

Docket Number: 1382  
Consolidated with 1390, 1433 and 1515

TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA; THOMAS JEFFERSON UNIVERSITY; HENRY K. MOHLER PHARMACY, INC.; THE ATRUIM CORPORATION; JEFFERSON PARK HOSPITAL; METHODIST HOSPITAL; CHILDREN'S REHABILITATION CENTER, HOSPITAL OF THE MEDICAL COLLEGE OF PENNSYLVANIA; HAHNEMANN UNIVERSITY HOSPITAL; HAHNEMANN ANESTHESIA ASSOCIATES, LTD.; HAHNEMANN UNIVERSITY EYE PHYSICIANS & SURGEONS, P.C.; CARDIAC AND THORACIC SURGEONS P.C.; PERRY BLACK M.D. AND NEUROSURGICAL ASSOCIATES; HAHNEMANN OB/GYN ASSOCIATES; NEUROLOGICAL ASSOCIATES OF HAHNEMANN UNIVERSITY; LUTHER . BRADY, M.D. AND ASSOCIATES; HAHNEMANN ORTHOPEDIC ASSOCIATES; EPISCOPAL HOSPITAL; HOSPITAL OF THE PHILADELPHIA COLLEGE OF OSTEOPATHIC MEDICINE; OSTEOPATHIC MEDICAL CENTER OF PHILADELPHIA CLINICAL ASSOCIATES; THE CHILDREN'S HOSPITAL OF PHILADELPHIA; SURGICAL ASSOCIATES OF THE CHILDREN'S HOSPITAL OF PHILADELPHIA LIMITED, P.C.; PEDIATRIC ANESTHESIA ASSOCIATES, LIMITED P.C.; CHILDREN'S HEALTH CARE ASSOCIATES, P.C.; THE CONTRIBUTORS TO THE PENNSYLVANIA HOSPITAL; WOMEN & CHILDREN'S HEALTH SERVICES; PENNSYLVANIA PATHOLOGY ASSOCIATES, P.C.; PENNSYLVANIA ANESTHESIA ASSOCIATES, P.C.; MERCY CATHOLIC MEDICAL CENTER; MERCY CATHOLIC MEDICAL CENTER APOTHECARY, INC.; PRESBYTERIAN MEDICAL CENTER OF PHILADELPHIA; PHILADELPHIA HEART INSTITUTE; RADIOLOGY FOUNDATION OF PUPMC; THE GRADUATE HOSPITAL; MOUNT SINAI HOSPITAL; LANKENAU HOSPITAL; TEMPLE UNIVERSITY OF THE COMMONWEALTH SYSTEMS OF HIGH EDUCATION; ST. AGNES MEDICAL CENTER; MAGEE REHABILITATION HOSPITAL; FRANKLIN TOWN REHABILITATION ASSOCIATES; ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN; THE CITY OF PHILADELPHIA, TRUSTEE, UNDER THE WILL OF JAMES WILLIS, DECEASED, ACTING BY THE BOARD OF CITY TRUSTS ADMINISTERING WILLS EYE HOSPITAL; GUIFFRE MEDICAL CENTER; CHILDREN'S SEASHORE HOUSE; ALBERT EINSTEIN MEDICAL CENTER; PHILADELPHIA PSYCHIATRIC CENTER; PHILADELPHIA CHILD GUIDANCE CLINIC; ST. JOSEPH'S HOSPITAL; AND METROPOLITAN HOSPITAL

~~Ralph J. Kelly, Esquire~~  
Thomas S. Biemer, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Chief of Litigation

**July 19, 1989**

Complaint and filing fee filed. Amount of Claim: \$22,000,000.00+.

**July 24, 1989**

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

**August 8, 1989**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 25, 1989.

**August 18, 1989**

Copy of Motion to Transfer of Venue and Verified Application for Removal as filed in the United States Bankruptcy Court for the Middle District of Pennsylvania filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**December 14, 1989**

Copy of Order received from United States District Court for the Middle District of Pennsylvania. Order as follows: **"AND NOW,** this 1st day of November, 1989, upon consideration of the Joint Motion and Stipulation for Consolidation, Remand, and Bifurcation, it is hereby **GRANTED** and that the consolidated proceeding assigned the Miscellaneous Number 89-217 by this Court is hereby remanded to the Pennsylvania Board of Claims." (Received by FAX machine)

**December 14, 1989**

Copy of Order received from United States District Court for the Middle District of Pennsylvania. Order as follows: **"AND NOW,** this 1st day of November, 1989, upon consideration of the Joint Motion and Stipulation for Consolidation, Remand, and Bifurcation, it is hereby **GRANTED** and that the consolidated proceeding assigned the Miscellaneous Number 89-217 by this Court is hereby remanded to the Pennsylvania Board of Claims." (Received by FAX machine)

**January 16, 1990**

Preliminary Objections of Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**February 5, 1990**

Plaintiffs' Response to Defendants' Preliminary Objections and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 16, 1990**

Brief in Support of Preliminary Objections of Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 19, 1990**

The Board rendered an Opinion and made the following Order: "AND NOW, this 19th day of March, 1990, the preliminary Objections as filed by Defendant are DENIED. The defendant is given thirty (30) days from the date of this Order to file appropriate pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 29, 1990**

Acceptance of Service of Opinion and Order dated March 19, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 23, 1990.

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**March 29, 1990**

Acceptance of Service of Opinion and Order dated March 19, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 23, 1990.

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**May 11, 1990**

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

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**May 31, 1990**

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

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**July 12, 1993**

Plaintiff's First Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 11, 1993**

Defendant's Answers to Plaintiffs' First Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 30, 1993**

Pre-Trial conference scheduled from December 17, 1993 in the Judge's chambers, 707 Transportation & Safety Building, Harrisburg, PA 17120 commencing at 1:30 p.m.

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**December 17, 1993**

Pre-trial conference held in the Judge's Chambers, 707 Transportation & Safety Building, Harrisburg, PA commencing at 1:30 p.m.

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**CLOSED**

December 21, 1993

The Board rendered an Opinion and made the following Order: "And NOW, this 21st day of December 1993, for the reasons set forth in the foregoing Opinion, it is **ORDERED** and **DECREED** that all issues relating to the issues of contractual liability between the Plaintiffs and Defendant shall be determined in a separate trial. This trial shall start at 9:30 a.m., on July 6, 1994, and continue through July 15, 1994, if necessary. All conditions set forth in the foregoing Opinion shall be compiled with prior to the beginning of the trial on July 6, 1994. It is further **ORDERED** and **DECREED** that the trial on damages, if necessary, shall commence at 9:30 a.m., on December 6, 1994, and continue through December 23, 1994, if necessary. All conditions outlined in the foregoing Opinion shall be compiled with as to damage issues. It is further **ORDERED** and **DECREED** that all four(4) cases, Trustees of the University of Pennsylvania, et al., (Docket No. 1382), Hahnemann Pediatric Associates, P.C., et al. (Docket No. 1390), Faezeh Behjat, et al., (Docket No. 1433) and Penn Health Corporation, (Docket No. 1515) are hereby consolidated for trial." Copy forwarded to all parties of record.

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**SEE DOCKET SHEET NO. 1433 FOR FURTHER ENTRIES.**

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**September 9, 1997**

Letter forwarded to parties requesting a status. Response due from parties October 9, 1997.

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**October 7, 1997**

Letter received from attorney for Plaintiff advising that this case has not been declared final as litigation continues on appeal to the Commonwealth Court and in the Bankruptcy Court in California.

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**May 27, 1999**

Notice of Discontinuance filed by Chief Clerk, Deputy Prothonotary of the Commonwealth Court of Pennsylvania as follows: "This is to notify you that the above-captioned matter has been withdrawn, discontinued and ended."

# CLOSED