

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 54 MAP 2011

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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

v.

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

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Journal Number: J-132A-2012 November 27, 2012

Case Category: Administrative Agency Case Type(s): Insurance

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
95 MM 2009 Same Record Below Kinney-Lindstrom et al, Pet. v. MCare Avail & Red.	Related
96 MM 2009 Same Record Below Kinney-Lindstrom et al v. MCARE, Pet.	Related
59 MAP 2011 Cross Appeal Kinney-Lindstrom, L. v. MCARE, Cross Aplt	Related

COUNSEL INFORMATION

Attorney: Howard Jonathan Bashman, Esq.

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2300 Computer Ave
Willow Grove, PA 19090

Phone No: (215) 830-1458

Representing: Kinney-Linstrom, Lisa, Appellant

Pro Se: No

IFP Status:

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Representing: Kinney-Linstrom, Lisa, Appellant

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

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 Margolis Edelstein
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 Representing: Medical Care Availability and Reduction of Error Fund, Appellee
 Pro Se: No
 IFP Status:

Attorney: Arthur F. McNulty, Esq.
 PA Department of Insurance
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 Harrisstown State Office Bldg #1
 Harrisburg, PA 17120
 Phone No: (717) 787-2567
 Representing: Medical Care Availability and Reduction of Error Fund, Appellee
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the order of Commonwealth Court entered 05-06-2011 at No. 18 MD 2007
 Appeal Filed Below: June 6, 2011
 Probable Jurisdiction
 Noted: July 20, 2011 Docketed Date: June 9, 2011
 Allocatur Granted: Allocatur Docket No:
 Allocatur Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
06/06/2011	Notice of Appeal	73.50	06/09/2011	2011-SUP-M-000642	73.50
09/28/2011	2nd Motion for Extension of Time	10.00	09/29/2011	2011-SUP-M-001086	10.00

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:
 Date of Order: Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s):
 Intermediate Appellate Court Action:
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Commonwealth Court of Pennsylvania
 County: Division: Commonwealth Court of Pennsylvania
 Date of Agency/Trial Court Order: May 6, 2011
 Order Type: Order
 OTN(s):

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

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Exhibits		4
Transcripts		4
1 Misc Papers		
1 Sealed Envelope		
Transcripts/Joint Exhibits		4
Original Record	July 22, 2011	7 Parts

Record Remittal:

BRIEFING SCHEDULE

Appellant	Appellee
Kinney-Linstrom, Lisa	Medical Care Availability and Reduction of Error Fund
Brief	Brief
Due: March 9, 2012	Due: March 9, 2012
Filed: March 9, 2012	Filed: March 2, 2012
Reply Brief	Reply Brief
Due: March 9, 2012	Due: March 9, 2012
Filed: March 9, 2012	Filed: March 2, 2012
Reproduced Record	
Due: February 24, 2012	Filed: February 24, 2012

SESSION INFORMATION

Journal Number: J-132A-2012
 Listed/Submitted Date: November 27, 2012
 Consideration Type: Oral Argument Supreme Ct.

DOCKET 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 Appeal & Jurisdictional Statement	Appellee	Medical Care Availability and Reduction of Error Fund
July 20, 2011	Probable Jurisdiction Noted		Bizzoso, Irene M.

Comments:
 AND NOW, this 20th day of July, 2011, probable jurisdiction is noted.

July 20, 2011	Order Exited	Office of the Prothonotary
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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 22, 2011	Sealed Commonwealth Ct. Record Received		Commonwealth Court of Pennsylvania
August 1, 2011	Application for Extension of Time to File Brief - First Request	Appellant	Kinney-Linstrom, Lisa
August 2, 2011	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Dreibelbis, Amy
Comments: AND NOW, this 2nd day of August, 2011, Appellant/Cross-Appellee's motion for extension of time is granted. Appellant's Brief and Reproduced Record shall be filed on or before September 30, 2011.			
August 2, 2011	Order Exited		Office of the Prothonotary
September 28, 2011	Application for Extension of Time to File Brief - Second Request	Appellant	Kinney-Linstrom, Lisa
September 29, 2011	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
Comments: AND NOW, this 29th day of September, 2011, Appellant/Cross-Appellee's motion for extension of time is granted. Appellant's Brief and Reproduced Record shall be filed on or before October 14, 2011.			
September 29, 2011	Order Exited		Office of the Prothonotary
October 14, 2011	Notice of Filing Briefs under Pa.R.A.P. 2154(b) Large Record Rule	Appellant Appellant Appellant	Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha
October 14, 2011	Proof of Service of Brief for Appellant	Appellant Appellant Appellant	Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha
October 24, 2011	Application for Extension of Time to File Brief - First Request	Appellee	Medical Care Availability and Reduction of Error Fund
October 26, 2011	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 26th day of October, 2011, Appellee/Cross-Appellant's application for extension of time is granted. Appellee/Cross-Appellant's Brief shall be filed on or before December 16, 2011.			
October 26, 2011	Order Exited		Office of the Prothonotary



DOCKET 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 Appellant	Appellant Appellant Appellant	Kinney-Linstrom, Lisa Lindstrom, Alec Lindstrom, Samantha
Comments: Aple 2nd Advanced Brief 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
February 24, 2012	Reproduced Record Filed (6 Volumes)	Appellant	Kinney-Linstrom, Lisa
February 24, 2012	Sealed Reproduced Record Filed (Volume 7 is Sealed)	Appellant	Kinney-Linstrom, Lisa
February 27, 2012	Sealed Joint Motion to File Volume 7 of Reproduced Record under Seal	Appellant Appellee	Kinney-Linstrom, Lisa Medical Care Availability and Reduction of Error Fund
March 2, 2012	Designated Appellee Definitive Brief w/Supplement of Exhibits A & B Filed	Appellee	Medical Care Availability and Reduction of Error Fund
March 2, 2012	Designated Appellee's Definitive Reply Brief	Appellee	Medical Care Availability and Reduction of Error Fund
March 9, 2012	Designated Appellant's Definitive Brief Filed	Appellant	Kinney-Linstrom, Lisa
March 9, 2012	Designated Appellant's Definitive Reply Brief	Appellant	Kinney-Linstrom, Lisa

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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

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 Notice		
	Medical Care Availability and Reduction of Error Fund	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

CROSS COURT ACTIONS

Docket Number:	18 MD 2007
Docket Number:	59 MAP 2011
Docket Number:	95 MM 2009
Docket Number:	96 MM 2009