

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 294 MD 2012

Page 1 of 5

May 23, 2018

**CAPTION**

Anthony Jones
and Nathaniel Pearson,
Petitioners
v.
Penn Delco School District,
Respondent

CASE INFORMATION

Initiating Document: Complaint

Case Status: Closed

Case Processing Status: March 4, 2015 Completed

Journal Number: 41-09-2012

Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES**RELATED CASES**

Docket No / Reason	Type
410 CD 2012 Similar Issue(s)	Related
789 CD 2012 Similar Issue(s)	Related
210 MD 2012 Similar Issue(s)	Related

COUNSEL INFORMATION**Petitioner Pearson, Nathaniel**

Pro Se: No

IFP Status:

Attorney: Dwyer, Annemarie
Law Firm: PA State Education Association (PSEA)
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West Chester, PA 19380
Phone No: (610) 425-3125 Fax No: (610) 430-0596

Petitioner Jones, Anthony

Pro Se: No

IFP Status:

Attorney: Dwyer, Annemarie
Law Firm: PA State Education Association (PSEA)
Address: 1512 McDaniel Dr
West Chester, PA 19380
Phone No: (610) 425-3125 Fax No: (610) 430-0596

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 294 MD 2012

Page 2 of 5

May 23, 2018

**COUNSEL INFORMATION****Other Department of Education**

Pro Se: No

IFP Status:

Attorney: Hopkirk, Howard Greeley
 Law Firm: PA Office of Attorney General
 Address: Civil Litigation Section
 Strawberry Square, 15th Floor
 Harrisburg, PA 17120

Attorney: Neuhauser, Gregory R.
 Law Firm: PA Office of Attorney General
 Address: Ofc of Attorney General
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 Harrisburg, PA 17120

Phone No: (717) 787-8106 Fax No: (717) 772-4526

Respondent Penn Delco School District

Pro Se: No

IFP Status:

Attorney: Puppio, Michael Vincent, Jr.
 Address: 19 W Third St
 Media, PA 19063

Phone No: (610) 891-6710 Fax No:

Attorney: Meehan, Katherine Huff
 Law Firm: Raffaele & Puppio, L.L.P.
 Address: 19 W 3rd St
 Media, PA 19063

Phone No: (610) 891-6710 Fax No: (610) 891-9985

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
04/19/2012	Transfer	50.00	05/07/2012	2012-CMW-H-001224	50.00

AGENCY/TRIAL COURT INFORMATION

Court Below:

County:

Order Appealed From:

Documents Received: April 5, 2012

Order Type:

OTN(s):

Lower Ct Docket No(s): 12-001210

Lower Ct Judge(s):

Division:

Judicial District:

Notice of Appeal Filed:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:**BRIEFING SCHEDULE**

Miscellaneous Docket Sheet

Docket Number: 294 MD 2012

Page 3 of 5

May 23, 2018



BRIEFING SCHEDULE

Other

Department of Education

Ancillary Brief

Due: June 22, 2012

Filed: June 21, 2012

Due:

Filed: August 7, 2012

Petitioner

Jones, Anthony

Brief

Due: July 23, 2012

Filed: July 20, 2012

Pearson, Nathaniel

Brief

Due: July 23, 2012

Filed: July 20, 2012

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 10, 2012	Complaint Filed Jones, Anthony Pearson, Nathaniel		Petitioner Petitioner	
February 16, 2012	Order - Transfer to Commonwealth Court Lower Court or Agency			02/21/2012
April 19, 2012	Notice Exited Commonwealth Court Filing Office			04/19/2012
April 26, 2012	Answer to Complaint Penn Delco School District Document Name: Defendant, Penn-Delco School District's Answer to Plaintiff's Complaint		Respondent	
May 3, 2012	Preliminary Objections Department of Education Document Name: PA Dept. of Education's P.O.'s to the PFR		Other	
May 7, 2012	Order Filed Oler, J. Wesley, Jr. Document Name: Briefs in support of the POs filed by Dept. of Ed. (15 copies) shall be filed and served by 6-7-12. Comment: Briefs in opposition to POs (15 copies) shall be filed and served not later than 30 days following service of the Dept.'s brief. The chief clerk is directed to list this matter on the next available argument list in HBG.			05/08/2012
June 1, 2012	Application for Extension of Time to File Other Ancillary Brief Hopkirk, Howard Greeley Department of Education		Other	
June 4, 2012	Send Back for Correction Commonwealth Court Filing Office Document Name: Brief Ext. Request needs to be motion with service since an order issued the briefing schedule.			06/04/2012

Miscellaneous Docket Sheet

Docket Number: 294 MD 2012

Page 4 of 5

May 23, 2018



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 6, 2012	Complied with Sendback Hopkirk, Howard Greeley	Department of Education	Other	
	Document Name: Sent Motion for Brief Ext. Request			
June 7, 2012	Order Granting Application for Extension of Time to File Paperbook Per Curiam			06/08/2012
	Document Name: PA Dept. of Ed.'s brief (15 copies) shall be filed & served by 6/22/12.			
June 21, 2012	Other Ancillary Brief Filed Hopkirk, Howard Greeley	Department of Education	Other	
	Document Name: In support of P.O.'s			
June 27, 2012	Tentative Argument Krimmel, Michael			
	Document Name: September 2012 (Harrisburg)			
July 20, 2012	Petitioner's Brief Filed Dwyer, Annemarie	Jones, Anthony	Petitioner	
	Dwyer, Annemarie	Pearson, Nathaniel	Petitioner	
August 2, 2012	Argument Scheduled Krimmel, Michael			08/02/2012
	Document Name: Wednesday, 9-12-12, 9:30 am, En Banc, CR 5001, PJC, HBG. No. 41 on list.			
August 7, 2012	Other Ancillary Brief Filed Hopkirk, Howard Greeley	Department of Education	Other	
August 8, 2012	Order Filed Per Curiam			08/09/2012
	Document Name: The above-captioned matters (210, 294 MD 2012 and 789 CD 2012) are listed for oral argument seriatim			
	Comment: before the Court sitting en banc on 9/12/12. 40 min. total argument time has been set aside for these matters. Counsel for Dept. of Ed. shall have 20 min. in which to argue its position in the three matters. Counsel for Pet.'s in 210 and 294 MD 2012 and counsel for Appellee in 789 CD 2012 shall share 20 min. to be allocated among themselves, in which to argue their respective positions in the three matters.			
December 13, 2012	Opinion Pellegrini, Dan			12/13/2012
	Document Name: Memorandum Opinion (36 pages) : The PO filed by the Dept. of Ed. to Count I of the complaint filed			
	Comment: by Anthony Jones and Nathaniel Pearson and Count I of the complaint are dismissed; the Dept.'s PO filed to Count II of Jones' and Pearson's complaint is overruled and the Dept. is directed to file an answer to Count II of the complaint within 30 days; and the Dept's POs to Counts III and IV of Jones' and Pearson's complaint are sustained and Counts III and IV of the complaint is dismissed.			
January 14, 2013	Application for Stay Hopkirk, Howard Greeley	Department of Education	Other	
January 16, 2013	Order Granting Application for Stay Pellegrini, Dan			01/17/2013
	Document Name: The matter is stayed for 60 days so that the parties may pursue a negotiated settlement.			

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 294 MD 2012****Page 5 of 5****May 23, 2018****DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 15, 2013	Application for Relief Hopkirk, Howard Greeley Neuhauser, Gregory R.	Department of Education Department of Education	Other Other	
	Document Name: PA Dept. of Ed.'s Motion to Continue the Stay in this Matter for an Additional 60 Days			
April 8, 2013	Order Granting Application for Relief Pellegrini, Dan			04/09/2013
	Document Name: It is hereby Ordered that the matter is stayed until 5/15/13, so that the parties may pursue a Comment: negotiated settlement in this case. If the matter is not settled, the Dept. of Ed. shall file its Answer by 5/24/13.			
May 24, 2013	Answer to Complaint Hopkirk, Howard Greeley	Department of Education	Other	
	Document Name: PA Dept. of Education's Answer to Complaint seeking declaratory judgment.			
March 4, 2015	Praecipe for Discontinuance Dwyer, Annemarie Dwyer, Annemarie	Jones, Anthony Pearson, Nathaniel	Petitioner Petitioner	
March 4, 2015	Notice of Discontinuance Krimmel, Michael			03/04/2015
March 4, 2015	Discontinued Dwyer, Annemarie Dwyer, Annemarie	Jones, Anthony Pearson, Nathaniel	Petitioner Petitioner	03/04/2015

SESSION INFORMATION

Journal Number: 41-09-2012
 Consideration Type: En Banc Argument
 Listed/Submitted Date: September 12, 2012

Panel Composition:

The Honorable Dan Pellegrini	President Judge
The Honorable Bernard L. McGinley	Judge
The Honorable Renee Cohn Jubelirer	Judge
The Honorable Robert E. Simpson	Judge
The Honorable P. Kevin Brobson	Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Anne E. Covey	Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Dwyer, Annemarie
Category:	Disposed Before Decision	Disposition Date:	March 4, 2015
Disposition:	Discontinued	Filing Author:	
Dispositional Filing:			
Filed Date:			