

Docket Number: 1468

WEST VIRGINIA UNIVERSITY HOSPITALS, INC.

Thomas J. Stallings, Esquire
Jack M. Stover, Esquire
Charles I. Artz, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Chief Counsel

September 21, 1990

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$5,743,606.00+.

September 27, 1990

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

October 3, 1990

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 28, 1990.

CLOSED

Notice of Motion for Pro Hac Vice Admission filed by Charles I. Artz, Esquire, of Eckert Seamans Cherin & Mellott. Copy forwarded to attorney for Defendant by Charles I. Artz, Esquire.

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 28, 1990.

October 12, 1990

Motion for Pro Hac Vice Admission filed by Jack M. Stover, Esquire and Charles I. Artz, Esquire of Eckert Seamans Cherin & Mellott. Copy forwarded to attorney for Defendant by Jack M. Stover, Esquire and Charles I. Artz, Esquire.

October 19, 1990

The Board made the following Order: **"AND NOW**, this 19th day of October, 1990, upon due consideration of the Motion for Pro Hac Vice Admission of Robert T. Adams, Esquire, Julia Krebs-Markrich, Esquire and Thomas J. Stallings, Esquire filed in this matter, it is hereby **ORDERED** and **DECREED** that the Motion for Pro Hac Vice Admission for Robert T. Adams, Esquire, Julia Krebs-Markrich, Esquire and Thomas J. Stallings, Esquire is **GRANTED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 25, 1990

Acceptance of Service of Order dated October 19, 1990 received from attorney for Plaintiff (Jack M. Stover, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 22, 1990.

October 25, 1990

Acceptance of Service of Order dated October 19, 1990 received from attorney for Plaintiff (Thomas J. Stallings, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 22, 1990.

November 19, 1990

Claimant's Motion for Judgment on the Pleadings and Proposed Order filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 20, 1990

Respondent's Answer to Claimant's Motion for Judgment and Request for Extension of Time to file Respondent's Pleadings filed by William D. Lenahan, Assistant Counsel (Department of Public Welfare). Copy forwarded to attorney for Plaintiff by William D. Lenahan, Assistant Counsel (Department of Public Welfare).

November 30, 1990

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

December 11, 1990

Stipulation executed by parties.

December 19, 1990

The Board rendered the following Stipulation: "The undersigned, counsel for the parties herein, hereby stipulate as follows: In light of the filing of an Answer with New Matter by the Department of Public Welfare of the Commonwealth of Pennsylvania, the Motion for Judgment on the pleadings filed by West Virginia University Hospitals, Inc. is hereby withdrawn without prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 19, 1990

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

December 27, 1990

Acceptance of Service of Stipulation received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 24, 1990.

December 28, 1990

Acceptance of Service of Stipulation received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 21, 1990.

January 17, 1991

Claimant's First Set of Interrogatories Addressed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 19, 1991

Respondent's Motion for Extension of Time to Respond to Claimant's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 25, 1991

Letter withdrawing Respondent's Motion for Extension of Time to Respond to Claimant's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 12, 1991

West Virginia University Hospitals, Inc.'s Second Set of Interrogatories to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 12, 1991

West Virginia University Hospitals, Inc.'s First Request for Production of Documents and Things Directed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 22, 1991

West Virginia University Hospitals, Inc.'s First Set of Requests for Admissions Propounded upon the Commonwealth of Pennsylvania, Department of Public Welfare pursuant to Pa. R.C.P. 4014 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 22, 1991

West Virginia University Hospitals, Inc.'s Second Request for Production of Documents and Things Directed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 22, 1991

West Virginia University Hospitals, Inc.'s Third Set of Interrogatories Propounded upon the Commonwealth of Pennsylvania, Department of Public Welfare Pursuant to Pa. R.C.P. 4014 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 8, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of May, 1991, it is **ORDERED** and **DECREED** that the Motion for Extension of Time to Respond to Plaintiff's Interrogatories is **DISMISSED** as being moot. It is further **ORDERED** and **DECREED** that the name of Thomas Masuniak, Esquire be sustained as counsel for the Department of Public Welfare." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 10, 1991

Acceptance of Service of Opinion and Order dated May 8, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 10, 1991.

May 16, 1991

Acceptance of Service of Opinion and Order dated May 8, 1991 received from attorney for Plaintiff (Jack M. Stover, Esquire). Receipt of same acknowledged by attorney for Plaintiff May 13, 1991.

May 16, 1991

Acceptance of Service of Opinion and Order dated May 8, 1991 received from attorney for Plaintiff (Thomas J. Stallings, Esquire). Receipt of same acknowledged by attorney for Plaintiff May 14, 1991.

May 16, 1991

Motion for Emergency Protective Order under Pa. R.C.P. 4013 and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 24, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 24th day of May, 1991, it is **ORDERED** and **DECREED** that the Defendant is granted an extension of time in which to file a response to Plaintiff's discovery, same to be filed no later than forty-five (45) days from the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 30, 1991

Acceptance of Service of Opinion and Order dated May 24, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 28, 1991.

June 4, 1991

Acceptance of Service of Opinion and Order dated May 24, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 29, 1991.

June 14, 1991

Acceptance of Service of Opinion and Order dated May 24, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1991.

June 15, 1991

Claimant West Virginia University Hospitals, Inc.'s Motion for Partial Judgment on the Pleadings and Proposed Order/Claimant West Virginia University Hospitals, Inc.'s Brief in Support of its Motion for Partial Judgment on the Pleadings as well as Claimant West Virginia University Hospitals, Inc.'s Responses and Objections to Respondent's Requests for Production of Documents filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 10, 1991

West Virginia University Hospital, Inc.'s Answers to Respondent's First Set of Interrogatories filed by attorney for Plaintiff (Jack M. Stover, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 19, 1991

Respondent's Reply to New Matter to Claimant's Motion for Partial Judgment on the Pleadings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 5, 1991

Reply of West Virginia University Hospital, Inc. to Respondent's New Matter to Motion for Partial Judgment on the Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 11, 1991

Claimant's Reply Brief in Support of its Motion for Partial Judgment on the Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 30, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of September, 1991, the request for summary judgment as filed by the Claimant is **DENIED**. The New Matter as filed by the Respondent, which the Board views as Motion for Judgment on the pleadings is also **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant

October 3, 1991

Acceptance of Service of Opinion and Order dated September 30, 1991 received from attorney for Plaintiff (Charles I. Artz, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 1, 1991.

October 7, 1991

Acceptance of Service of Opinion and Order dated September 30, 1991 received from attorney for Plaintiff (Jack M. Stover, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 2, 1991.

October 8, 1991

Acceptance of Service of Opinion and Order dated September 30, 1991 received from attorney for Plaintiff (Thomas J. Stallings, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 2, 1991.

October 25, 1991

Stipulation Re Respondent's Request for Admissions filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 21, 1992

Final Settlement Agreement executed by both parties filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 21, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of February, 1992, upon consideration of the Statement of Claim, and other pleadings, submissions and the Final Settlement Agreement, it is hereby **ORDERED** and **DECREED** that the Defendant and the Plaintiff shall comply with the terms and Stipulations of the Final Settlement Agreement including the payment of Four Million Two Hundred Thirty-Seven Thousand Four Hundred Twenty-Five Dollars and Sixty-Four Cents (\$4,237,425.64) to the Plaintiff, which payment has been acknowledged. The letter from counsel for the Plaintiff, indicating discontinuance and withdrawal of the Statement of Claim is received by the Board as a Praecipe and it is further **ORDERED** that the docket for the instant case be marked 'settled, discontinued and withdrawn with Prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 27, 1992

Acceptance of Service of Opinion and Order dated February 21, 1992 received from attorney for Plaintiff (Thomas J. Stallings, Esquire). Receipt of same acknowledged by attorney for Plaintiff February 24, 1992.

February 28, 1992

Acceptance of Service of Opinion and Order dated February 21, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 24, 1992.