

Docket Number: 1357

CURWENSVILLE NURSING HOME, INC.

Charles O. Barto, Jr., Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Bruce G. Baron, Assistant Counsel

March 27, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$10,000.00+.

March 29, 1989

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

April 4, 1989

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 30, 1989.

April 12, 1989

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 30, 1989.

April 24, 1989

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

April 24, 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.

May 8, 1989

Proposed Order Waiving Defendant's Objection to Lack of Subject Matter Jurisdiction, Proposed Order Striking Off New Matter Against Claimant and Preliminary Objections to Defendant's Answer and New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 9, 1989

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

May 26, 1989

Memorandum of Law in Support of Claimant's Preliminary Objections to Defendant's Answer and New Matter and in Opposition to Defendant's Pleading That Fails to Comport With Pennsylvania Rules of Civil Procedure filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 26, 1989

Motion to Strike off Defendant's Answer to Preliminary Objections to New Matter for Scandalous and Impertinent Matter and Proposed Order Striking off Defendant's Impertinent Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1989

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

August 21, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of August, 1989, the findings of the Board are as follows: A. Paragraph Nos. 24, 25, 27, 31, 33, 36, 37, 39, 40, 41, 42, 45, 44, 48, 49, 50, 51 and 55 are **STRICKEN**. B. The Plaintiff's Preliminary Objections as they refer to Paragraphs Nos. 26, 28, 29, 30, 32, 34, 35, 38, 46, 47, 52, 53, 54, 56, 57, 58 and 59 are **DENIED**. The Plaintiff is **GRANTED** thirty (30) days from the date of this Order to file responsive pleadings in accordance with this Opinion." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 21, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of August, 1989, the above entitled matter 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 the defense to the Claim, the Board shall take appropriate action to issue judgment of dismissal against the Plaintiff, Curwensville Nursing Home, Inc., or judgment in the sum of money established on the record against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 24, 1989

Acceptance of Service of two Opinions and Orders dated August 21, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 22, 1989.

August 28, 1989

Acceptance of Service of two Opinions and Orders dated August 21, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1989.

September 19, 1989

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

February 8, 1991

Stipulation, Amended Stipulation, Order rendered in Office of Hearing & Appeals and Precept filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 23, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of April, 1991, it is **ORDERED** and **DECREED** that the Claim brought by the Plaintiff, Curwensville Nursing Home, Inc., against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, is, and shall be, **DISCONTINUED** and **WITHDRAWN** with prejudice per the Stipulation of Settlement and the Amended Stipulation of Settlement. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 26, 1991

Acceptance of Service of Opinion and Order dated April 23, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 24, 1991.
