

Docket Number: 1432

LEWISBURG UNITED METHODIST HOMES, LAPORTE HOME

~~Steven E. Bernstein, Esquire~~
Kimber L. Latsha, Esquire
David C. Marshall, Esquire

VS.
CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Jeffrey P. Schmoyer, Assistant Counsel

April 30, 1990

Complaint and filing fee filed by Plaintiff. Amount of Claim: \$116,587.00+.

May 4, 1990

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

May 21, 1990

Amended Claim (Verification) filed by attorney for Plaintiffs.

May 21, 1990

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 8, 1990.

May 21, 1990

Copies of Amended Claim (Verification) forwarded to attorney for Defendant and Chief Deputy Attorney General.

May 30, 1990

Acceptance of Service of Amended Claim (Verification) dated May 21, 1990 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 24, 1990.

June 4, 1990

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 7, 1990.

June 4, 1990

Acceptance of Service of Amended Claim (Verification) received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 24, 1990.

June 5, 1990

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

June 29, 1990

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

November 12, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 12th day of November, 1992, it is **ORDERED** and **DECREED** that all further proceedings before the Board of Claims shall, and will, be **STAYED** pending the outcome of the Cedarbrook and Westbury cases before the Supreme Court of the Commonwealth of Pennsylvania or upon a request by all parties to lift the stay." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 18, 1992

Acceptance of Service of Opinion and Order dated November 12, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 16, 1992.

April 28, 1994

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 28th day of April, 1994, a Rule to Show Cause is issued upon Plaintiff, Lewisburg United Methodist Homes, Laporte Home, wherein it is **DIRECTED** that Plaintiff, advise the Board within thirty (30) days why this case should not be dismissed for failure to abide by the Board's request for a status report and to prosecute the Claim.

This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 10, 1994

Acceptance of Service of Opinion and Order dated April 28, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 5, 1994.

May 12, 1994

Acceptance of Service of Opinion and Order dated April 28, 1994, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 2, 1994.

April 28, 1994

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 28th day of April, 1994, a Rule to Show Cause is issued upon Plaintiff, Lewisburg United Methodist Homes, Laporte Home, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days why this case should not be dismissed for failure to abide by the Board's request for a status report and to persecute the Claim.

This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 10, 1994

Acceptance of Service of Opinion and Order dated April 28, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 17, 1994.

May 12, 1994

Acceptance of Service of Opinion and Order dated April 28, 1994, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 2, 1994.

April 6, 1995

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 6th day of April, 1995, this Order is issued as a result of the failure of Plaintiff, Lewisburg, United Methodist Homes, Laporte Home, to advise the Board of Claims within thirty (30) days of April 28, 1994, why this case should not be dismissed for failure to abide by the Board's request for a status report and to prosecute the Claim. It is ,therefore, **DIRECTED** that the Rule of April 28, 1994, be made **ABSOLUTE** and the record marked closed." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 12, 1995

Petition to Reopen filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 14, 1995

Acceptance of Service of Opinion and Order dated April 6, 1995, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 10, 1995.

April 14, 1995

Acceptance of Service of Opinion and Order dated April 6, 1995, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 10, 1995.

April 19, 1995

Plaintiff's Petition to Reopen filed by attorney for Plaintiff (Lamber L. Ditcha, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 4, 1995

Letter/Response to Plaintiff's Petition to Reopen filed by attorney for Defendant.

July 5, 1995

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 5th day of July, 1995, it is **ORDERED** and **DECREED** that the Petition to Reopen the case is hereby **GRANTED**. Counsel for the Plaintiff, Lewisburg United Methodist Homes - Laporte Home, is further **DIRECTED** to file a status report with the Board of Claims within 45 days of the exit date of this Order." Copies forwarded to attorney for Plaintiff, attorney for Defendant; and Steven E. Bernstein, Esquire.

July 12, 1995

Acceptance of Service of Opinion and Order dated July 5, 1995 received from Steven E. Bernstein, Esquire. Receipt of same acknowledged by Steven E. Bernstein, Esquire July 10, 1995.

July 14, 1995

Acceptance of Service of Opinion and Order dated July 5, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 6, 1995.

December 15, 1995

Central District Panel Hearing scheduled for January 17, 18, and 19, 1996 in the Board of Claims' Court Room No. 2, Fulton Building, Suite 600, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

January 16, 1996

Central District Panel Hearing scheduled for January 17, 18, and 19, 1996, canceled due to settlement.

June 17, 1996

Letter forwarded to parties requesting a status report.

Response due 1/17/96.

June 17, 1997

Letter forwarded to parties requesting a status report.

Response due 6/23/97.

June 11, 1997

Praeipie to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 19, 1997

The Board rendered the following Order: **"AND NOW**, this 19th day of June, 1997, upon receipt of Praeipie to Withdraw, Settle, and End filed by Kimber L. Latsha, Esquire and David C. Marshall, Esquire, on behalf of Lewisburg United Methodist Homes, Laporte Home, same of which is docketed with this Board under date of June 11, 1997, it is **ORDERED** and **DIRECTED** that said case be marked 'withdrawn, settled and ended'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 2, 1997

Acceptance of Service of Order dated June 19, 1997 received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff July 1, 1997.

July 10, 1997

Acceptance of Service of Order dated June 19, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 8, 1997.
