

Docket Number: 1237

LEWISBURG UNITED METHODIST HOMES, LAPORTE HOME

~~Steven E. Bernstein, Esquire~~

~~Kimber L. Latsha, Esquire~~

~~David C. Marshall, Esquire~~

**CLOSED**

~~COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE~~

~~John A. Kane, Chief Counsel~~

~~Bruce G. Baron, Assistant Counsel~~

~~Jeffrey P. Schmoyer, Assistant Counsel~~

**March 9, 1988**

Claim and filing fee filed. Additional information to be furnished.  
Amount of Claim: \$101,000.00+.

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**March 11, 1988**

Notice of Claim letter forwarded to attorney for Defendant.

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**March 28, 1988**

Additional information (Verification and Exhibit A) received from Mr. Bernstein.

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**March 28, 1988**

Plaintiff's Motion for Stay of Proceedings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 29, 1988**

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

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**March 31, 1988**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 30, 1988.

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**April 4, 1988**

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General March 30, 1988.

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**April 8, 1988**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 8th day of April, 1988, the Board issues a Stay of the above-entitled matter pending word from counsel of the respective parties concerning the disposition of the case of Commonwealth of Pennsylvania, Department of Public Welfare vs. Divine Providence Hospital." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 13, 1988**

Acceptance of Service of Opinion and Order dated April 8, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 11, 1988.

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**April 14, 1988**

Acceptance of Service of Opinion and Order dated April 8, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 11, 1988.

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**November 1, 1988**

Motion to Dissolve Stay and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 13, 1988**

Acceptance of Service of Opinion and Order dated December 7, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 8, 1988.

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**December 17, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 7th day of December, 1988, upon receipt of the Motion of the Commonwealth of Pennsylvania, Department of Public Welfare, to Dissolve the Stay, entered in this matter on April 8, 1988, and for good cause shown, it is hereby **ORDERED** and **DECREED** that the Stay is dissolved and that the Commonwealth of Pennsylvania, Department of Public Welfare shall file its responsive pleadings, in this matter, to the Complaint within thirty (30) days of the date of which is acknowledged to be received by the Department of Public Welfare." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 19, 1988**

Acceptance of Service of Opinion and Order dated December 7, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 8, 1988.

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**January 6, 1989**

Answer, New Matter, and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 6, 1989**

Notice to the Attorney General of Pennsylvania of Challenge to the Constitutionality of the Application of the Act Creating the Board of Claims (Act 260 of 1978) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 9, 1989**

Reply to New Matter and Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 15, 1989**

The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of February, 1989, the above matters shall proceed to a determination on the merits and a date for same shall be established by the Board of Claims at which the parties are to appear to present their cases. Either party failing to present its claim and/or defense to the claim, the board shall take appropriate action to issue judgment dismissing against the Plaintiff. Judgment is the sum of money established on the record against the Commonwealth of Pennsylvania, Department of Public Welfare." Copy forwarded to attorneys for all parties.

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**February 17, 1989**

Acceptance of Service of Opinion and Order dated February 15, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 16, 1989.

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**February 17, 1989**

Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 24, 1989**

Acceptance of Service of Opinion and Order dated February 15, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 21, 1989.

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**May 18, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 18th day of May, 1989, the Board Of Claims reaffirms that it has jurisdiction over Provider Agreements with the Department of Public Welfare and further, upon the Board's own Motion, the paragraphs of the Department of Public Welfare, Nos. 31, 32, 35 and 36, contained in New Matter, raising constitutional issues, are hereby **ORDERED STRICKEN.**" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 22, 1989**

The Board rendered an Amended Opinion and made the following Order: **"AND NOW,** the 22nd day of May, 1989, the Board of Claims reaffirms that it has jurisdiction over Provider Agreements with the Department of Public Welfare and further, upon the Board's own Motion, the Paragraph Nos. 29, 30 and 31, contained in New Matter, as filed by the Department of Public Welfare, raising constitutional issues, are hereby **ORDERED STRICKEN.** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 23, 1989**

Motion for Reconsideration of Board's Order of May 18, 1989, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 23, 1989**

Motion for Reconsideration of Board's Order of May 22, 1989 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 24, 1989**

Acceptance of Service of Opinion and Order dated May 18, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 19, 1989.

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**May 25, 1989**

Acceptance of Service of Amended Opinion and Order dated May 22, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 23, 1989.

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**May 30, 1989**

Acceptance of Service of Opinion and Order dated May 18, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 22, 1989.

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**May 30, 1989**

Acceptance of Service of Amended Opinion and Order dated May 22, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 24, 1989.

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**July 25, 1989**

The Board rendered an Opinion and made the following Order: "AND NOW, this 25th day of July, 1989, the Motions for Reconsideration filed by the Commonwealth of Pennsylvania, Department of Public Welfare, on May 23, 1989, are hereby DENIED. Copy forwarded to attorney for Plaintiff and attorney for Defendant."

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**July 31, 1989**

Acceptance of Service of Opinion and Order dated July 25, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 27, 1989.

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**July 31, 1989**

Acceptance of Service of Opinion and Order dated July 25, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 19, 1989.

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**August 24, 1989**

Motion for Sanctions, Proposed Order and Memorandum of Law in Support of Motion for Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 4, 1989**

The Board made the following Order: "**AND NOW**, this 4th day of October, 1989, upon the Motion of Defendant for an Order requiring Plaintiff to file its Answers to Defendant's Interrogatories, and it appearing that such Answers are overdue, it is hereby **ORDERED** and **DECREED** and Plaintiff is **DIRECTED** to file its Answers to Defendant's Interrogatories in this matter on or before October 12, 1989, and , unless such time is extended by the Board or by agreement of the parties, any failure to file such Answers when due shall result in the preclusion of Plaintiff presenting any evidence with respect to the subject-matter of the unanswered Interrogatory."

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**October 5, 1989**

Copies of Order dated October 4, 1989 forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 6, 1989**

Plaintiff's Answers to Defendant's Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 12, 1989**

Acceptance of Service of Order dated October 4, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 9, 1989.

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**October 12, 1989**

Acceptance of Service of Order dated October 4, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 6, 1989.

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**April 28, 1994**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of April, 1994, a Rule to Show Cause is issued upon Plaintiff, Lewisburg United Methodist Homes, Laporte Home, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) day why this case should not be dismissed for failure to abide by the Board's request for a status report and to prosecute the Claim.

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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**May 10, 1994**

Acceptance of Service of Opinion and Order dated April 28, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 5, 1994.

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**May 12, 1994**

Acceptance of Service of Opinion and Order dated April 28, 1994, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 2, 1994.

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**April 6, 1995**

The Board rendered an Opinion and made the following Order: "**AND NOW** on the 6th day of April, 1995, this Order is issued as a result of the failure of Plaintiff, Lewisburg, United Methodist Homes, Inc. to advise the Board of Claims within thirty (30) days of April 28, 1994, why this case should not be dismissed for failure to abide by the Board's request for a status report and to prosecute the Claim. It is, therefore, **ORDERED** that the Rule of April 28, 1994, be made **ABSOLUTE** and the record marked closed." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 12, 1995**

Petition to Reopen filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 14, 1995**

Acceptance of Service of Opinion and Order dated April 6, 1995, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 10, 1995.

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**April 14, 1995**

Acceptance of Service of Opinion and Order dated April 6, 1995, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 10, 1995.

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**April 19, 1995**

Plaintiff's Petition to Reopen filed by attorney for Plaintiff (Kimber L. Latsha, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 24, 1995**

Letter/Response to Plaintiff's Petition to Reopen filed by attorney for Defendant.

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**July 5, 1995**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 5th day of July, 1995, it is **ORDERED** and **DECREED** that the Petition to Reopen the case is hereby **GRANTED**. Counsel for the Plaintiff, Lewisburg United Methodist Homes - Laporte Home, is further **DIRECTED** to file a status report with the Board of Claims within 45 days of the exit date of this Order." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Steven E. Bernstein Esquire.

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**July 12, 1995**

Acceptance of Service of Opinion and Order dated July 5, 1995 received from Steven E. Bernstein, Esquire. Receipt of same acknowledged by Steven E. Bernstein, Esquire July 10, 1995.

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**July 14, 1995**

Acceptance of Service of Opinion and Order dated July 5, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 6, 1995.

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**December 15, 1995**

Central District Panel Hearing scheduled for January 17, 18 and 19, 1996 in the Board of Claims' Court Room No. 2, Fulton Building, Suite 600, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**January 16, 1996**

Central District Panel Hearing scheduled for January 17, 18 and 19, 1996 canceled due to settlement.

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**June 17, 1996**

Letter forwarded to parties requesting a status report.  
**Response due 7/17/96.**

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**June 3, 1997**

Letter forwarded to parties requesting a status report.  
**Response due 7/3/97.**

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**June 11, 1997**

Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 19, 1997**

The Board rendered the following Order: **"AND NOW**, this 19th day of June, 1997, upon receipt of Praecipe to Withdraw, Settle, and End filed by Kimber L. Latsha, Esquire and David C. Marshall, Esquire, on behalf of Lewisburg United Methodist Homes, Laporte Home, same of which is docketed with this Board under date of June 11, 1997, it is **ORDERED** and **DIRECTED** that said case be marked 'withdrawn, settled and ended'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 1, 1997**

Acceptance of Service of Order dated June 19, 1997 received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff July 1, 1997.

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**July 10, 1997**

Acceptance of Service of Order dated June 19, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 8, 1997.

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