

Docket Number: 1451

KEYPUNCH, INC.

James J. Kutz, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

~~Ruth E. Granfors, Chief Counsel~~

Dawn S. Sunday, Assistant Counsel

June 27, 1990

Complaint and filing fee filed. Amount of Claim: \$135,983.45+.

July 3, 1990

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

July 10, 1990

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 5, 1990.

August 16, 1990

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

September 17, 1990

Reply to New Matter and Answer with New Matter to Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

September 26, 1990

First Set of Interrogatories Directed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

September 26, 1990

First Request for Production of Documents Directed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 17, 1990

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

November 20, 1990

Response and Objections to Petitioner's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for defendant.

December 21, 1990

Response to Petitioner, Key Punch, Inc. to Commonwealth, Department of Health's "Response and Objections" to Petitioner's First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 4, 1991

Department's Answers to Petitioner's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 4, 1991

Notice of Records Deposition as served on the Office of Attorney General filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 14, 1991

Notice of Records Deposition as served on the Department of Auditor General filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 22, 1991

Brief in Support of Department of Health's Objections to Petitioner's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 23, 1991

Office of Attorney General's Motion for a Protective Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 25, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of January, 1991, premised upon the documentation of the file herein, and the allegations contained in the Motion for a Protective Order, it is **ORDERED** and **DIRECTED** that a **STAY** of the Subpoena Duces Tecum served upon the Office of Attorney General on January 4, 1991 is **GRANTED**. A response to said Motion for a Protective Order is directed to be filed with this Board and the Office of Attorney General within thirty (30) days of the date of this Order." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Office of Attorney General.

January 28, 1991

Entry of appearance filed by Dawn M. Sunday, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

January 30, 1991

Acceptance of service of Opinion and Order dated January 25, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 28, 1991.

February 4, 1991

Acceptance of Service of Opinion and Order dated January 25, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 31, 1991.

February 4, 1991

Acceptance of Service of Opinion and Order dated January 25, 1991 received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General January 29, 1991.

February 5, 1991

Respondent Commonwealth of Pennsylvania, Department of Health's First Set of Interrogatories and Request for Production of Documents Directed to Petitioner Key Punch, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 11, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of February, 1991, it is hereby **ORDERED** that the Objections of the Respondent, the Commonwealth of Pennsylvania, Department of Health, to the First Request for Production of Documents, filed on behalf of the Petitioner, Key Punch, Inc., are hereby **DISMISSED** as moot. Both parties to this action are hereby directed to proceed pursuant to the applicable Rules of Civil Procedure concerning discovery and either parties' failure to do so may result in the imposition of sanctions by this Board." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 20, 1991

Acceptance of service of Opinion and Order dated February 11, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 19, 1991.

February 25, 1991

Acceptance of service of Opinion and Order dated February 11, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 21, 1991.

February 25, 1991

Memorandum of Law in Support of Petitioner, Keypunch, Inc.'s Response and Opposition to Office of Attorney General's Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 25, 1991

Response and Memorandum of Keypunch, Inc. in Opposition to Office of Attorney General's Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 8, 1991

Answers and Objections to Request for Production of Documents as well as Answers and Objections of Keypunch, Inc. to Respondent Commonwealth of Pennsylvania, Department of Health's First Set of Interrogatories and Request for Production of Documents Directed to Petitioner Key Punch, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 14, 1991

The Board rendered and made the following Opinion and Order: "Since Key punch, Inc., did not file a Motion for Sanctions to Compel Answers to Request for Production of Documents, which would have brought the Objections into issue, the Board considered this to be an abandonment of the Plaintiffs position to pursue the Production of Documents. This appeared true in light of the continuing discovery filed by the parties, in the nature of production of documents. As the parties have expressed the desire to pursue the matters declared moot in the Board's Opinion of February 11, 1991, the Plaintiff is directed to file its Brief in support of its Response and Objections to Petitioner's First Request for Production of Documents by the 29th day of March, 1991." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 14, 1991

The Board rendered and made the following Opinion and Order: "Since Key punch, Inc. did not file a Motion for Sanctions to Compel Answers to production of Documents, which would have brought the Objections into issue, the Board considered this to be an abandonment of the Plaintiff's position to pursue the Production of Documents. This appeared true in light of the continuing discovery filed by the parties, particularly in the nature of Production of Documents. As the parties have expressed the desire to pursue the matters declared moot in the Board's Opinion of February 11, 1991, the Defendant is directed to file its Brief in Support of its Motion for a Protective Order by the 29th day of March, 1991." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 21, 1991

Acceptance of Service of Opinions and Orders dated March 14, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 18, 1991.

March 29, 1991

Brief of Plaintiff, Key punch, in Response to Department of Health Objection's to Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 29, 1991

Acceptance of Service of Opinions and Orders dated March 14, 1991

received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 26, 1991.

April 10, 1991

Reply Brief of the Department of Health to Keypunch's Brief on the Department's Objections to Petitioners First Request For Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 11, 1991

Reply Brief of the Department of Health to Keypunch's Brief on the Department's Objections to Petitioners First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 1, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of May 1991, the Protective Order as filed by Attorney General's Office is hereby **GRANTED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 6, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of May, 1991, the Protective Order as filed by the Defendant, Commonwealth of Pennsylvania, Department of Health, as it is relates to: (1) the September 21, 1987 report of the Inspector General which detailed an investigation of the contractual relationship between Key Punch and the Department, (2) all documents in the Department's possession that relate to the criminal investigation of Keypunch by the Office of Attorney General, (3) all documents that are privileged under the attorney-client relationship, (4) all documents developed by the Department's legal counsel that represent attorney work product, (5) all portions of documents produced where those portions were not responsive to the Request, and (6) all documents that may be responsive to the Request, but are not in the care, custody, or control of the Department, but may be in the possession of another Commonwealth agency is hereby **GRANTED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 16, 1991

Acceptance of Service of Opinions and Orders dated May 6, 1991

received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 9, 1991.

May 20, 1991

Acceptance of Service of Opinions and Orders dated May 6, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 6, 1991.

August 21, 1993

Settlement Agreement and Release executed by parties, but filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 29, 1993

CLOSED

The Board rendered an Opinion and made the following Order: "AND NOW, this 29th day of October 1993, upon due consideration of the Settlement Agreement and Release and other submissions, it is ORDERED that the Board of Claims accepts and approves the Settlement Agreement and Release of the parties. It is further ORDERED that the case docketed to No. 1451 shall be marked 'settled, discontinued with prejudice'. Each party to bear its own costs and attorneys fees."

Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 3, 1993

Acceptance of Service of Opinion and Order dated October 29, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 2, 1993.

November 8, 1993

Acceptance of Service of Opinion and Order dated October 29, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 1, 1993.
