

Docket Number: 1393-P

DENISE ROY, CNM; MAGGIE McMAHON, CNM; and JOSEPH AHRAM, M.D.

Jennifer A. Stiller, Esquire  
Catherine H. Gillespie, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
James S. Marshall, Assistant Counsel

**September 15, 1989**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$5,350.00+

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**September 18, 1989**

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

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**September 27, 1989**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 27, 1989.

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**CLOSED**

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

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**February 28, 1990**

Joint Motion to Suspend Proceedings & Proposed Order filed by attorney for Defendant, executed by parties.

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**March 8, 1990**

The Board made the following Order: "**AND NOW**, this 8th day of March, 1990, upon consideration of parties' Joint Motion to Suspend Proceedings, it is hereby **ORDERED** and **DECREED** that the Joint Motion to Suspend Proceedings is granted and this matter is stayed until twenty days following the date the Board of Claims issues its final decree in Trustees of the University of Pennsylvania, et al. v. Com., Department of Public Welfare, Docket No. 1382." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 16, 1990**

Acceptance of Service of Opinion and Order dated March 8, 1990, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 13, 1990.

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**March 27, 1990**

Acceptance of Service of Opinion and Order dated March 8, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 20, 1990.

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**February 7, 1997**

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE MARCH 10, 1997.

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**March 7, 1997**

Letter/Status Report received from Plaintiff advising that the Motion to Suspend Proceedings in this case still applies because the Board must still address an issue in the litigation between Penn Health and the Department, which is the set-off issue pertaining to settlements reached with Plaintiff's in the Trustee case and in the Behjat case (#1382).

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**March 12, 1997**

Letter/Status Report received from Defendant advising that the Motion to Suspend Proceedings in this case still applies because the Board must still address an issue in the litigation between Penn Health and the Department, which is the set-off issue pertaining to settlements reached with Plaintiff's in the Trustee case and in the Behjat case (#1382).

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**June 9, 1999**

Letter forwarded to parties requesting a status report. Status Report due on or before July 9, 1999.

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**July 12, 1999**

Letter/Status Report received from attorney for Defendant advising that the parties are presently involved in settlement discussions and advised that the Department wants to resolve the concomitant litigation involving Penn Health and the primary care physicians before turning its full attention to this matter.

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**June 21, 2000**

Letter forwarded to parties requesting a Status Report. Status Report due on or before August 21, 2000.

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**August 21, 2000**

Letter received from attorney for Plaintiff advising that this matter will be determined by the outcome of Docket No. 1394 (Lower Kensington) and the parties hope to come to a mutually satisfactory conclusion within a short period.

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**March 19, 2001**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 18, 2001**.

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**April 12, 2001**

Letter received from Plaintiff advising that discussions continue with Defendant to resolve Docket No. 1394 and that they have recently been advised by Defendant that in the #1394 case Defendant expects to propose a settlement soon. Once that matter is resolved, it is Plaintiff's understanding that the outcome will determine the outcome of this matter.

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**May 1, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **May 31, 2002**.

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**June 3, 2002**

Letter received from attorney for Defendant advising that they are in agreement with Plaintiff's letter dated May 6, 2002 (copy of same attached), which advises that case Docket No. 1394 was withdrawn on or about February 7, 2002 and that counsel for Plaintiff is currently obtaining permission from its client to withdraw this matter and once same is obtained, they will file a formal Withdrawal.

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**September 11, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **October 11, 2002**.

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**October 15, 2002**

Letter received from attorney for Plaintiff, via facsimile and U.S. Mail, advising that this matter will be resolved by a withdrawal by Plaintiff as soon as Ms. McMahon's signature authorizing same is obtained.

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**February 5, 2003**

Letter forwarded to parties requesting a Status Report. Status Report due on or before *MARCH 7, 2003*.

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**March 7, 2003**

Letter received from attorney for Defendant, via facsimile, advising that upon conversation with counsel for Plaintiff, it is the expectation of counsel that this matter will be resolved by the withdrawal of action by plaintiff. Counsel for Plaintiff will be filing a status report also, which will advise as to the status of this matter with respect to her clients.

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**March 7, 2003**

Letter received from attorney for Plaintiff, via facsimile, advising that this matter will be resolved by withdrawal by Plaintiff as soon as Ms. McMahon's signature authorizing same is obtained.

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**March 10, 2003**

Letter received from attorney for Defendant, via U.S. Mail, advising that upon conversation with counsel for Plaintiff, it is the expectation of counsel that this matter will be resolved by the withdrawal of action by plaintiff. Counsel for Plaintiff will be filing a status report also, which will advise as to the status of this matter with respect to her clients.

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**March 10, 2003**

Letter received from attorney for Plaintiff, via U.S. Mail, advising that this matter will be resolved by a withdrawal by Plaintiff as soon as Ms. McMahon's signature authorizing same is obtained.

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**July 17, 2003**

Plaintiff filed letter/withdrawal of the Claim. Copy forwarded to Defendant.

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**September 17, 2003**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 17th day of September, 2003, upon receipt and review of correspondence dated July 15, 2003, from Plaintiff's attorney, it is hereby **ORDERED** and **DECREED** that the above-referenced matter is withdrawn with prejudice." Copy forwarded to Plaintiff and Defendant.

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**September 22, 2003**

Defendant filed Acceptance of Service of Opinion and Order dated September 17, 2003. Receipt of same acknowledged September 19, 2003.

**September 24, 2003**

Plaintiff filed Acceptance of Service of Opinion and Order dated September 17, 2003. Receipt of same acknowledged September 19, 2003.

# CLOSED