

Docket Number: 1359-P

KRAMM NURSING HOME, INC.

~~Charles O. Barto, Jr., Esquire~~
~~Jonathan P. Nase, Esquire~~
~~Louis J. Capozzi, Jr., Esquire~~
~~Daniel Natirboff, Esquire~~
~~David C. Marshall, Esquire~~

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Cynthia White Williams, Assistant Counsel

***April 13, 1989**

Complaint and filing fee filed. Amount of Claim: \$76,703.00+.

April 18, 1989

Copies of Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General.

April 21, 1989

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 19, 1989.

April 25, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 19, 1989.

May 3, 1989

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

May 3, 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 23, 1989

Preliminary Objections to Defendant's Answer, New Matter and Counterclaim, Proposed Order Striking off New Matter against Claimant, Proposed Order to Strike Defendant's Counterclaim and Proposed Order Sustaining Demurrer to Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 20, 1989

Memorandum of Law in Support of Claimant's Preliminary Objections to Defendant's Answer and New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 27, 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 3, 1989

The Board rendered an Opinion and made the following Order: **AND NOW**, this 3rd day of August, 1989, the findings of the Board are as follows: A. Paragraphs No. 30, 31, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 57, 58, 65, 66, 67, 68, 69, 70, 71, 72 and 73 are **STRIKEN**. B. The Plaintiff's Preliminary Objections as they refer to Paragraph Nos. 32, 34, 35, 37, 38, 40, 43, 51, 52, 55, 46, 60, 61, 62, 63 and 64 are **DELETED**. The Plaintiff is **GRANTED** thirty (30) days from the date of this Order to file responsive pleadings in accordance with this Opinion. @ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 7, 1989

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

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.

September 5, 1989

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

September 8, 1989

Request for Answers to Written Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 11, 1989

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

July 2, 1990

Claimant's First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 19, 1991

Notice of Appearance of Cynthia W. Williams, Assistant Counsel on behalf of Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 18, 1991

Hearing scheduled for August 12 & 13, 1996 at St. Joseph's Center, Room 101, 2900 Seminary Drive, Greensburg, PA commencing at 9:30 a.m.

August 9, 1996

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of August, 1996, it is ORDERED and DECREED that the panel hearing scheduled for August 12 and 13, 1996, is hereby continued without date. Upon consolidation of the additional claims, along with the instant case, counsel for Plaintiff, Kramm Nursing Home, Inc., and counsel for Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, shall advise the Board of Claims of potential hearing dates for the latter part of 1996 or the early part of 1997.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 18, 1997

Status letter received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 20, 1997

Status letter received from attorney for Defendant advising that they are ready for trial; however, they are still willing to review any settlement proposal that Plaintiff may offer.

August 19, 1998

Praecipe of Withdrawal filed by Charles O. Barto, Jr., Esquire as counsel on behalf of Plaintiff.

September 4, 1998

Entry of Appearance of Louis J. Capozzi, Jr., Esquire filed by behalf of Plaintiff.

October 28, 1998

Letter forwarded to parties requesting status. Response due from parties November 30, 1998.

November 30, 1998

Letter received from attorney for Plaintiff advising that the parties are still in discovery and that this case is not in a position for trial.

January 14, 2000

Letter forwarded to parties requesting status. Response due from parties **February 14, 2000.**

August 28, 2000

Letter forwarded to parties requesting status. Response due from parties September 28, 2000.

September 28, 2000

Letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations.

***October 24, 2000**

Claimant's Petition for Leave to Amend Claim, Brief in Support of Claimant's Petition for Leave to Amend Claim, as well as Amended Statement of Claim, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 21, 2000

DPW's Response to Petition for Leave to Amend Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 11, 2000

Claimant's Reply Brief in Response to DPW's Brief in Support of DPW's Response to Petition for Leave to Amend Claim filed by

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

January 11, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 11th day of January, 2001, upon consideration of Plaintiff's, Kramm Nursing Home, Inc., Petition for Leave to Amend Claim and Defendant's Commonwealth of Pennsylvania, Department of Public Welfare, Response, it is **ORDERED** that the Petition is hereby **GRANTED** for the reasons set forth in the foregoing Opinion. Plaintiff shall file such amendment within twenty (20) days from the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 11, 2001

Copy of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General. **Response due from Defendant February 12, 2001.**

January 16, 2001

Acceptance of Service of Opinion and Order dated January 11, 2001, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 16, 2001.

January 18, 2001

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 12, 2001.

February 8, 2001

Answer to Amended Claim and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff March 12, 2001.

February 28, 2001

Reply to New Matter and Answer to Counterclaim filed by attorney

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

March 1, 2001

Letter forwarded to parties directing parties to commence with discovery.

October 2, 2001

Status letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations.

May 15, 2002

Letter forwarded to parties requesting status. Response due from parties June 17, 2002.

June 7, 2002

Letter received from attorney Marshall advising that they will not be the new counsel of record.

June 21, 2002

Status letter received from attorney for Plaintiff advising that the health care provider has retained new counsel and they as well as the new counsel will be filing a joint withdrawal/entry of appearance.

June 24, 2002

Status letter received from attorney for Plaintiff advising that they will be submitting a simultaneous entry/withdrawal of appearance as soon as they are contacted by Claimant's new attorneys.

July 11, 2002

Withdrawal of Appearance of Daniel K. Natirboff, Esquire and Entry of Appearance of David C. Marshall, Esquire filed on behalf of Plaintiff.

January 23, 2004

Plaintiff filed Praecipe to Settle, Discontinue and End with Prejudice. Copy forwarded to Defendant.

February 18, 2004

Board rendered an Opinion and Order. Order as follows: **AND NOW**, this 18th day of February, 2004, it is **ORDERED** that this matter

is **DISCONTINUED** with prejudice.@ Copy forwarded to Plaintiff and Defendant.

February 24, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated February 18, 2004. Receipt of same acknowledged February 23, 2004.

March 1, 2004

Defendant filed Acceptance of Service of Opinion and Order dated February 18, 2004. Receipt of same acknowledged February 27, 2004.

CLOSED