that the Defendant also failed to have the requisite "sworn verification" attached.

June 21, 2007

Plaintiff filed Motion for Sanctions against the Defendants for Violations to the Board of Claims Order of March 7, 2007 and Brief in Support.

July 5, 2007

Defendant filed Reponse to Plaintiff's Motion for Sanctions.

July 13, 2007

Plaintiff filed a letter requesting that the Board send him a copy of Plaintiff's Second Set of Written Interrogatories submitted to Patrick Brady as he has misplaced his copy.

July 16, 2007

Board forwarded letter to Plaintiff stating that we are not a repository for discovery requests and that he should refer to B.O.C. R.P. 401(a). Copy forwarded to Defendant.

July 25, 2007

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 25th day of July, 2007, it is **ORDERED** and **DECREED** that Plaintiff's motion for sanctions is **DENIED**." Copy forwarded to Plaintiff and Defendant.

July 26, 2007

Plaintiff filed Counter Reply to Defendant's Response to Plaintiff's Motion for Sanctions.

August 1, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2007. Receipt of same acknowledged on July 27, 2007.

August 13, 2007

Plaintiff filed Motion to Modify Order of July 25, 2007 to include statement specified in 42 Pa.C.S.A. § 702.

August 20, 2007

Board rendered Order. Order as follows: **"AND NOW**, this 20th day of August, 2007, it is **ORDERED** and **DECREED** that Plaintiff's motion to modify order of July 25, 2007 is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

August 29, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated August 20, 2007. Receipt of same acknowledged on August 24, 2007.

September 4, 2008

Plaintiff filed Motion to End Discovery and Schedule for Trial.

September 5, 2008

Letter forwarded to parties requesting scheduling information.

September 22, 2008

Plaintiff filed Proposed Scheduling Order.

December 2, 2008

Board rendered Scheduling Order. Order as follows: **"AND NOW**, this 2nd day of December, 2008, it is hereby **ORDERED** and **DECREED** as follows: 1. All discovery, including exchange of any expert reports, shall be completed by January 26, 2009;¹ 2. The last day for filing pre-trial motions is February 9, 2009;² 3. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 2, 2009 (Please note BOC R.P. 501(b) and (c)(3)); 4. This matter is set for hearing by video conference beginning on Wednesday, April 8, 2009, at 9:30 a.m. and continuing until concluded. Arrangements for the parties to participate and to present testimony, documents or other evidence at the hearing by video conference will be made by the Board and communicated to the parties following receipt of the pre-trial statements." Copy forwarded to all parties of record.

December 12, 2008

Plaintiff filed Acceptance of Service of Scheduling Order dated December 2, 2008. Receipt of same acknowledged on December 6, 2008.

December 18, 2008

Defendant filed Acceptance of Service of Scheduling Order dated December 2, 2008. Receipt of same acknowledged on December 12, 2008.

February 9, 2009

Defendant filed Motion to Dismiss the Claim of Anthony Johnson as a Matter of Law for Lack of Subject Matter Jurisdiction, Brief in Support and Proposed Order. [01A030309D]

February 11, 2009

Board forwarded letter to Plaintiff requesting response to Defendant's Motion.

February 11, 2009

Plaintiff filed Motion for Appointment of Counsel. [01A030309D]

February 11, 2009

Plaintiff filed Motion for Extension of Time to File Pre-Trial Motions. [01A030309D]

February 11, 2009

Board forwarded letter to Plaintiff requesting response to Defendant's Motion to Dismiss.

February 11, 2009

Board forwarded letter to Defendant requesting response to Plaintiff's Motion for Extension of Time and Request for Counsel.

February 20, 2009

Plaintiff filed letter stating that he has not heard from the Department of Corrections regarding pre-trial statements. He was visited by a Ms. Malinda Adams (Superintendents Assistant) and felt that their settlement offer was insulting.

March 2, 2009

Defendant filed Pre-Hearing Memorandum Filed on Behalf of Defendant Patrick Brady.

March 2, 2009

Defendant filed Response to Motion for Extension of Time to File Pretrial Motions and Motion for Appointment of Counsel and Brief in Support.

March 5, 2009

Plaintiff filed Pre-Trial Statement.

March 5, 2009

Plaintiff filed Response to Defendants' Motion to Dismiss Claim for Lack of Subject Matter Jurisdiction and Brief in Support.

March 13, 2009

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 13th day of March, 2009, it is **ORDERED** that Anthony S. Johnson's motion for extension of time to file pre-trial motions is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

March 13, 2009

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 13th day of March, 2009, it is **ORDERED** that Anthony S. Johnson's motion for appointment of counsel is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

March 17, 2009

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 17th day of March, 2009, it is **ORDERED** that the motion of the Department of Corrections to dismiss the claim of Anthony Johnson for lack of subject matter jurisdiction is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

March 20, 2009

Defendant filed Acceptance of Service of Opinion and Order dated March 13, 2009. Receipt of same acknowledged on March 19, 2009.

March 20, 2009

Defendant filed Acceptance of Service of Opinion and Order dated March 13, 2009. Receipt of same acknowledged on March 19, 2009.

March 20, 2009

Defendant filed Acceptance of Service of Opinion and Order dated March 17, 2009. Receipt of same acknowledged on March 19, 2009.

March 23, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated March 13, 2009. Receipt of same acknowledged on March 18, 2009.

March 23, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated March 13, 2009. Receipt of same acknowledged on March 17, 2009.

March 25, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated March 17, 2009. Receipt of same acknowledged on March 20, 2009.

April 3, 2009

Defendant filed Petition for Review in the Nature of a Request for a Writ of Prohibition, Application for Summary Relief and a Proposed Order.

April 8, 2009

Commonwealth Court Order Received. Order as follows: "NOW, April 6, 2009, upon consideration of Petitioner's application for summary relief, it appears to the Court that Petitioner has not established a clear right to relief and the application is denied."

April 8, 2009

Panel hearing held on April 8, 2009. Case settled. Awaiting testimony.

April 13, 2009

Plaintiff filed a letter stating that he would like to withdraw his settlement agreement and schedule a new hearing due to the records from Commonwealth Court that denied the Department of Corrections Motion for Summary Relief and that he did not receive it until after the hearing was held.

April 15, 2009

Testimony of panel hearing held April 8, 2009 filed.

April 16, 2009

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 16th day of April, 2009, it is **ORDERED** that the motion of the Plaintiff, Anthony Johnson, for withdrawal of his settlement agreement as entered on the record of the hearing in this matter held on April 8, 2009, is hereby **DENIED.**" Copy forwarded to Plaintiff and Defendant.

April 16, 2009

Defendant filed Praecipe to Settle, Discontinue and End.

April 16, 2009

Defendant filed Suggestion of Mootness as filed in Commonwealth Court.

April 17, 2009

Board forwarded copy of testimony of panel hearing held April 8, 2009 to Defendant.

April 21, 2009

Defendant filed Acceptance of Service of Opinion and Order dated April 16, 2009. Receipt of same acknowledged on April 20, 2009.

April 21, 2009

Defendant filed Acceptance of Service of Testimony dated April 17, 2009. Receipt of same acknowledged on April 20, 2009.

April 23, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated April 16, 2009. Receipt of same acknowledged on April 20, 2009.

November 10, 2009

Commonwealth Court issued Order. Order as follows: "NOW, November 6, 2009, upon consideration of the suggestion of mootness filed by the Department of Corrections, the Chief Clerk shall mark the above-captioned matter closed.

