

Docket Number: 1664

**THE CHILDREN'S HOSPITAL OF PHILADELPHIA**

John F. Smith, III, Esquire  
Robert B. Hoffman, Esquire  
Christine L. Ciarrocchi, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Chief Counsel~~  
Thomas Blazusiak, Assistant Counsel

**August 4, 1992**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$226,758.75.

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**September 4, 1992**

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

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**September 14, 1992**

Plaintiff's First Continuing Set of Interrogatories Directed to Defendant and Plaintiff's First Request for Production of Documents Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 18, 1992**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 9, 1992.

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**October 1, 1992**

Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 1, 1992**

Defendant's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 20, 1992**

Plaintiff's Preliminary Objections to Preliminary Objections of Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 2, 1992**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 29, 1992.

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**November 5, 1992**

Amendment of Defendant's Third Preliminary Objection filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 5, 1992**

Defendant's Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 5, 1992**

Defendant's Answer to Plaintiff's Preliminary Objections to Defendant's Preliminary Objections 1, 2 and 4, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 12, 1992**

Praecipe to Discontinue Plaintiff's Preliminary Objections to Preliminary Objections of Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 17, 1992**

Defendant's First Continuing Set of Interrogatories directed to Plaintiff filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 18, 1992**

Defendant's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 24, 1992**

Answer of Plaintiff Children's Hospital of Philadelphia to Amendment of Defendant's Third Preliminary Objection filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 21, 1992**

Defendant's Brief in Support of its Amended Preliminary Objection No. 3 and Reply Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 23, 1992**

Brief of Plaintiff The Children's Hospital of Philadelphia, in Opposition to Defendant's Preliminary Objection No. 3 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 4, 1993**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 4th day of February, 1993, all the Preliminary Objections

filed by the Defendant are **DENIED**. The request of the Plaintiff to discontinue the Preliminary Objections is **GRANTED**. The Defendant is hereby **ORDERED** to file an Answer to Plaintiff's Complaint within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 10, 1993**

Acceptance of Service of Opinion and Order dated February 4, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 8, 1993.

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**February 10, 1993**

Acceptance of Service of Opinion and Order dated February 4, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 1993.

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**March 8, 1993**

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

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**March 8, 1993**

Application for Amendment of Interlocutory Order to Include Statement of 42 Pa. C.S. § 702 (b) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 16, 1993**

Plaintiff's Opposition to DPW's Application for Amendment of Interlocutory Order to Include Statement of 42 Pa. C.S. § 702 (b) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 25, 1993**

Plaintiff's Response to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 30, 1993**

Plaintiff's Responses to Defendant's First Continuing Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 6, 1993**

Response to Plaintiff's Opposition to DPW's Application for Amendment of Interlocutory Order to Include a Statement of 42 Pa. C.S. § 702 (b) filed by attorney for Defendant. Copy forwarded to attorney

for Plaintiff by attorney for Defendant.

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**April 15, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of April, 1993, the Application of Defendant for Amendment of Inter-locutory Order to Include Statement of 42 Pa. C.S. § 702 (b) is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 20, 1993**

Acceptance of Service of Opinion and Order dated April 15, 1993 received from Chief Counsel. Receipt of same acknowledged by Chief Counsel April 15, 1993.

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**April 21, 1993**

Acceptance of Service of Opinion and Order dated April 15, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 19, 1993.

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**April 30, 1993**

Defendant's Answers to Plaintiff's Interrogatories to Defendant, Department of Public Welfare - Second Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 1, 1993**

Amendment to Defendant's Answers to Plaintiff's Interrogatories - Second Set, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 20, 1993**

Amendment (Second) to Defendant's Answers to Plaintiff's Interrogatories - Second Set, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 18, 1993**

Plaintiff's Motion for Summary Judgment as well as Brief in Support of Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 4, 1993**

Plaintiff's Praecipe to Discontinue Without Prejudice filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 8, 1993**

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

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**December 8, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of December, 1993, the request of the Plaintiff to discontinue without prejudice and to mark this case 'withdrawn and discontinued' is hereby **GRANTED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 15, 1993**

Acceptance of Service of Opinion and Order dated December 8, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 10, 1993.

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