

Miscellaneous Docket Sheet

Docket Number: 351 MD 2016

Page 1 of 6

July 20, 2016



CAPTION

Aetna Better Health of Pennsylvania Inc.,
Petitioner
v.

Commonwealth of Pennsylvania,
Department of Human Services,
Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: July 19, 2016 Awaiting Answer

Journal Number:

Case Category: Miscellaneous Case Type(s): Civil Action Law

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Aetna Better Health of Pennsylvania Inc.

Pro Se: No

IFP Status:

Attorney: Elliott, John M.
Law Firm: Elliott Greenleaf, P.C.
Address: Elliott Greenleaf PC
925 Harvest Dr Ste 300
Blue Bell, PA 19422-1956
Phone No: (215) 977-1004

Fax No:

Attorney: Schwemler, Mark Joseph
Law Firm: Elliott Greenleaf & Siedzikowski, P.C.
Address: Elliott Greenleaf ET AL
925 Harvest Dr
Blue Bell, PA 19422-1956
Phone No: (215) 977-1051

Fax No:

Attorney: Kane, John A.
Law Firm: Offit Kurman, Attorneys At Law
Address: 240 North 3rd St
Payne Shoemaker Building 8th Fl
Harrisburg, PA 17101
Phone No: (717) 724-4600

Fax No:

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 351 MD 2016

Page 3 of 6

July 20, 2016



FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
06/09/2016	Miscellaneous Docketing Filing Fee - Dual Jurisdiction	85.50	06/09/2016	2016-CMW-H-001377	85.50
06/14/2016	Copy Work (Per Page)	65.00	06/14/2016	2016-CMW-H-001402	65.00
06/21/2016	Copy Work (Per Page)	39.00	06/21/2016	2016-CMW-H-001436	39.00
06/21/2016	Copy Work by Clerk (Per Page)	107.00	06/21/2016	2016-CMW-H-001440	107.00
06/09/2016	Miscellaneous Docketing Filing Fee - Dual Jurisdiction	85.50	06/22/2016	2016-CMW-H-001442	85.50
06/22/2016	Copy Work by Clerk (Per Page)	5.00	06/22/2016	2016-CMW-H-001446	5.00
06/23/2016	Copy Work (Per Page)	56.50	06/23/2016	2016-CMW-H-001454	56.50
06/23/2016	Copy Work by Clerk (Per Page)	113.00	06/23/2016	2016-CMW-H-001467	113.00
06/30/2016	Copy Work (Per Page)	3.50	06/30/2016	2016-CMW-H-001524	3.50
07/01/2016	Copy Work (Per Page)	9.00	07/01/2016	2016-CMW-H-001536	9.00
07/01/2016	Copy Work by Clerk (Per Page)	11.00	07/01/2016	2016-CMW-H-001542	11.00
07/05/2016	Copy Work (Per Page)	10.50	07/05/2016	2016-CMW-H-001558	10.50
07/07/2016	Copy Work (Per Page)	270.00	07/07/2016	2016-CMW-H-001588	270.00
07/08/2016	Copy Work (Per Page)	56.50	07/08/2016	2016-CMW-H-001589	56.50
07/14/2016	Copy Work (Per Page)	70.00	07/14/2016	2016-CMW-H-001648	70.00
07/15/2016	Copy Work (Per Page)	0.50	07/15/2016	2016-CMW-H-001656	0.50
07/19/2016	Copy Work (Per Page)	19.00	07/19/2016	2016-CMW-H-001682	19.00
07/19/2016	Copy Work by Clerk (Per Page)	33.00	07/19/2016	2016-CMW-H-001683	33.00

AGENCY/TRIAL COURT INFORMATION

Court Below: Bureau of Hearings and Appeals, Department of Human Services
 County: Montgomery Division: Bureau of Hearings and Appeals, Department of Human Services
 Order Appealed From: Judicial District: 38
 Documents Received: June 9, 2016 Notice of Appeal Filed:
 Order Type: Decision
 OTN(s):
 Lower Ct Docket No(s): Proposal No., 06-15
 Lower Ct Judge(s):

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
----------------------	------------	---------------------

Date of Remand of Record:

BRIEFING SCHEDULE

Petitioner	Respondent
Aetna Better Health of Pennsylvania Inc.	Department of Human Services
Brief	Brief
Due:	Filed: June 30, 2016

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 9, 2016	Petition for Review Filed			
	Aetna Better Health of Pennsylvania Inc.		Petitioner	

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 351 MD 2016

Page 4 of 6

July 20, 2016



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	Document Name: Dual Jurisdiction			
June 10, 2016	Notice to Certify Record or Dual Jurisdiction Notice Exited Commonwealth Court Filing Office			06/10/2016
June 13, 2016	Application for Emergency Relief Elliott, John M.	Aetna Better Health of Pennsylvania	Petitioner	
	Document Name: Petitioner's Emergency Application for Special Relief in the Nature of a Special Injunction and Comment: Preliminary Injunction and Request for Expediated Consideration of this Application			
June 14, 2016	Order Granting Application for Emergency Relief Per Curiam			06/14/2016
	Document Name: Petitioner's request for expedited consideration is granted. Any answer to petitioner's Comment: emergency application for special relief shall be filed and served not later than 4:00 p.m. on June 20, 2016. A pre-hearing conference in this matter is set for June 24, 2016, at 10:00 a.m., by telephone conference call. The conference call shall originate from the chambers of a judge designated by the Commonwealth Court and shall be made to the offices of counsel of record. CELL PHONES MAY NOT BE USED. The parties shall advise the Court as to available dates for a hearing on petitioner's application for preliminary injunction and the anticipated length of such hearing.			
June 17, 2016	Entry of Appearance Antonuk, Lara	Department of Human Services	Respondent	
	Document Name: Lara Antonuk			
June 17, 2016	Entry of Appearance Rodgers, Sallie A.	Department of Human Services	Respondent	
	Document Name: Sallie Rodgers			
June 17, 2016	Entry of Appearance Haynes, Aaron Steven	Department of Human Services	Respondent	
	Document Name: Aaron Haynes			
June 17, 2016	Application for Extension of Time to File Antonuk, Lara	Department of Human Services	Respondent	
	Document Name: Motion for Extension of Time to Reply to Emergency Application for Relief			
June 20, 2016	Order Granting Application for Extension of Time to File Per Curiam			06/20/2016
	Document Name: upon consideration of resp.'s unopposed motion for extension of time to file reply Comment: to emergency application for relief, the motion is granted. Any response to petitioner's emergency application for relief shall be filed and served not later than 11:59 p.m. on Wednesday, June 22, 2016. The pre-hearing conference in this matter previously set for June 24, 2016, at 10:00 a.m., by telephone conference call, is rescheduled to June 23, 2016, at 2:00 p.m., by telephone conference call. The conference call shall originate from the chambers of a judge designated by the Commonwealth Court and shall be made to the offices of counsel of record. CELL PHONES MAY NOT BE USED.			

Miscellaneous Docket Sheet

Docket Number: 351 MD 2016

Page 5 of 6

July 20, 2016



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 22, 2016	Answer Filed Antonuk, Lara Haynes, Aaron Steven Rodgers, Sallie A.	Department of Human Services Department of Human Services Department of Human Services	Respondent Respondent Respondent	
	Document Name: to Pet's Emerg. App for Special Relief in the Nature of a Special Inj. and Preliminary Inj.			
June 24, 2016	Hearing Scheduled Brobson, P. Kevin			06/27/2016
	Document Name: Following a pre-hearing conference regarding Petitioner's application for special relief in the Comment: nature of a preliminary injunction, it is hereby ORDERED that a hearing on Petitioner's application for special relief is set for July 6, 2016, at 10:00 a.m., in Courtroom 3001, Pennsylvania Judicial Center, 601 Commonwealth Ave., Harrisburg, Pa. 17120. If necessary, the hearing shall continue on July 7, 2016, beginning at 10:00 a.m. Petitioner is directed to secure the services of a court stenographer for the duration of the hearing.			
June 29, 2016	Entry of Appearance Yoon, Peter Jinyoung	Department of Human Services	Respondent	
June 29, 2016	Certificate of Service Filed Yoon, Peter Jinyoung	Department of Human Services	Respondent	
June 29, 2016	Entry of Appearance McLees, Matthew John	Department of Human Services	Respondent	
June 29, 2016	Application for Relief Haynes, Aaron Steven Antonuk, Lara McLees, Matthew John Yoon, Peter Jinyoung	Department of Human Services Department of Human Services Department of Human Services Department of Human Services	Respondent Respondent Respondent Respondent	
	Document Name: App for Special Relief Requesting Clarification as to Scope of Hearing			
June 30, 2016	Order Filed Per Curiam			06/30/2016
	Document Name: Now, this 30th day of June, 2016, upon consideratin of Respondent's Application for Special Relief Comment: Requesting Clarification as to Scope of Hearing, it is hereby ORDERED that Petitioner shall file an answer to the applicaiton by 12:00 noon on 7-1-2016.			
June 30, 2016	Petitioner's Brief Filed Elliott, John M.	Aetna Better Health of Pennsylvania	Petitioner	
	Document Name: In support of emergency application for special relief in the nature of a special injunction and P.I			
July 1, 2016	Answer to Application for Relief Elliott, John M.	Aetna Better Health of Pennsylvania	Petitioner	
	Document Name: Petitioner's Response to App. for Special Relief			
July 1, 2016	Order Filed Brobson, P. Kevin			07/01/2016
	Document Name: Upon consideration of Respondent's application for special relief requesting clarification Comment: as to scope of hearing, it is hereby ORDERED that a status conference is scheduled for today, July 1, 2016, at 1:00 p.m. The conference shall be conducted by telephone conference call to the offices of counsel of record and shall originate from the Chambers of a designated judge of the Commonwealth Court.			

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 351 MD 2016

Page 6 of 6

July 20, 2016



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 1, 2016	Praecipe for Withdrawal of Appearance Rodgers, Sallie A.	Department of Human Services	Respondent	
	Document Name: Notice for Withdrawal of Appearance			
July 8, 2016	Application for Extension of Time to File Antonuk, Lara Haynes, Aaron Steven McLees, Matthew John Yoon, Peter Jinyoung	Department of Human Services Department of Human Services Department of Human Services Department of Human Services	Respondent Respondent Respondent Respondent	
	Document Name: to File Responsive Pleading			
July 11, 2016	Order Granting Application for Extension of Time to File Cohn Jubelirer, Renee			07/12/2016
	Document Name: upon consideration of resp.'s motion for extension of time to file responsive pleadings, to Comment: which petitioner consents, the motion is granted. Any responsive pleading to the portion of the petition for review addressed to this Court's original jurisdiction shall be filed and served on or before July 25, 2016.			
July 13, 2016	Exhibit Schwemler, Mark Joseph McLees, Matthew John	Aetna Better Health of Pennsylvania Department of Human Services	Petitioner Respondent	
	Document Name: Exhibits Nos. P-1 through P-12 and R-1 through R-6 - Hrg. 7/6/16			
July 19, 2016	Memorandum Opinion Filed Brobson, P. Kevin			07/19/2016
	Document Name: Memorandum Opinion (33 pages) : Following a hearing, Petitioner Aetna Better Health of Comment: Pennsylvania's (Aetna) emergency application for special relief in the nature of a special injunction and preliminary injunction (Application for Preliminary Injunction) is GRANTED in part and DENIED in part. Aetna's Application for Preliminary Injunctive is GRANTED to the extent that seeks to enjoin the execution and implementation of any agreement resulting from RFP 06-15, pending further order from the Court. Should the Department of Human Services (DHS) elect to hear Aetna's bid protest in the meantime, DHS should use a hearing officer who is not employed by DHS and who does not have any connection to or knowledge of the solicitation, consideration, or award under RFP 06-15. In all other respects, the application will be DENIED. It is further ORDERED that Petitioner shall post a bond in the amount of one hundred dollars (\$100).			