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Supreme Court of Pennsylvania



Appeal Docket Sheet Docket Number: 54 MAP 2011 Page 1 of 6

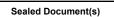
November 26, 2012

CAPTION

Lisa Kinney-Lindstrom as Parent and Natural Guardian of Samantha Lindstrom, a Minor, and Alec Lindstrom, a Minor, and as the Assignee of Dr. S., Appellant

Medical Care Availability and Reduction of Error Fund, Successor in Interest to the Medical Professional Liability Catastrophe Loss Fund, Appellee

	CASE INF	ORMATION	
Initiating Document:	Notice of Appeal		
Case Status:	Active		
Journal Number:	J-132A-2012 November 27, 2012		
Case Category:	Administrative Agency	Case Type(s):	Insurance
cc	DNSOLIDATED CASES		RELATED CASES
		Docket No / Reason	Туре
		95 MM 2009 Same Record Below	Related
		-	I, Pet. v. MCare Avail & Red.
		96 MM 2009 Same Record Below Kinney-Lindstrom et a	Related
		59 MAP 2011 Cross Appeal Kinney-Lindstrom, L. V	Related
		•	·····
		NFORMATION	
Attorney:	Howard Jonathan Bashman, Esq.		
Address:	Ste G 22 2300 Computer Ave Willow Grove, PA 19090		
Phone No:	(215) 830-1458		
Representing:	Kinney-Linstrom, Lisa, Appellant		
Pro Se: IFP Status:	No		
Attorney:	James J. McEldrew III, Esq.		
Address:	McEldrew Law McEldrew Law 123 South Broad St. Ste 1920 Philadelphia, PA 19109		
Phone No:	(215) 545-8800		
Representing:	Kinney-Linstrom, Lisa, Appellant		
Pro Se: IFP Status:	No		



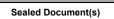
Supreme Court of Pennsylvania



Appeal Docket Sheet Docket Number: 54 MAP 2011 Page 2 of 6

November 26, 2012

		COUNSEL IN	NFORMATIO	N		
Attorney:	Elit R. Felix II, Es Margolis Edelstei					
Address:	Independence So Philadelphia, PA	l W 4th Fl				
Phone No: Representing: Pro Se: IFP Status:	(215) 931-5870 Medical Care Ava No	ilability and Reductior	n of Error Fu	nd, Appellee		
Attorney: Address:	Arthur F. McNulty PA Department o 1341 Strawberry Harristown State	f Insurance Sq Office Bldg #1				
Phone No: Representing: Pro Se: IFP Status:	Harrisburg, PA 17 (717) 787-2567 Medical Care Ava No	120 ilability and Reductior	n of Error Fu	nd, Appellee		
		SUPREME COUR		ATION		
Appeal From: Appeal Filed Below:	the order of Com June 6, 2011	monwealth Court ente	red 05-06-20	011 at No. 18	MD 2007	
Probable Jurisdiction Noted: Allocatur Granted: Allocatur Grant Orde	July 20, 2011		Docketed I Allocatur D		June 9, 2011	
		FEE INFO	ORMATION			
Fee Dt Fee N	lame		Fee Amt	Receipt Dt	Receipt No	Receipt Amt
	e of Appeal lotion for Extension of	Time	73.50 10.00	06/09/2011 09/29/2011	2011-SUP-M-000642 2011-SUP-M-001086	73.50 10.00
	INTE	RMEDIATE APPELLA	TE COURT	INFORMATIO	N	
Court Name: Date of Order:				mber: on Disp Date: on Dispositior		
Judge(s): Intermediate Appellat Referring Court:	e Court Action:					
		AGENCY/TRIAL CO		MATION		
Court Below:	Commonwealth (Court of Pennsylvania				
County:			Division: C	commonwealth	n Court of Pennsylvania	
Date of Agency/Trial	Court Order: May	v 6, 2011			2	
Order Type:	Order					
OTN(s):						



Supreme Court of Pennsylvania



Appeal Docket Sheet Docket Number: 54 MAP 2011 Page 3 of 6 November 26, 2012

Lower Ct Docket No(s):	18 MD 2007
Lower Ct Judge(s):	Friedman, Rochelle S.
	Senior Judge

	Senior Judge		
	ORIGINA	L RECORD CONTENT	
Original Record Item		Filed Date	Content/Description
Exhibits Transcripts 1 Misc Papers 1 Casted Envelope			4 4
1 Sealed Envelope Transcripts/Joint Exhibit Original Record	ts	July 22, 2011	4 7 Parts
Record Remittal:			
	BRIE	FING SCHEDULE	
Appellant Kinney-Linstrom, Lisa Brief	a	Appellee Medical Care Availabi Fund	lity and Reduction of Error
Due: March 9, 2012 Reply Brief	Filed: March 9, 2012	Brief Due: March 9, 2012	Filed: March 2, 2012
Due: March 9, 2012	Filed: March 9, 2012	Reply Brief Due: March 9, 2012	Filed: March 2, 2012
Reproduced Record Due: February 24, 2012			
	SESSI	ON INFORMATION	
Journal Number: Listed/Submitted Date: Consideration Type:	J-132A-2012 November 27, 2012 Oral Argument Supreme Ct.		
	DO	OCKET ENTRY	
Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 6, 2011	Notice of Appeal Filed	Appellant	Kinney-Linstrom, Lisa
June 6, 2011	Jurisdictional Statement Filed	Appellant	Kinney-Linstrom, Lisa
June 17, 2011	No Answer Letter to Notice of Ap	peal & Jurisdictional Statemer Appellee	nt Medical Care Availability and Reduction of Error Fund
July 20, 2011	Probable Jurisdiction Noted		Bizzoso, Irene M.
Comments: AND NOW, this 20th da	y of July, 2011, probable jurisdiction	is noted.	
July 20, 2011	Order Exited		Office of the Prothonotary

Supreme Court of Pennsylvania

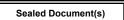
Sealed Document(s)

Appeal Docket Sheet Docket Number: 54 MAP 2011

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November 26, 2012

	I	DOCKET ENTRY	
Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 22, 2011	Sealed Commonwealth Ct. Reco	ord Received	
-			Commonwealth Court of Pennsylvania
August 1, 2011	Application for Extension of Tir	ne to File Brief - First Reque	st
		Appellant	Kinney-Linstrom, Lisa
August 2, 2011	Order Granting Application for	Extension of Time to File Bri	ef and Reproduced Record Dreibelbis, Amy
	2nd day of August, 2011, App Reproduced Record shall be filed on		ion for extension of time is granted 11.
August 2, 2011	Order Exited		
			Office of the Prothonotary
September 28, 2011	Application for Extension of Tir	ne to File Brief - Second Req	juest
		Appellant	Kinney-Linstrom, Lisa
September 29, 2011	Order Granting Application for Extension of Time to File Appellant Brief		
			Dreibelbis, Amy
Comments: AND NOW, this 29			Dreibelbis, Amy otion for extension of time is granted
Comments: AND NOW, this 29 Appellant's Brief and I	9th day of September, 2011, A		-
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited	or before October 14, 2011.	otion for extension of time is granted Office of the Prothonotary
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011	9th day of September, 2011, A Reproduced Record shall be filed on	or before October 14, 2011.	otion for extension of time is granted Office of the Prothonotary
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited	or before October 14, 2011. R.A.P. 2154(b) Large Record	otion for extension of time is granted Office of the Prothonotary d Rule
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited	or before October 14, 2011. R.A.P. 2154(b) Large Record Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited	or before October 14, 2011. R.A.P. 2154(b) Large Record Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa	or before October 14, 2011. R.A.P. 2154(b) Large Record Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa	n.R.A.P. 2154(b) Large Record Appellant Appellant Appellant Pellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha Kinney-Linstrom, Lisa Lindstrom, Alec
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa	Appellant Appellant Appellant Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha Kinney-Linstrom, Lisa
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa Proof of Service of Brief for App	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Samantha Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Alec Lindstrom, Samantha st Medical Care Availability and
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Order Exited Notice of Filing Briefs under Pa Proof of Service of Brief for App Application for Extension of Tir	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Alec Lindstrom, Alec Lindstrom, Alec Lindstrom, Samantha st Medical Care Availability and Reduction of Error Fund
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011 October 14, 2011	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa Proof of Service of Brief for App	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha st Medical Care Availability and Reduction of Error Fund pellee Brief
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011 October 14, 2011 October 24, 2011 October 26, 2011 Comments: AND NOW, this 26	9th day of September, 2011, A Reproduced Record shall be filed on Order Exited Order Exited Notice of Filing Briefs under Pa Proof of Service of Brief for App Proof of Service of Brief for App Application for Extension of Tim Order Granting Application for	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Extension of Time to File Ap	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Alec Lindstrom, Alec Lindstrom, Alec Lindstrom, Samantha st Medical Care Availability and Reduction of Error Fund
Comments: AND NOW, this 29 Appellant's Brief and I September 29, 2011 October 14, 2011 October 14, 2011 October 24, 2011 October 26, 2011 Comments: AND NOW, this 26	Oth day of September, 2011, A Reproduced Record shall be filed on Order Exited Notice of Filing Briefs under Pa Proof of Service of Brief for App Application for Extension of Tir Order Granting Application for I Sth day of October, 2011, Appe	Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Appellant Extension of Time to File Ap	otion for extension of time is granted Office of the Prothonotary d Rule Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha st Medical Care Availability and Reduction of Error Fund pellee Brief Dreibelbis, Amy



Supreme Court of Pennsylvania

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November 26, 2012

	DOCK	ET ENTRY	
Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 16, 2011	Proof of Service for Appellee's Brief	(Cross Appellant)	
		Appellee	Medical Care Availability and
			Reduction of Error Fund
January 17, 2012	Proof of Service of Reply Brief for Ap	opellant	
-		Appellant	Kinney-Linstrom, Lisa
		Appellant	Lindstrom, Alec
		Appellant	Lindstrom, Samantha
Comments: Aple 2nd Advanced Bi	rief due 2/3/2012.		
February 2, 2012	Proof of Service for Appellee's Reply	Brief (Cross Appellant)	
• • •		Appellee	Medical Care Availability and
			Reduction of Error Fund
	Reproduced Record Filed (6 Volum	es)	
, _ ,		Appellant	Kinney-Linstrom, Lisa
February 24, 2012	Sealed Reproduced Record Filed (/olume 7 is Sealed)	
		Appellant	Kinney-Linstrom, Lisa
February 27, 2012	Sealed Joint Motion to File Volume 7	of Reproduced Record u	under Seal
		Appellant	Kinney-Linstrom, Lisa
		Appellee	Medical Care Availability and
			Reduction of Error Fund
March 2, 2012	Designated Appellee Definitive Brief	w/Supplement of Exhibit	s A & B Filed
		Appellee	Medical Care Availability and
			Reduction of Error Fund
March 2, 2012	Designated Appellee's Definitive Rep	ly Brief	
		Appellee	Medical Care Availability and
			Reduction of Error Fund
March 9, 2012	Designated Appellant's Definitive Bri	ef Filed	
		Appellant	Kinney-Linstrom, Lisa
March 9, 2012	Designated Appellant's Definitive Re	ply Brief	
		Appellant	Kinney-Linstrom, Lisa

Sealed Document(s)

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November 26, 2012

	DOCKET ENTRY				
Filed Date	Docket Entry / Representing	Participant Type	Filed By		
September 28, 2012	Dispositional Memo Order				
			Per Curiam		

Comments:

AND NOW, this 28th day of September, 2012, oral argument is GRANTED

Supreme Court of Pennsylvania

limited to the following issue:

Did the Commonwealth Court err or otherwise abuse its discretion in ruling on summary judgment in favor of the MCARE Fund that Dr. S.'s negligence constituted only one rather than two occurrences of medical malpractice for purposes of the MCARE Act?

All other issues will be decided on the briefs as submitted.

It is further ordered that the Joint Motion of the Parties to File Volume Seven of the Reproduced Record Under Seal is GRANTED.

September 28, 2012	Order Exited		
			Office of the Prothonotary
October 29, 2012	Acknowledgement of Argument Medical Care Availability and Reduction of Error Fund	Notice Appellee	Felix, Elit R., II
November 5, 2012	Acknowledgement of Argument	Notice	
	Kinney-Linstrom, Lisa	Appellant	McEldrew, James J., III
	Kinney-Linstrom, Lisa	Appellant	Bashman, Howard Jonathan
	CROS	S COURT ACTIONS	
Docket Number:		18 MD 2007	
Docket Number:		59 MAP 2011	
Docket Number:		95 MM 2009	
Docket Number:		96 MM 2009	