

Docket Number: 1749-P

AUTUMN GROVE CARE CENTER

Louis J. Capozzi, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

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

September 13, 1993

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$45,030.94.

September 28, 1993

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT OCTOBER 28, 1993

October 4, 1993

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 29, 1993.

October 4, 1993

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 30, 1993.

October 12, 1993

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

October 27, 1993

Answer of Autumn Grove Care Center to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 11, 1994

Emergency Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 14, 1994

The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of October, 1994, it is ORDERED and DECREED that Defendant's Emergency Motion to Compel Discovery be held in abeyance pending the recommendation of the Western Panel as to whether or not the Defendant has been prejudiced by Plaintiff's failure to comply with discovery." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 18, 1994

Response to Defendant's Emergency Motion to Compel Discovery, Brief in Response to Defendant's Emergency Motion to Compel Discovery and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 4, 1994

Acceptance of Service of Opinion and Order dated October 14, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 15, 1994.

October 26, 1994

Hearing held in the State Office Building, Room 1603, 300 Liberty Avenue, Pittsburgh, PA commencing at 10:18 a.m.

November 14, 1994

Testimony for hearing held October 26, 1994 filed.

November 18, 1994

Copy of testimony for hearing held October 26, 1994 forwarded to attorney for Defendant.

January 24, 1996

Hearing scheduled for February 12 & 13, 1996, in Board's Courtroom No. 2 commencing at 9:30 a.m.

January 29, 1996

Hearing cancelled for February 12 & 13, 1996.

June 17, 1996

Hearing rescheduled for July 30 & 31, 1996, in Board's Courtroom No. 2, commencing at 9:30 a.m.

July 29, 1996

Hearing scheduled for July 30 & 31, 1996, cancelled. CASE SETTLED.

July 29, 1996

Stipulation and Settlement Agreement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 7, 1996

The Board rendered the following Order: "**AND NOW**, this 7th day of August, 1996, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, is indebted unto the Plaintiff, Autumn Grove Care Center, in the full and true sum of Sixteen Thousand One Hundred Seventy-Five Dollars and Twenty-Two Cents (\$16,175.22) plus legal fees as agreed upon by the parties. Upon receipt of said award, Plaintiff, shall forthwith file with the Board of Claims, a Praecipe that the case be marked settled and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 10, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 10th day of July, 1997, a Rule to Show Cause is issued upon Plaintiff, Autumn Grove Care Center, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. 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." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 14, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of August, 1997, this Order is issued as a result of the failure of Plaintiff, Autumn Grove Care Center, to file with the Board of Claims, within thirty (30) days, a Praecipe advising whether or not Plaintiff has received the sum of money awarded or other justifiable response. It is therefore **DIRECTED** that the Rule of July 10, 1997, be made **ABSOLUTE** and the record be marked "closed and settled with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.