

Docket Number: 1029-P

**BENJAMIN PHARMACY, INC.**

Gilbert B. Abramson, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Robert A. Rovner, Assistant Counsel

**November 15, 1985**

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

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**November 19, 1985**

Letter and Claim forwarded to Mr. Abramson requesting he place verification into the Claim.

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**December 3, 1985**

Letter and Claim received from Mr. Abramson with an Affidavit of Arnold Benjamin attached thereto.

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**December 5, 1985**

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

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**January 10, 1986**

Withdrawal of appearance filed by Gilbert B. Abramson, Esquire on behalf of attorney for Plaintiff.

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**March 7, 1988**

Letter of March 7, 1988 from attorney for Defendant, advises that Robert A. Rovner is now attorney for Plaintiff.

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**March 21, 1988**

Stipulation of Parties filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 3, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 3rd day of August, 1989, it is hereby ORDERED and DECREED** : 1. The Stipulations of the parties are accepted by the Board of Claims and are binding upon the parties thereto. 2. The Plaintiff, Benjamin Pharmacy, Inc., shall withdraw its suit Docketed No. 1029-P before the Board of Claims. 3. The Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, shall reduce the time which it had set for preclusion of Plaintiff from the provider program to January 31, 1988, rather than May 31, 1989. 4. The Stipulations and Agreements are entered into without a determination of fault or culpability and in the interest of avoiding litigation. 5. The Plaintiff shall file with the Board of Claims, a Praecipe, requesting that the case be marked 'settled, discontinued and ended with prejudice'. Each party shall bear its own costs."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 9, 1989**

Acceptance of Service of Opinion and Order dated August 3, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 4, 1989.

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**July 27, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of July, 1990, a Rule to Show Cause is issued upon Plaintiff, Benjamin Pharmacy, Inc., wherein it is directed that Plaintiff file a Praecipe requesting that the case be marked settled, discontinued and ended with prejudice within thirty (30) days of this Order or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 11, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of December, 1990, this Order is issued as a result of the failure of Plaintiff, Benjamin Pharmacy, Inc., to advise the Board of Claims within thirty (30) days of July 27, 1990, whether or not Plaintiff received the monies directed be paid to said Plaintiff. It is, therefore, **DIRECTED** that the Rule of July 27, 1990 be made **ABSOLUTE** and the record be marked closed and settled with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 28, 1990**

Acceptance of Service of Opinion and Order dated December 12, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 20, 1990.

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