

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 1002 CD 2020

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December 21, 2024



CAPTION

Equity Forward and
Mary Alice Carter,
Petitioners

v.

Pennsylvania Department of
Human Services (Office of
Open Records),
Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: July 19, 2022 Completed

Journal Number: 19a-03-2022

Case Category: Administrative Agency Case Type(s): Right to Know Act

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type	Docket No / Reason	Type
986 CD 2020 Ct Order - Sua Sponte	Consolidated	225 CD 2018 Appeal After Remand	Related

COUNSEL INFORMATION

Designated Petitioner Equity Forward

Pro Se: No

IFP Status:

Attorney: Mutchler, Terry Lee
Address: Dilworth Paxson LLP
1500 Market Street
Philadelphia, PA 19103
Phone No: (215) 575-7034

Fax No:

Designated Petitioner Carter, Mary Alice

Pro Se: No

IFP Status:

Attorney: Mutchler, Terry Lee
Address: Dilworth Paxson LLP
1500 Market Street
Philadelphia, PA 19103
Phone No: (215) 575-7034

Fax No:



COUNSEL INFORMATION

Designated Respondent Real Alternatives, Inc.

Pro Se: No

IFP Status:

Attorney: Voss, Joshua John
Law Firm: Kleinbard, LLC
Address: Kleinbard LLC, 1717 Arch St Fl 5th, Philadelphia, PA 19103
Phone No: (267) 443-4114 Fax No:

Attorney: Zimmer, Samantha G.
Address: Kleinbard LLC, 1717 Arch St 5th Fl, Philadelphia, PA 19103
Phone No: (570) 352-8367 Fax No:

Designated Respondent Department of Human Services

Pro Se: No

IFP Status:

Attorney: Cohan, Marisa Lynn
Law Firm: Pennsylvania Department of Human Services, Bureau of Hearings and Appeals
Address: Pa-Dhs-office Of General Counsel, 625 Forster St 3rd Fl West, Harrisburg, PA 17120
Phone No: (717) 783-2800 Fax No:

Attorney: Serafin, Kenneth J.
Law Firm: Pennsylvania Department of Human Services, Bureau of Hearings and Appeals
Address: Office Of General Counsel, 625 Forster St 3rd Fl West, Harrisburg, PA 17120
Phone No: (717) 783-2800 Fax No:

FEE INFORMATION

Table with 6 columns: Fee Dt, Fee Name, Fee Amt, Receipt Dt, Receipt No, Receipt Amt. Row 1: 10/13/2020, Petition for Review - Appellate, 90.25, 10/14/2020, 2020-CMW-H-001926, 90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: September 11, 2020 Notice of Appeal Filed:
Order Type: Decision
Documents Received: October 13, 2020

Court Below: Office of Open Records
County: Division: Office of Open Records
Judge: OTN:
Docket Number: AP 2017-2304 Judicial District:

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ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	November 25, 2020	
Supplemental Record	December 01, 2020	

Date of Remand of Record: February 16, 2023

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 13, 2020	Petition for Review Filed Carter, Mary Alice Equity Forward		Designated Petitioner Designated Petitioner	
October 19, 2020	Application for Intervention (Pa.R.A.P. 1531b) Voss, Joshua John Document Name: Unopposed Application for Intervention by Real Alternatives	Real Alternatives, Inc.	Designated Respondent	
October 21, 2020	Notice Exited Commonwealth Court Filing Office			10/21/2020
October 22, 2020	Order Granting Application for Intervention Per Curiam Document Name: upon consideration of the "Unopposed Application To Intervene by Real Alternatives," Comment: and it appearing that Real Alternatives was a participant in the administrative proceedings that led to the Order of the Office of Open Records giving rise to this petition for review, the Application is GRANTED. Real Alternatives shall proceed as a party principally aligned with Respondent Department of Human Services.			10/22/2020
October 30, 2020	Docketing Statement Filed Mutchler, Terry Lee Mutchler, Terry Lee	Equity Forward Carter, Mary Alice	Designated Petitioner Designated Petitioner	
November 25, 2020	Agency Record Received Office of Open Records Document Name: See Briefing Schedule at 986 CD 2020			
November 25, 2020	Briefing Schedule Issued Commonwealth Court Filing Office			
December 1, 2020	Sealed Supplemental Record Office of Open Records Document Name: Sealed Program Development and Advancement Agreement.			
December 3, 2020	Order Sua Sponte for Consolidation Per Curiam Document Name: NOW, December 3, 2020, the above-captioned matters are hereby consolidated. Comment: Equity Forward and Mary Alice Carter are Designated Petitioners under Pa. R.A.P. 2136. The briefing schedule previously issued at No. 1002 C.D. 2020 remains in effect for these consolidated matters. All further filings in these consolidated matters shall be captioned as set forth above.			12/03/2020

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 25, 2021	Entry of Appearance Zimmer, Samantha G.	Real Alternatives, Inc.	Designated Respondent	
	Document Name: Atty. Zimmer for Real Alternatives			
March 3, 2021	Tentative Session Date Krimmel, Michael			
	Document Name: May 2021			
April 7, 2021	Argument Scheduled Krimmel, Michael			
	Document Name: MONDAY, May 10, 2021 (Panel 2) @9:30 a.m. via WebEx Video Conference (No. 11 & 11a on the list)			
April 27, 2021	Filed - Other Mutchler, Terry Lee	Equity Forward	Designated Petitioner	
	Mutchler, Terry Lee	Carter, Mary Alice	Designated Petitioner	
April 27, 2021	Application for Continuance Mutchler, Terry Lee	Equity Forward	Designated Petitioner	
	Mutchler, Terry Lee	Carter, Mary Alice	Designated Petitioner	
	Cohan, Marisa Lynn	Department of Human Services	Designated Respondent	
	Voss, Joshua John	Real Alternatives, Inc.	Designated Respondent	
	Document Name: Jt. Motion for Continuance			
April 30, 2021	Argument Continued Per Curiam			
	Document Name: Application for Continuance Granted			
	Comment: AND NOW, this 30th day of April, 2021, upon consideration of the Joint Motion for Continuance, the application is GRANTED. The argument scheduled for Monday, May 10, 2021 at 9:30 a.m. on the above-captioned matter via WebEx videoconference is hereby CONTINUED. The prothonotary is hereby directed to list this matter for the next available argument list.			
May 3, 2021	Amended Per Curiam			05/03/2021
	Document Name: Amended Order			
	Comment: AND NOW, this 3rd day of May, 2021, upon consideration of the Joint Motion for Continuance, the application is GRANTED. The argument scheduled for Monday, May 10, 2021 at 9:30 a.m. in the above-captioned matter via WebEx videoconference is hereby CONTINUED. In addition, the parties' request for entry of the stipulated briefing schedule is hereby GRANTED. Designated Petitioners shall file a Response Brief to Designated Respondent's February 3, 2021 Brief within 14 days of entry of this Order and Designated Respondent shall file a Reply Brief within 14 days of service of Designated Petitioners' Response Brief. The Prothonotary is hereby directed to list this matter for the next available argument list.			
May 17, 2021	Memorandum of Law Filed Mutchler, Terry Lee	Equity Forward	Designated Petitioner	
	Mutchler, Terry Lee	Carter, Mary Alice	Designated Petitioner	
	Document Name: Response Brief of Designated Petitioners Equity Forward and Mary Alice Carter to Brief			
	Comment: of Designated Respondent's Real Alternatives			
June 30, 2021	Tentative Session Date Krimmel, Michael			
	Document Name: November 2021			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 20, 2021	Argument Scheduled Krimmel, Michael			
	Document Name: Thursday, November 18, 2021, 9:30 a.m. (Panel) CR 5001, Pennsylvania Judicial Center, Harrisburg Comment: No. 38 & 38a on the list.			
November 17, 2021	Argument Continued Per Curiam			11/17/2021
	Document Name: Order Granting Application for Continuance/ Continued to Next Available Argument List Comment: AND NOW, this 17th day of November, 2021, Petitioners', Equity Forward and Mary Alice Carter, unopposed Emergency Application for Relief Seeking Continuance for Oral Argument scheduled for Thursday, November 18, 2021 at 9:30 a.m/1:00 p.m. is hereby GRANTED and is continued until the next available list. The Prothonotary is directed to schedule the matter for the next available list.			
December 27, 2021	Tentative Session Date Krimmel, Michael			
	Document Name: March 2022			
January 28, 2022	Argument Scheduled Krimmel, Michael			
	Document Name: Monday, March 7, 2022, 11:30 a.m. (Panel) CR 3001, Pennsylvania Judicial Center, Harrisburg Comment: No. 19 & 19a on the list.			
July 19, 2022	Affirmed Fizzano Cannon, Christine			07/19/2022
	Document Name: Opinion (30 pages) Comment: AND NOW, this 19th day of July, 2022, the September 11, 2020 final determination of the Office of Open Records is AFFIRMED. Judge Cohn Jubelirer and Wallace did not participate in the decision.			
August 18, 2022	Petition for Allowance of Appeal to PA Supreme Court Filed Carter, Mary Alice Equity Forward		Designated Petitioner Designated Petitioner	
	Document Name: 355 MAL 2022 Comment: 355 MAL 2022			
September 1, 2022	Petition for Allowance of Appeal to PA Supreme Court Filed Real Alternatives, Inc.		Designated Respondent	
	Document Name: 378 MAL 2022 Comment: 378 MAL 2022			
January 23, 2023	Order Denying Petition for Allowance of Appeal to PA Supreme Court Per Curiam			01/24/2023
	Document Name: 355 & 378 MAL 2022 Comment: 378 MAL 2022			
February 16, 2023	Remitted Commonwealth Court Filing Office			
February 21, 2023	Acknowledgement of Record Remittal Office of Open Records			

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SESSION INFORMATION

Journal Number: 19a-03-2022
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: March 7, 2022

Panel Composition:

The Honorable Anne E. Covey	Judge
The Honorable Christine Fizzano Cannon	Judge
The Honorable Bonnie Brigance Leadbetter	Senior Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Fizzano Cannon, Christine
Category:	Decided	Disposition Date:	July 19, 2022
Disposition:	Affirmed		
Disposition Comment:	AND NOW, this 19th day of July, 2022, the September 11, 2020 final determination of the Office of Open Records is AFFIRMED. Judge Cohn Jubelirer and Wallace did not participate in the decision .		
Dispositional Filing:	Opinion	Filing Author:	Fizzano Cannon, Christine
Filed Date:	7/19/2022 12:00:00AM		
Dispositional Filing:	Dissenting Opinion	Filing Author:	Leadbetter, Bonnie Brigance
Filed Date:	7/19/2022 12:00:00AM		