

Docket Number: 1390  
\*(Consolidated with Nos. 1382, 1433 & 1515)

HAHNEMANN PEDIATRIC ASSOCIATES, P. C. AND RADIOLOGY ASSOCIATION OF  
THE CHILDREN'S HOSPITAL OF PHILADELPHIA

~~John F. Smith, III, Esquire~~  
~~Ralph J. Kelly, Esquire~~  
~~Thomas S. Biemer, Esquire~~

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Chief Counsel

**August 24, 1989**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$75,000.00+.

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**August 29, 1989**

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

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**September 7, 1989**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 31, 1989.

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**CLOSED**

September 17, 1989  
Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant (undated).

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**September 27, 1989**

Copy of Verified Application for Removal as filed in Bankruptcy Court received from attorney for Defendant.

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**December 12, 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)

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**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)

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**January 16, 1990**

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

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**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 9, 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 17110 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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December 21, 1993

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 21st day of December, 1993, for the reason 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.

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." [1072 C.D. 1997 consolidated with 1196 C.D. 1997]

# CLOSED