

Docket Number: 1321

WALLINGFORD NURSING AND REHABILITATION CENTER

~~Ernest L. Tsoules, Jr., Esquire~~

Mary Elizabeth Giblin, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Jason W. Manne, Assistant Counsel

December 9, 1988

Claim and filing fee received, additional information to be received.
Amount of Claim: \$154,432.00+.

December 23, 1988

Notice of Claim letter forwarded to attorney for Defendant.

December 27, 1988

Additional information received from attorney for Plaintiff.

December 28, 1988

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

January 3, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 28, 1988.

January 9, 1989

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General December 29, 1989.

January 12, 1989

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

January 12, 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.

February 3, 1989

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

February 13, 1989

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

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 the its claim and/or defense to the claim, the Board shall take appropriate action to issue a judgment of dismissal against the Plaintiff or judgment in the sum of money established on the record against the Commonwealth of Pennsylvania, Department of Public Welfare." Copy forwarded to attorneys for all parties.

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.

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 17, 1989.

May 19, 1989

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 19th day of May, 1989, the Board of Claims reaffirms that it has jurisdiction over Provider Agreements with 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.

May 23, 1989

Motion for Reconsideration of Board's Order of May 19, 1989 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 25, 1989

Acceptance of Service of Opinion and Order dated May 19, 1989 received

from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 22, 1989.

May 30, 1989

Acceptance of Service of Opinion and Order dated May 19, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 22, 1989.

June 20, 1989

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

July 25, 1989

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

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 July 26, 1989.

August 7, 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 August 2, 1989.

May 8, 1990

Withdrawal of Appearance of Ernest L. Tsoules, Jr., Esquire on behalf of Plaintiff filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 8, 1990

Notice of Appearance on behalf of Claimant of Mary Elizabeth Giblin, Esquire filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 5, 1991

Claimant's First Request for Admissions filed by attorney for

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

April 1, 1997

Letter forwarded to parties requesting status. Response due from parties May 1, 1997.

April 30, 1997

Status letter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 9, 1997

Claimant's Motion for Partial Summary Judgment, Brief in Support and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **DEFENDANT'S RESPONSE AND BRIEF DUE 5/10/97.**

May 10, 1997

Brief in Opposition to Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 21, 1997

Letter received from attorney for Plaintiff advising Plaintiff will be filing a response to Defendant's Response to Plaintiffs Motion for Summary Judgment.

May 27, 1997

Plaintiff's Reply to Respondent's Brief in Opposition to Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 25, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of March, 1998, upon consideration of Claimant's, Wallingford Nursing and Rehabilitation Center, Motion for Partial Summary Judgment and the parties' briefs, arguments, and supporting materials relating thereto, it is hereby **ORDERED** that Claimant's Motion for Partial Summary Judgment is **GRANTED**. The Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is **ORDERED** to adjust its Medicaid reimbursement to Claimant for depreciation in the manner consistent with the opinion. The Respondent is further **ORDERED** to do so and to make payment to Claimant for the sums owing and advise the Board of Claims when it has been done." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED April 27, 1998
Petition for Review filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
May 3, 1998

Petition for Review received from Commonwealth Court.

May 15, 1998

File transferred to Commonwealth Court.

July 20, 1998

Copy of Stipulation of Settlement as filed in Commonwealth Court filed by attorney for Defendant.

July 27, 1998

The Board rendered an Opinion and rendered the following Order: "**AND NOW**, this 27th day of July, 1998, it is **ORDERED** and **DECREED** that docket nos. 1321 & 1323 be marked **SETTLED, DISCONTINUED AND ENDED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 3, 1998

Acceptance of Service of Opinion and Order dated July 30, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 30, 1998.

August 17, 1998

Notice of Discontinuance received from Commonwealth Court in re: This is to notify you that the above-captioned matter has been

withdrawn discontinued and ended." Copy forwarded to all parties of record.

August 17, 1998

File returned from Commonwealth Court. CASE CLOSED.

CLOSED