

Docket Number: 1279

BEVERLEY ENTERPRISES

Charles O. Barto, Jr., Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Bruce G. Baron, Assistant Counsel

July 20, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$428,954.00+.

July 21, 1988

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

July 26, 1988

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 22, 1988.

July 28, 1988

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General July 22, 1988.

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

October 4, 1988

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

May 23, 1989

Claimant's First Set of Written Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 23, 1989

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

June 5, 1989

Motion to Amend New Matter and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 27, 1989

Respondent's Memorandum of Law in Support of Respondent's Motion to Amend New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 25, 1989

Claimant's Answer to Defendant's Amended New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 25, 1989

Claimant's Memorandum of Law in Opposition to Defendant's Amended New Matter Raising Collateral Estoppel as an Affirmative Defense filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 25, 1989

Claimant's Response to Defendant's Motion to Amend New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 28, 1989

Respondent's Answers to Claimant's First Set of Interrogatories and its Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 26, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of September, 1989, it is **ORDERED** and **DECREED** that the Amended New Matter and the reply thereto be made part of the record and so docketed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 29, 1989

Acceptance of Service of Opinion and Order dated September 26, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 28, 1989.

October 2, 1989

Acceptance of Service of Opinion and Order dated September 26, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 1989.

June 26, 1991

Entry of Appearance filed by Mary Frances Grabowski, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 22, 1991

Praecipe of Withdrawal and Discontinuance filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 24, 1992

The Board made the following Order: "AND NOW, this 24th day of February, 1992, upon receipt of Praecipe of Withdrawal and Discontinuance executed by Charles O. Barto Esquire, on behalf of Plaintiff, Beverly Interpris, and cover letter, which states as follows: Claimant confirms that no monies have been exchanged between parties to this matter beyond the Department's payment of the audit adjustment for the FIE 1-31-94 cost report. Claimant believes that monies may be due and owing Claimant from the aforesaid cost report. However, due to passage of time and Claimant's physical plant move and personnel changes, Claimant finds itself unable to complete documentation necessary to pursue this matter.', same of which were received by the Board on October 22, 1991, it is **ORDERED** and **DIRECTED** that said case be marked 'withdrawn, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 2, 1992

Acceptance of Service of Order dated February 24, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 28, 1992.
