

Miscellaneous Docket Sheet

Docket Number: 271 MD 2021

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November 22, 2024



CAPTION

Drug and Alcohol Service Providers
Organization of Pennsylvania,
Petitioner

v.

Commonwealth of Pennsylvania,
Department of Drug and Alcohol
Programs and Commonwealth of
Pennsylvania, Department of Human
Services,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: January 28, 2022 Completed

Journal Number:

Case Category: Miscellaneous Case Type(s): Equity

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Drug and Alcohol Service Providers Organization of Pennsylvania

Pro Se: No

IFP Status:

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Attorney: Cohen, Noah Samuel
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COUNSEL INFORMATION

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Pro Se: No

IFP Status:

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Law Firm: Department of Human Services
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Law Firm: Department of Human Services
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Phone No: (717) 783-2800 Fax No:

Attorney: Weber, Justin G.
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Phone No: (717) 255-1170 Fax No:

Attorney: Callaway, Brian Harris
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Commonwealth Court of Pennsylvania

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**COUNSEL INFORMATION**

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 Pro Se: No
 IFP Status:

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 Phone No: (717) 255-1170 Fax No:

Attorney: Callaway, Brian Harris
 Law Firm: Troutman Pepper Hamilton Sanders LLP
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 Phone No: (267) 614-4048 Fax No:

Attorney: Carr, Peter
 Law Firm: Ahmad Zaffarese LLC
 Address: 1 S Broad St Ste 1801
 Philadelphia, PA 19107
 Phone No: (215) 496-9373 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/12/2021	Miscellaneous Docket Filing Fee	70.25	08/12/2021	2021-CMW-H-001438	70.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
 Order Type:
 Documents Received: August 12, 2021

Court Below:
 County: Division:
 Judge: OTN:
 Docket Number: Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

Petitioner	Respondent
Drug and Alcohol Service Providers Organization of Pennsylvania	Department of Drug and Alcohol Programs Brief

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BRIEFING SCHEDULE

Petitioner		Respondent	
Drug and Alcohol Service Providers Organization of Pennsylvania Brief		Department of Drug and Alcohol Programs Brief	
Due:	Filed: November 8, 2021	Due: November 29, 2021	Filed: November 29, 2021
Due: December 29, 2021	Filed: December 29, 2021	Reply Brief	
		Due:	Filed: January 12, 2022
		Department of Human Services Brief	
		Reply Brief	
		Due:	Filed: January 12, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 12, 2021	Petition for Review Filed Drug and Alcohol Service Providers Organization of Pennsylvania		Petitioner	
August 12, 2021	Notice Exited Commonwealth Court Filing Office			08/12/2021
September 15, 2021	Application for Relief Collier, Joyce	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction			
September 17, 2021	Entry of Appearance Callaway, Brian Harris	Department of Drug and Alcohol Pro	Respondent	
	Callaway, Brian Harris	Department of Human Services	Respondent	
	Document Name: Brian Callaway for Department of Drug and Alcohol Programs and DHS			
September 20, 2021	Entry of Appearance Weber, Justin G.	Department of Drug and Alcohol Pro	Respondent	
	Weber, Justin G.	Department of Human Services	Respondent	
	Document Name: Justin Weber for Department of Drug and Alcohol Programs and DHS			
September 20, 2021	Order Filed Per Curiam			09/20/2021
	Document Name: Respondents are Directed to Answer Application for Preliminary Injunction by Sep. 27, 2021			
	Comment: Now, September 20, 2021, Respondents are hereby directed to file and serve an answer to Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction no later than Monday, September 27, 2021.			
September 27, 2021	Answer to Application for Relief Weber, Justin G.	Department of Drug and Alcohol Pro	Respondent	
	Weber, Justin G.	Department of Human Services	Respondent	
	Document Name: Answer to Application for Special Relief			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 27, 2021	Preliminary Objections Weber, Justin G. Weber, Justin G.	Department of Drug and Alcohol Pro Department of Human Services	Respondent Respondent	
	Document Name: Preliminary Objections to Drug & Alcohol Service Providers Organization of Pennsylvania's Comment: Petition for Review			
September 28, 2021	Application to Amend Weber, Justin G. Weber, Justin G. Callaway, Brian Harris Callaway, Brian Harris	Department of Drug and Alcohol Pro Department of Human Services Department of Human Services Department of Drug and Alcohol Pro	Respondent Respondent Respondent Respondent	
	Document Name: App to Amend Respondent's Answer to Petitioner's App for Special Relief			
September 30, 2021	Order Filed Per Curiam			10/01/2021
	Document Name: Exhibit D attached to the App to Amend shall be considered part of the Answer to App for Relief Comment: Now, September 30, 2021, upon consideration of Respondents' Application to Amend Their Answer to Petitioner's Application for Special Relief (Application), the Application is GRANTED. Exhibit D attached to the Application shall be considered by the Court as part of Respondents' Answer to Petitioner's Application for Special Relief.			
October 4, 2021	Hearing Scheduled Per Curiam			
	Document Name: Hearing on Petitioner's Application for Special Relief is set for October 28, 2021 Comment: Now, October 4, 2021, upon consideration of Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction, the Court hereby ORDERS as follows: 1. Hearing on Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction, and the answer thereto, is set for October 28, 2021, commencing at 10:00 a.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. 2. Petitioner shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits. 3. Respondent shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits. 4. The parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony. 5. The parties are strongly encouraged to consult prior to the filing of their list of witnesses and exhibits and, if possible, enter into evidentiary and/or factual stipulations and/or agreed-upon protocols in order to streamline the proceedings. The parties may PAC-file any joint stipulations or protocols prior to the hearing. 6. Unless otherwise ordered, all filings required or permitted by paragraphs 2 and 3 of this Order shall be filed no later than 12:00 noon on October 22, 2021. 7. A Decorum Order with regard to the hearing shall follow.			
October 12, 2021	Entry of Appearance Carr, Peter Carr, Peter	Department of Drug and Alcohol Pro Department of Human Services	Respondent Respondent	
	Document Name: Peter Car for Respondents			
October 18, 2021	Answer to Preliminary Objections Collier, Joyce	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Petitioner's Reply to Respondents' Preliminary Objections in the Nature of a Demurrer			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 19, 2021	Order Filed Per Curiam			10/19/2021
	Document Name: Petitioner is directed to secure a court stenographer for Oct. 28, 2021 Hearing			
	Comment: Now, October 19, 2021, Petitioner is hereby directed to secure the services of a court stenographer for the hearing on Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction scheduled for October 28, 2021, at 10:00 a.m. in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.			
October 22, 2021	Filed - Other			
	Weber, Justin G.	Department of Drug and Alcohol Pro	Respondent	
	Weber, Justin G.	Department of Human Services	Respondent	
	Callaway, Brian Harris	Department of Human Services	Respondent	
	Callaway, Brian Harris	Department of Drug and Alcohol Pro	Respondent	
	Carr, Peter	Department of Human Services	Respondent	
	Carr, Peter	Department of Drug and Alcohol Pro	Respondent	
	Document Name: Respondents' Witness and Exhibit Disclosures			
October 22, 2021	Filed - Other			
	Collier, Joyce	Drug and Alcohol Service Providers	Petitioner	
	Cohen, Noah Samuel	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Petitioner's Witness and Exhibit List			
October 22, 2021	Status Conference Scheduled			10/22/2021
	Per Curiam			
	Document Name: Conference Scheduled			
	Comment: Now, October 22, 2021, a status conference is scheduled in this matter for October 25, 2021 at 2:30 p.m. The status conference shall be conducted by telephone call with counsel of record and shall be heard by a designated judge of the Commonwealth Court sitting in Harrisburg. The Court will contact counsel of record to confirm the call and to provide the call-in information.			
October 22, 2021	Entry of Appearance			
	Heller, Gregory Buchwald	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Gregory B. Heller, Esq. on behalf of petitioner.			
October 22, 2021	Application for Relief			
	Collier, Joyce	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Petitioner's Application for Leave to File a Reply Brief in Further Support of their Application for			
	Comment: Special Relief			
October 25, 2021	Order Filed			10/25/2021
	Wojcik, Michael H.			
	Document Name: All witnesses shall testify in person/ Concurrent Briefs are due Oct. 26,2021			
	Comment: NOW, October 25, 2021, following a Status Conference with the parties, the Court issues the following ORDER:			
	1. Petitioner's Application for Use of Video Communication Technology for Certain Witnesses at the October 28, 2021 Preliminary Injunction Hearing is DENIED. All witnesses shall testify in-person.			
	2. The parties shall file and serve concurrent briefs regarding the issue raised during the Status Conference, of Petitioner noticing a designated witness, no later than 12:00 p.m., noon, on Tuesday, October 26, 2021.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 25, 2021	Briefing Schedule Issued Per Curiam			
	Document Name: Respondents' brief in support of their POs shall be filed and served by November 29, 2021			
	Comment: Now, October 25, 2021, upon consideration of Respondents' Preliminary Objections to Petitioner's Petition for Review, as well as Petitioner's Answer thereto, the Court hereby establishes the following briefing schedule:			
	1. Respondents' brief in support of their Preliminary Objections (4 copies) shall be filed and served no later than November 29, 2021.			
	2. Petitioner's brief in opposition to Respondents' Preliminary Objections (4 copies) shall be filed and served no later than December 29, 2021.			
	3. Respondents' reply brief (4 copies), if any, shall be filed and served no later than January 12, 2022.			
	Following submission of the aforementioned briefs, the Prothonotary shall list this matter on the next available argument list.			
October 26, 2021	Application for Relief Weber, Justin G.	Department of Drug and Alcohol Pro	Respondent	
	Weber, Justin G.	Department of Human Services	Respondent	
	Document Name: Respondent's Application for a Protective Order Quashing Notices to Attend Directed to Designees			
October 26, 2021	Filed - Other Weber, Justin G.	Department of Drug and Alcohol Pro	Respondent	
	Weber, Justin G.	Department of Human Services	Respondent	
	Document Name: Exhibits			
October 26, 2021	Filed - Other Weber, Justin G.	Department of Drug and Alcohol Pro	Respondent	
	Weber, Justin G.	Department of Human Services	Respondent	
	Document Name: Proposed Order			
October 26, 2021	Application for Relief Collier, Joyce	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Petitioner's Application to Enforce Designee Notices to Respondents for the Preliminary Injunction			
	Comment: Hearing			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 26, 2021	Order Filed Per Curiam			10/26/2021
Document Name: Decorum Order				

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Commonwealth Court of Pennsylvania

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	Comment:			
	<p>NOW, this 26th day of October, 2021, after consultation with the Capitol Police and the Administrative Office of Pennsylvania Courts (AOPC) regarding the hearing on Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction, that is scheduled for October 28, 2021, at 10:00 a.m., in Courtroom 3001 (Courtroom), Third Floor, Pennsylvania Judicial Center (PJC), and to reduce the risk of transmission of the COVID-19 virus, the Court hereby ORDERS as follows:</p> <ol style="list-style-type: none"> 1. Decorum shall be maintained at all times by all persons present in the Courtroom and any overflow courtroom. 2. Seating for the public and media to observe the hearing shall be limited to 23 persons in the gallery of the Courtroom on a "first come, first seated" basis, and will comport with relevant social distancing guidelines. Five of these seats will be reserved for properly credentialed members of the media until 9:50 a.m. After 9:50 a.m., any remaining reserved seats for properly credentialed members of the media will be released to the public. 3. An additional 20 seats will be available to the public and media in Courtroom 3002 on a "first come, first seated" basis, comporting with relevant social distancing guidelines, to view the proceedings via live closed circuit television broadcast. Others may view the hearing via a public livestream web link that will be posted to the Court's website in advance of the hearing. 4. Other than the public and media gallery seating provided for in Paragraphs 2 and 3 above, access to the Courtroom will be limited to counsel of record, their clients, witnesses identified in the parties' witness lists, and Court personnel. 5. Signs are not permitted in the Courtroom. 6. No electronic devices may be used in the Courtroom except by the Court and by counsel of record. Except for those electronic devices used by the Court and the attorneys, no electronic devices will be allowed in the Courtroom, with the exception of cellular or smart phones. Cellular or smart phones may be carried into the Courtroom, but they must be turned off at all times. 7. The Courtroom will be unlocked and available for seating approximately 20 minutes before the opening of Court. Counsel of record who require earlier access must make prior arrangements with the Prothonotary. The Capitol Police will begin processing members of the media approximately 30 minutes before the opening of Court. 8. Counsel shall address the Court and examine witnesses from their places at the counsel tables or podium in the Courtroom. Court personnel shall wipe down the witness stand, chair, and microphone with a disinfecting wipe between each witness. 9. All persons participating in or observing the hearing shall adhere to existing PJC and Commonwealth Court COVID-19 protocols, including the Court's COVID-19 Protocols for In-Person, Single Judge Proceedings and the Commonwealth Court October 18-22, 2021 Oral Argument Session To Be Conducted In Person In Harrisburg Notice with Updated COVID-19 Protocols referenced therein, posted September 17, 2021. 10. No person who demonstrates symptoms of respiratory illness or fever, or is currently diagnosed with COVID-19, or has had close contact within 10 days of the hearing with a person who is currently diagnosed with COVID-19, may attend the hearing as counsel, a party, witness, credentialed member of the media, or public observer. 11. The Court requests that all members of the public, including counsel, wear a facemask in the public areas of the PJC and the Courtrooms regardless of vaccination status. Counsel may remove their facemask when they are at the podium. The Judge, who will be physically distanced from others in the Courtroom, may also remove his or her mask. The Court will make facemasks available at the entrance to the Courtroom. 12. For purposes of COVID-19 contact tracing, all persons entering the Courtroom to participate in or observe the hearing must sign in and provide their name, mobile telephone number and email address, or other valid contact information. Any person who participates in or observes the hearing and subsequently tests positive for COVID-19 within 10 days after the hearing shall notify the Prothonotary at 717-255-1661. 13. Following the conclusion of the hearing, all participants and observers must exit the Courtroom and 			

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	the PJC promptly and in a manner that provides for social distancing. 14. Persons who fail to comply with this Order or maintain proper courtroom decorum will be removed by Court personnel or the Capitol Police.			
October 27, 2021	Memorandum of Law Filed Department of Drug and Alcohol Programs Department of Human Services		Respondent Respondent	
	Document Name: Pre-Hearing Memo Re: Application for Special Relief			
October 27, 2021	Filed - Other Collier, Joyce Cohen, Noah Samuel Heller, Gregory Buchwald	Drug and Alcohol Service Providers Petitioner Drug and Alcohol Service Providers Petitioner Drug and Alcohol Service Providers Petitioner		
	Document Name: Pet.'s Supplemental Witness and Exhibit List			
October 27, 2021	Order Filed Wojcik, Michael H.			10/27/2021
	Document Name: Re: Applications for Relief 10/22/2021 & 10/26/2021 Comment: NOW, October 27, 2021, following briefing by the parties, the Court issues the following ORDER: 1. Petitioner's Application to Enforce Designee Notices to Respondents for the Preliminary Injunction Hearing is DENIED. 2. Respondents' Application for a Protective Order is GRANTED. 3. Petitioner's Notices to Attend and Produce issued to designees for Respondents are QUASHED .			
October 27, 2021	Letter Collier, Joyce	Drug and Alcohol Service Providers Petitioner		
	Document Name: Re: case cited in previous filing			
October 28, 2021	Application for Protective Order Weber, Justin G. Weber, Justin G. Callaway, Brian Harris Callaway, Brian Harris Carr, Peter	Department of Drug and Alcohol Pro Department of Human Services Department of Human Services Department of Drug and Alcohol Pro Department of Human Services	Respondent Respondent Respondent Respondent Respondent	
	Document Name: Jt. App. for Entry of a Protective Order and Confidentiality Agreement			
October 29, 2021	Order Filed Wojcik, Michael H.			10/29/2021
	Document Name: Petitioner's Brief due by 5 days after the lodging of the transcript Comment: NOW, this 29th day of October, 2021, as the hearing is now concluded with respect to Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction, the Court issues the following ORDER: 1. Petitioner shall file and serve its brief no later than five (5) business days after the lodging of the transcript in this matter. 2. Respondents shall file and serve their brief no later than three (3) business days after Petitioner's brief is filed and served.			
November 1, 2021	Transcript Filed Court Reporter			
	Document Name: Proceedings held October 28, 2021			

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November 5, 2021	Stipulation Filed Heller, Gregory Buchwald Weber, Justin G. Weber, Justin G.	Drug and Alcohol Service Providers Department of Human Services Department of Drug and Alcohol Pro	Petitioner Respondent Respondent	
November 5, 2021	Order Granting Application for Protective Order Wojcik, Michael H.			11/05/2021
	Document Name: Protective Order Exhibit A to Application is Entered as an Order of this Court -attached Comment: NOW, November 5, 2021, upon consideration of the parties' Joint Application for Entry of a Protective Order and Confidentiality Agreement (Joint Application), and as stated on the record during the hearing conducted in this matter on October 28, 2021, the Joint Application is GRANTED. The Protective Order submitted as Exhibit A to the Joint Application shall be entered as an Order of this Court.			
November 8, 2021	Petitioner's Brief Filed Heller, Gregory Buchwald Drug and Alcohol Service Providers Organization of Pennsylvania	Drug and Alcohol Service Providers	Petitioner Petitioner	
	Document Name: Post-Hearing brief in support of application for special relief in the nature of P.I.			
November 10, 2021	Exhibit Court Reporter			
	Document Name: Hearing held 10/28/2021			
November 11, 2021	Praecipe Heller, Gregory Buchwald	Drug and Alcohol Service Providers	Petitioner	
	Document Name: Exhibits to Petr's post-hearing brief			
November 11, 2021	Memorandum of Law Filed Weber, Justin G. Weber, Justin G.	Department of Drug and Alcohol Pro Department of Human Services	Respondent Respondent	
	Document Name: Respondents' Post-Hearing Mem. of Law in Opposition to Petitioner's App. for Special Relief			
November 22, 2021	Application for Relief Heller, Gregory Buchwald Cohen, Noah Samuel Collier, Joyce	Drug and Alcohol Service Providers Drug and Alcohol Service Providers Drug and Alcohol Service Providers	Petitioner Petitioner Petitioner	
	Document Name: Pet.'s App. for Leave to File a Reply Brief in Further Support of Its App. for Special Relief			
November 24, 2021	Answer to Application for Relief Weber, Justin G. Weber, Justin G.	Department of Drug and Alcohol Pro Department of Human Services	Respondent Respondent	
	Document Name: Opposition to Application for Leave to File a Reply Brief			
November 29, 2021	Respondent's Brief Filed Department of Drug and Alcohol Programs Department of Human Services		Respondent Respondent	
	Document Name: Memo of Law in Support of POs			

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December 8, 2021	Order Filed Wojcik, Michael H. Document Name: Praecepte to Attach Exhibits Granted Comment: NOW, December 8, 2021, upon consideration of Petitioner's Praecepte to attach Exhibits P-105, P-106, and P-107 (as redacted) to its post-hearing brief in this matter, the Praecepte is GRANTED.			12/08/2021
December 8, 2021	Order Denying Application for Relief Wojcik, Michael H. Document Name: Application for Leave to File Reply Brief Denied Comment: NOW, December 8, 2021, upon consideration of Petitioner's Application for Leave to File a Reply Brief in Further Support of its Application for Special Relief (Application), the Application is DENIED.			12/08/2021
December 9, 2021	Memorandum Opinion Filed Wojcik, Michael H. Document Name: Memorandum Opinion (25 pages) Comment: AND NOW, this 9th day of December, 2021, Petitioner's Application for Special Relief in the Nature of a Preliminary Injunction is DENIED.			12/09/2021
December 29, 2021	Petitioner's Brief Filed Drug and Alcohol Service Providers Organization of Pennsylvania Document Name: Memo of Law in Opposition to POs		Petitioner	
January 12, 2022	Respondent's Reply Brief Filed Weber, Justin G. Weber, Justin G. Department of Drug and Alcohol Programs Department of Human Services Document Name: Respondents' Reply Mem. of Law in Further Support of Their POs to the PFR	Department of Drug and Alcohol Pro Department of Human Services	Respondent Respondent Respondent Respondent	
January 28, 2022	Praecepte for Discontinuance Heller, Gregory Buchwald Document Name: Praecepte for Discontinuance	Drug and Alcohol Service Providers	Petitioner	
January 28, 2022	Discontinued Heller, Gregory Buchwald Document Name: Praecepte for Discontinuance	Drug and Alcohol Service Providers	Petitioner	01/28/2022
January 28, 2022	Notice of Discontinuance Krimmel, Michael			

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Heller, Gregory Buchwald
Category:	Disposed Before Decision	Disposition Date:	January 28, 2022
Disposition:	Discontinued	Filing Author:	
Dispositional Filing:			
Filed Date:			