

Docket Number: 989

STEWART COOLER

Paul Eisenberg, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE and PHILADELPHIA HEALTH MANAGEMENT
CORPORATION

John C. Fekety, Assistant Counsel (Phila.)

VS.

****EPISCOPAL HOSPITAL, PHILADELPHIA, PENNSYLVANIA
(Impleaded Defendant)**

Douglas Y. Christian, Esquire

December 26, 1984

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$21,000.00

January 2, 1985

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

February 6, 1985

Respondent's Preliminary Objections and Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 12, 1985

Claimant's Reply to Respondent's Preliminary Objections and Claimant's Brief in Opposition to Respondent's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 12, 1985

Respondent's Reply to Claimant's New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 19, 1985

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of April, 1985, the Preliminary Objections as filed by the Defendant are hereby **DENIED**. The Defendant is granted thirty (30) days from the date of this Order in which to file a Responsive Pleading."

April 22, 1985

Copies of Opinion and Order dated April 19, 1985 forwarded to attorney for Plaintiff and attorney for Defendant.

May 15, 1985

Respondent's Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 4, 1986

Claimant's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 3, 1986

Petition to Interplead Additional Defendant(s) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and Proposed Impleaded Defendant by attorney for Defendant.

July 11, 1986

Letter received from John C. Fekety, Assistant Counsel, entering his appearance on behalf of attorney for Defendant.

July 21, 1986

Respondent's Reply to Response for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and Proposed Impleaded Defendant by attorney for Defendant.

****August 21, 1986**

The Board rendered an opinion and made the following Order: "On this 21st day of August, 1986, upon consideration of Defendant's Petition to Interplead, it is hereby **ORDERED** that Episcopal Hospital, Philadelphia, Pennsylvania, be and hereby is, impleaded as a party Defendant. Episcopal Hospital, Philadelphia, Pennsylvania, is hereby **GRANTED** thirty (30) days from the date hereof to file responsive pleadings. The caption shall be and hereby is amended to read: Stewart Cooler, Plaintiff vs. Commonwealth of Pennsylvania, Department of Public Welfare, Defendant vs. Episcopal Hospital, Philadelphia, Pennsylvania, Impleaded Defendant - Before the Board of Claims - Docket No. 989." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 19, 1986

Acceptance of Service of Opinion and Order dated August 21, 1986, received from Defendant. Receipt of same acknowledged by Defendant August 26, 1986.

September 5, 1986

Episcopal Hospital's Response to Petition to Interplead Additional Defendant(s) filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

September 11, 1986

Response to Episcopal's Hospital Request for Dismiss the Petition to Implead filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

September 15, 1986

Episcopal Hospital's Reply to the Commonwealth of Pennsylvania's Response to episcopal Hospital's request to Dismiss the Petition to Implead filed by attorney fro Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

CLOSED

September 22, 1986

Episcopal Hospital's Preliminary Objections to Joinder filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

September 29, 1986

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of September, 1986, the request of Episcopal Hospital to be dismissed as an Additional Defendant and the Preliminary Objections filed by it are **DENIED**. Defendant, Department of Public Welfare, is **ORDERED** to file its Complaint vs. Episcopal Hospital as Impleaded Defendant within twenty (20) days hereof. An appropriate response by the Impleaded Defendant to be filed within twenty (20) days thereafter." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleaded Defendant.

October 7, 1986

Acceptance of Service of Opinion and Order dated September 29, 1986 received from Defendant. Receipt of same acknowledged by Defendant October 1, 1986.

October 9, 1986

Acceptance of Service of Opinion and Order dated September 29, 1986 received from Impleaded Defendant. Receipt of same acknowledged by Impleaded Defendant October 6, 1986.

October 21, 1986

Commonwealth's Complaint Against Episcopal Hospital filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

October 23, 1986

Copy of Commonwealth's Complaint Against Episcopal Hospital forwarded to Chief Deputy Attorney General.

October 31, 1986

Episcopal Hospital's Preliminary Objections to Joinder filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

November 3, 1986

Acceptance of service of Commonwealth's Complaint Against Episcopal Hospital received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General October 29, 1986.

November 24, 1986

Episcopal Hospital's Reply to Commonwealth of Pennsylvania's Response to Episcopal Hospital's Preliminary Objections filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

November 26, 1986

Commonwealth of Pennsylvania's Response to Episcopal Hospital's Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

December 12, 1986

Respondent's Request for Production of Documents filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

February 17, 1987

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of February, 1987, the Preliminary Objections as filed by the Impleaded Defendant is **DENIED**. The Impleaded Defendant is given thirty (30) days from the date of this Order to file Responsive Pleadings." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleaded Defendant.

February 27, 1987

Acceptance of Service of Opinion and Order dated February 17, 1987 received from Defendant. Receipt of same acknowledged by Defendant February 30, 1987.

March 5, 1987

Acceptance of Service of Opinion and Order dated February 16, 1987 received from Impleaded Defendant. Receipt of same acknowledged by Impleaded Defendant February 26, 1987.

April 15, 1987

Additional Defendant Episcopal Hospital's Answer to "Commonwealth's Complaint Against Episcopal Hospital" filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

April 17, 1987

Certificate of Service filed by attorney for Impleaded Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by Impleaded Defendant.

May 14, 1987

Motion to Dismiss Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

May 18, 1987

Praecipe to Withdraw Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

May 29, 1987

The Board made the following Order: "**AND NOW**, this 29th day of May, 1987, the request of the Defendant to withdraw its Motion to Dismiss is **DENIED**. Defendant's Motion to Dismiss will be held in abeyance pending the outcome of counsel's attempts to resolve this matter. The Board will expect a report on or before August 1, 1987 on this entire matter."

June 1, 1987

Copies of Order dated May 29, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleaded Defendant.

CLOSED

Acceptance of Service of Opinion and Order dated May 19, 1987 received from Defendant. Receipt of same acknowledged by Defendant June 1, 1987.

May 13, 1988

Praecipe to Discontinue filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 18, 1988

Stipulation and Settlement Agreement filed by attorney for Plaintiff and attorney for Defendant. Copy forwarded to attorney for Impleaded Defendant by attorney for Defendant.

September 23, 1988

The Board made the following Order: "**AND NOW**, this 23rd day of September, 1988, upon receipt of Praecipe to Discontinue and mark the above-captioned matter "Withdrawing with Prejudice", its claim against Episcopal Hospital, executed by John C. Fekety, Assistant Counsel, on behalf of Plaintiff, same of which is docketed with this Board under date of May 13, 1988, it is **ORDERED** and **DIRECTED** that said claim against Episcopal Hospital be marked settled, discontinued and ended with prejudice." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

September 23, 1988

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of September, 1988, it appearing that all parties in this matter are in agreement with the Stipulation and Settlement Agreement which was filed with the Board of July 18, 1988, it is hereby **ORDERED** that the Stipulation and Settlement Agreement which was filed with the Board on July 18, 1988, it is hereby **ORDERED** that the Stipulation and Settlement Agreement is approved and all Claims stemming from this matter are hereby discontinued and dismissed with prejudice." Copy of Stipulation and Settlement Agreement attached. Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

CLOSED

October 7, 1988

Acceptance of Service of Order dated September 23, 1988 received from Additional Defendant. Receipt of same acknowledged by Additional Defendant October 5, 1988.

October 7, 1988

Acceptance of Service of Order dated September 23, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 1988.

October 7, 1988

Acceptance of Service of Opinion and Order dated September 23, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 1988.
