

Miscellaneous Docket Sheet

Docket Number: 655 MD 2010

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April 4, 2011



CAPTION

Jay V. Yunik,
Petitioner
v.
Jeffrey Beard, D.O.C. Secretary,
Mr. Nickelson, deputy Supt., SCI-
Fayette, Mr. Armel, deputy Supt.,
SCI-Fayette, Brian V. Coleman,
Superintendent, SCI-Fayette,
Rhonda House, grievance officer,
SCI-Fayette, Dorina Varner,
grievance officer, SCI-Fayette,
W. W. Jones, Captain, SCI-Fayette,
C. Myers, physician's assistant,
SCI-Fayette, K. Randolph, registered
nurse, SCI-Fayette, S. Berrier,
acting C.H.C.A., SCI-Fayette,
Herbick, Medical doctor, SCI-
Fayette,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: November 18, 2010 Completed
Journal Number:
Case Category: Miscellaneous Case Type(s): Inmate Petition for Review

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Yunik, Jay V.
Pro Se: Yes
IFP Status: Yes
Pro Se: Yunik, Jay V.
Address: Ek5560, SCI-Fayette
Box 9999
LaBelle, PA 15450
Phone No: Fax No:

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COUNSEL INFORMATION

Respondent **Randolph, K.**

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

Fax No: (717) 975-2217

Respondent **Nickelson, Mr.**

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

Fax No: (717) 975-2217

Respondent **Myers, Chris**

Pro Se: No

IFP Status:

Attorney: Gold, Alan Steven

Law Firm: Gold & Ferrante, P.C.

Address: 261 Old York Rd Ste 526
Jenkintown, PA 19046

Phone No: (215) 885-1118

Fax No: (215) 885-5283

Respondent **Jones, W. W.**

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

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Respondent **House, Rhonda**

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

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**COUNSEL INFORMATION****Respondent Herbick**

Pro Se: No

IFP Status:

Attorney: Gold, Alan Steven

Law Firm: Gold & Ferrante, P.C.

Address: 261 Old York Rd Ste 526
Jenkintown, PA 19046

Phone No: (215) 885-1118

Fax No: (215) 885-5283

Respondent Coleman, Brian V.

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

Fax No: (717) 975-2217

Respondent Berrier, S.

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

Fax No: (717) 975-2217

Respondent Beard, Jeffrey

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

Fax No: (717) 975-2217

Respondent Armel, Mr.

Pro Se: No

IFP Status:

Attorney: Boyd, Jaime Beth

Law Firm: PA Department of Corrections

Address: 55 Utley Dr
Camp Hill, PA 17011

Phone No: (717) 731-0444

Fax No: (717) 975-2217

AGENCY/TRIAL COURT INFORMATION

Court Below: Department of Corrections

County:

Division:

Department of Corrections

Order Appealed From:

Judicial District:

Documents Received: August 9, 2010

Notice of Appeal Filed:

Order Type:

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OTN(s):

Lower Ct Docket No(s): Grievance Nos. 318179 and 321775

Lower Ct Judge(s):

**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:**BRIEFING SCHEDULE****Petitioner**

Yunik, Jay V.
Brief

Respondent

Armel, Mr.
Brief

Beard, Jeffrey
Brief

Berrier, S.
Brief

Coleman, Brian V.
Brief

Department of Corrections
Brief

Herbick
Brief

Due: Filed: October 25, 2010

House, Rhonda
Brief

Jones, W. W.
Brief

Myers, Chris
Brief

Due: Filed: October 25, 2010

Nickelson, Mr.
Brief

Randolph, K.
Brief

Varner, Dorina
Brief

DOCKET ENTRY

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 6, 2010	Petition for Review Filed Yunik, Jay V.		Petitioner	
August 6, 2010	Application for Summary Relief Yunik, Jay V. Document Name: and Special Relief		Petitioner	
August 10, 2010	Send Back for Correction Commonwealth Court Filing Office Document Name: \$53.50 or completed, signed, dated and returned IFP forms with inmate account statement.			
August 19, 2010	Complied with Sendback Yunik, Jay V. Document Name: Sent IFP with Inmate Acc. Statement		Petitioner	
August 19, 2010	Application to Proceed In Forma Pauperis Yunik, Jay V.		Petitioner	
August 20, 2010	Order Granting Application to Proceed In Forma Pauperis Per Curiam Document Name: Respondents are hereby directed to file an answer or otherwise plead w/i 30 days Comment: Respondents shall file an answer to petitioner's Motion for Special/Summary relief w/i 14 days of entry.			08/23/2010
August 30, 2010	Entry of Appearance Boyd, Jaime Beth Boyd, Jaime Beth	Berrier, S. Randolph, K. Jones, W. W. House, Rhonda Beard, Jeffrey Nickelson, Mr. Varner, Norina Coleman, Brian V.	Respondent Respondent Respondent Respondent Respondent Respondent Respondent Respondent	
August 30, 2010	Praecepte for Withdrawal of Appearance Hueston, Suzanne Noelle	Department of Corrections	Respondent	
August 30, 2010	Preliminary Objections Nickelson, Mr. Armel, Mr. Coleman, Brian V. House, Rhonda Varner, Norina Department of Corrections Beard, Jeffrey Jones, W. W. Randolph, K. Berrier, S. Document Name: Corrections Respondents' Preliminary Objection		Respondent Respondent Respondent Respondent Respondent Respondent Respondent Respondent Respondent Respondent	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 30, 2010	Application to Compel			
	Nickelson, Mr.		Respondent	
	Armel, Mr.		Respondent	
	Coleman, Brian V.		Respondent	
	House, Rhonda		Respondent	
	Varnier, Norina		Respondent	
	Beard, Jeffrey		Respondent	
	Jones, W. W.		Respondent	
	Randolph, K.		Respondent	
	Berrier, S.		Respondent	
	Document Name: Respondents' Application to Compel Service and Stay this Court's 8-25-10 Order Directing a Response			
	Comment: to Petitioner's Motion for Summary/Special Relief			
August 31, 2010	Order Granting Application to Compel			09/01/2010
	Per Curiam			
	Document Name: Pet. shall serve his PFR on respondents & the Attny. General in person or by cert. mail & file w/			
	Comment: this Court a certificate of service of same w/in 14 days of entry of this Order or resp.'s P.O. pertaining to service will be sustained & the PFR will be dismissed as of course. Resp.'s may file addt.'l P.O.'s w/in 44 days of entry of this Order if pet. complies w/ paragraph 1 above. Resp.'s application to compel service & stay is granted. Pet. is directed to serve a copy of his application for special/summary relief on counsel for resp.'s & file proof of same w/in 14 days of entry of this order or the application will be stricken. Resp.'s shall respond to pet.'s application w/in 14 days of service of the app. for special/summary relief.			
September 8, 2010	Praecepto to Withdraw			
	Department of Corrections		Respondent	
	Document Name: Praecepto to Withdraw Corrections Respondents' Preliminary Objection to Service			
September 8, 2010	Praecepto to Withdraw			
	Department of Corrections		Respondent	
	Document Name: Praecepto to Withdraw Corrections Respondents' Motion to Compel Service of Petitioner's Motion			
	Comment: for Summary/Special relief.			
September 8, 2010	Preliminary Objections			
	Nickelson, Mr.		Respondent	
	Armel, Mr.		Respondent	
	Coleman, Brian V.		Respondent	
	House, Rhonda		Respondent	
	Varnier, Norina		Respondent	
	Department of Corrections		Respondent	
	Beard, Jeffrey		Respondent	
	Jones, W. W.		Respondent	
	Randolph, K.		Respondent	
	Berrier, S.		Respondent	
	Document Name: Corrections Respondents' Preliminary Objections			
September 8, 2010	Answer to Application for Relief			
	Department of Corrections		Respondent	
	Document Name: Corrections Respondents' Response to Petitioner's Motion for Special/Summary Relief			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 10, 2010	Order Filed Per Curiam			09/13/2010
	Document Name: Praeipie to withdraw PO to service and praeipie to withdraw motion to compel service of application Comment: for summary relief, this court's order of 8/31/2010 is VACATED.			
September 14, 2010	Certificate of Service Filed Yunik, Jay V.		Petitioner	
	Document Name: Proof of Service by Cert. Mail of PFR on AG			
September 16, 2010	Order Denying Application for Relief Per Curiam			09/17/2010
	Document Name: Pet.'s Motion for Special/Summary Relief is denied.			
September 28, 2010	Answer to Preliminary Objections Yunik, Jay V.		Petitioner	
	Document Name: Reply to DOC's P.O.s			
September 28, 2010	Application for Relief Yunik, Jay V.		Petitioner	
	Document Name: Motion for Default Judgment			
September 30, 2010	Certificate of Service Filed Yunik, Jay V.		Petitioner	
	Document Name: Proof of Service by Certified Mail on Chris Myers			
October 5, 2010	Order Filed Per Curiam			10/06/2010
	Document Name: Respondent Chris Myers is directed to file an answer or otherwise plead within 30 days of this order			
October 6, 2010	Order Denying Application for Relief Per Curiam			10/07/2010
	Document Name: Petitioner's Motion for Default Judgment is dismissed.			
October 18, 2010	Application for Relief Yunik, Jay V.		Petitioner	
	Document Name: Motion for Temporary Injunction			
October 19, 2010	Entry of Appearance Gold, Alan Steven Gold, Alan Steven	Herbick Myers, Chris	Respondent Respondent	
October 19, 2010	Preliminary Objections Gold, Alan Steven Gold, Alan Steven	Herbick Myers, Chris	Respondent Respondent	
	Document Name: Of Michael Herbik, M.D. And Chris Meyer, P.A. To The Petition For Review Of Jay V. Yunik			
October 25, 2010	Respondent's Brief Filed Herbick Myers, Chris		Respondent Respondent	
November 1, 2010	Answer to Preliminary Objections Yunik, Jay V.		Petitioner	
	Document Name: Preliminary Objections to Preliminary Objections of Respondent's.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 3, 2010	Application to Amend Yunik, Jay V.		Petitioner	
	Document Name: Petition to Amend			
November 18, 2010	Dismissal Per Curiam			
	Document Name: Upon consideration of Respondents' POs ans Petitioner's response thereto, Comment: the Objections are Sustained, and the PFR is Dismissed. Petitioner's Petition to Amend is Denied. Petitioner's Motion for Temporary Injunction is Denied.			
December 7, 2010	Notice of Appeal to PA Supreme Court Filed Yunik, Jay V.		Petitioner	
	Document Name: 40 WAP 2010 Comment: Record forwarded to the PA Supreme Court, Western District on 1/4/2011.			
January 4, 2011	Certificate of Service Filed Commonwealth Court Filing Office			
	Document Name: List of documents sent to counsel of record & unrepresented parties pusuant to Pa. R.A.P. 1931-(d)			

DISPOSITION INFORMATION

Final Disposition:	Yes		
Related Journal No:		Judgment Date:	
Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Dismissal	Disposition Date:	November 18, 2010
Disposition Comment:	the Objections are Sustained, and the PFR is Dismissed. Petitioner's Petition to Amend is Denied. Petitioner's Motion for Temporary Injunction is Denied.		
Dispositional Filing:		Filing Author:	
Filed Date:			