

Docket Number: 1607

ALPINE MANOR HEALTH CENTER

Steven E. Bernstein, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Jason W. Manne, Assistant Counsel

January 28, 1992

Claim and filing fee filed by Plaintiff, additional information to be requested. Amount of Claim: \$57,406.00+.

February 4, 1992

Notice of Claim letter with enclosure forwarded to attorney for Defendant.

February 4, 1992

Letter forwarded to attorney for Plaintiff requesting additional information. Copy forwarded to attorney for Defendant.

February 7, 1992

Acceptance of Service of Statement of Claim filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 1992.

March 26, 1992

Additional information (verification, MA Provider Agreement and Audit Report) filed by attorney for Plaintiff.

April 2, 1992

Amended Claim (verification, MA Provider Agreement and Audit Report) forwarded to attorney for Defendant and Chief Deputy Attorney General.

April 15, 1992

Acceptance of Service of Amended Claim dated April 2, 1992 filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 3, 1992.

November 16, 1992

Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 16, 1996

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 16th day of May, 1996, it is **ORDERED** and **DECREED** that all discovery shall be completed within one hundred twenty (120) days from the exit date of this Opinion. Both counselors are further **DIRECTED** to consult with Senior Counsel to the Board of Claims to establish either Panel hearing dates or Board hearing dates. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 23, 1996

Acceptance of Service of Opinion and Order dated May 16, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 20, 1996.

May 24, 1996

Acceptance of service of Opinion and Order dated May 16, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 20, 1996.

June 23, 1997

Motion to Dismiss for Failure to Prosecute filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 8, 1997

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 8th day of July, 1997, a Rule to Show Cause is issued upon Plaintiff, Alpine Manor Health Center, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days from receipt, why this Claim should not be dismissed for failure to abide by the instructions of the Board of Claims and for failure to prosecute.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 23, 1997

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 23rd day of July, 1997, it is **ORDERED** and **DECREED** that this case be marked discontinued and terminated with prejudice due to the failure of Plaintiff, Alpine Manor Health Center, to abide by the instructions of the Board of Claims and for failure to prosecute.@ Copy forwarded to attorney for Plaintiff and

attorney for Defendant.

July 24, 1997

Plaintiff's Opinion and Order dated July 8, 1997, returned, undeliverable, due to incorrect address. Unable to reforward.

July 28, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of July, 1997, it is **ORDERED** and **DECREED** that the Board's Rule Absolute issued July 23, 1997, is hereby **RESCINDED**. Plaintiff is given thirty (30) days from the exit date of this Order to file their response to the Board's Rule to Show Cause issued July 23, 1997. If, within the thirty (30) day time limit, a response is not filed, the Board will reissue the above-stated Rule Absolute due to the failure of Plaintiff, Alpine Manor Health Center, to abide by the instructions of the Board of Claims and for failure to prosecute.

August 6, 1997

Acceptance of Service of Opinion and Order dated July 28, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 31, 1997.

August 26, 1997

Letter received from attorney for Plaintiff requesting an extension of time until September 12, 1997, to file Plaintiff's Response to the Board's Rule to Show Cause issued July 8, 1997.

September 9, 1997

Letter forwarded to attorney for Plaintiff granting Plaintiff's request until September 12, 1997 in which to respond to the Board's Rule to Show Cause.

October 16, 1997

Letter received from attorney for Plaintiff advising that the Defendant does not have any objection to the Plaintiff filing their response to the Board's Rule to Show Cause until October 31, 1997.

October 21, 1997

Letter forwarded to Plaintiff granting Plaintiff's request for an

extension of time until October 31, 1997 to file Plaintiff=s
Response to the Board=s Rule to Show Cause dated July 23, 1997.

January 15, 1998

Letter forwarded to parties requesting status. Response due from parties February 15, 1998.

February 23, 1998

Letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 14, 2000

Letter forwarded to parties requesting status. Response due from parties February 14, 2000.

January 31, 2000

Letter returned due to forwarding order expired for counsel for Plaintiff.

February 8, 2000

Letter reforwarded to attorney for Plaintiff requesting status. Response due March 8, 2000.

February 16, 2000

Status letter received from attorney for Plaintiff advising that the Plaintiff is in the process of ascertaining if the parties can come to terms of settlement.

August 28, 2000

Letter forwarded to parties requesting status. Response due from parties September 28, 2000.

September 28, 2000

Letter/Status Report received (via fax) from attorney for Plaintiff requesting 60 days to review and discuss this matter with counsel for Defendant to try to reach a settlement. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 2, 2000

Letter/Status Report received (via U.S. Mail) from attorney for Plaintiff requesting 60 days to review and discuss this matter with counsel for Defendant to try to reach a settlement. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 9, 2001

Letter forwarded to parties requesting status. Response due from parties February 8, 2001.

March 22, 2001

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 22nd day of March, 2001, a Rule to Show Cause is issued upon Plaintiff, Alpine Manor Health Center, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked "closed, discontinued and ended with prejudice".@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 29, 2001

Acceptance of Service of Opinion and Order dated March 22, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff.

April 23, 2001

Response to Rule to Show Cause received (via fax) from attorney for Plaintiff advising that Plaintiff does wish to pursue the above-captioned matter. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 25, 2001

Response to Rule to Show Cause received (via U.S. Mail) from attorney for Plaintiff advising that Plaintiff does wish to pursue the above-captioned matter. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 2, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 3, 2002**

June 7, 2002

Letter/Status Report received from attorney for Plaintiff advising that the Plaintiff expects to present a settlement proposal to Plaintiff within the next 60 days.

July 11, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 11th day of July, 2005, it is **ORDERED** and **DECREED** that pursuant to 42 Pa. C.S.A. §5103(a) and Pa. R.C.P. 213(f), this matter and the record thereof is **TRANSFERRED** to the Department of Public Welfare, Bureau of Hearings and Appeals." Copy forwarded to Plaintiff and Defendant.

July 18, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated July 11, 2005. Receipt of same acknowledged July 14, 2005.

July 19, 2005

Board transferred file to Department of Public Welfare, Bureau of Hearing and Appeals.
