

Docket Number: 1785-P

THE VINCENTIAN HOME

Louis J. Capozzi, Jr., Esquire
Daniel K. Natirboff, Esquire

V.S.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

Jason W. Manne, Assistant Counsel

January 27, 1994

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$136,637.47.

February 15, 1994

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT March 15, 1994.

April 14, 1994

Answer of Vincentian Home, Inc. to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 1, 1994

Motion for Summary Judgment and Motion for Interlocutory Appeal filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 6, 1994

Brief in Support of Motion for Summary Judgment and Interlocutory Appeal filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 27, 1994

Brief in Response to Respondent's Motion for Summary Judgment and Interlocutory Appeal and Claimant's Motion for Attorneys' Fees filed by attorney for Plaintiff and Proposed Order. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 31, 1994

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

November 4, 1994

Claimant's Answer to Defendant's Motion to Amend New Matter, Claimant's Memorandum in Support of Opposition to Defendant's Motion to Amend New Matter and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 4, 1994

DPW's Reply Brief on Summary Judgment and Opposition to Attorney Fees filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 4, 1994

Affidavit of Attorneys' Fees filed by attorney for Plaintiff.

November 10, 1994

Supplemental Memorandum in Opposition to Attorneys Fees filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 14, 1994

DPW's Memorandum in Support of Amendment of New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 2, 1994

Claimant's Brief in Support of Opposition to Defendant's Motion to Amend New Matter and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 16, 1995

Motion to Compel Discovery and for Extension of time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 25, 1995

The Board rendered an Opinion and made the following Order: **"AND NOW, this 25th day of January, 1995, the Defendant's Motion for Summary Judgment and Motion for Interlocutory Appeal are DENIED."**

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 26, 1995

The Board rendered an Opinion and made the following Order: **'AND NOW, this 26th day of January, 1995, the request of the Defendant to file an Amended New Matter is GRANTED under and subjected to the Defendant filing a more specific New Matter.** Copy forwarded to attorney for Plaintiff and Defendant.

March 17, 1995

Plaintiff's Response to Defendant's First Set of Interrogatories

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

CLOSED

March 22, 1995

Motion to Compel Discovery and for Extension of time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 12, 1995

Brief in Support of Motion to Compel Discovery and Extension of time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 12, 1995

Plaintiff's Response to Defendant's Motion to Compel and for Extension of time filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 1, 1995

Plaintiff's Brief in Opposition to DPW's Motion to Compel and Plaintiff's Request to Designate a Witness filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 16, 1995

Reply Brief in Support of DPW's Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 6, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of September 6, 1995, the Plaintiff, Vincentian Home for the Chronically Ill, is **DIRECTED** to answer Interrogatory Nos. 3, 4, 5 & 6. It is further **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, shall have thirty(30) days from the receipt of those answers to file an Amended New Matter." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 1, 1995

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

January 18, 1996

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

June 7, 1996

Western Panel hearing scheduled for August 6 and 7, 1996 located in room 101, St. Joseph Center, 2900 Seminary Drive, Greensburg, PA., commencing at 9:30 a.m.

June 19, 1996

Notice of Taking Deposition on Oral Examination Under Pa. R.C.P. No. 4007. filed by attorney for Plaintiff.

July 9, 1996

Motion in Limine filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 1, 1996

Plaintiff's Response to Defendant's Motion in Limine filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 2, 1996

Subpoena with Duces Tecum issued to Bruce Travers filed by attorney for Plaintiff.

August 5, 1996

Opposition to Subpoena or Motion to Quash filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 5, 1996

The Board rendered an Opinion and made the following Order: **AND NOW**, this 5th day of August, 1996, counsel for the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare is ordered to produce the witness, Bruce Travers, at the Panel Hearing which is to convene on August 6, 1996. It is further **ORDERED** and **DECREED** that counsel for Defendant shall comply with the Subpoena Duces Tecum by providing the documents demanded in Exhibit A to the aforesaid subpoena." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 5, 1996

Opposition to Subpoena or Motion to Quash filed by attorney for Defendant.

August 6, 1996

Hearing held at the St. Joseph's Center, 2900 Seminary Drive, Greensburg, PA, commencing at 9:30 a.m.

September 10, 1996

Acceptance of Service Order dated September 4, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 10, 1996.

September 20, 1996

Testimony of hearing held August 6, 1996 filed.

October 4, 1996

Letter received from attorney for Plaintiff requesting a thirty(30) day extension of time to file their brief.

October 10, 1996

Letter forwarded to Plaintiff granting a thirty day extension of time in which to file their Brief. **BRIEF DUE 11/10/96.**

October 18, 1996

Acceptance of Service of testimony for hearing held August 6, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 15, 1996.

February 7, 1997

Letter received from attorney for Plaintiff requesting an extension of time in which to file their Brief.

February 12, 1997

Letter forwarded to Plaintiff granting a five day extension of time in which to file their Brief. **PLAINTIFF'S BRIEF DUE 2/27/97.**

February 18, 1997

Claimant's Post-Hearing Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 28, 1997

Motion to Reopen the Record to Prevent a Fraud on the Board and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 15, 1997

Letter forwarded to parties directing them to file a Briefing schedule.

April 28, 1997

Letter received from Def. requesting a second thirty (30) day extension of time in which to file their Brief.

CLOSED

April 30, 1997

Affidavit of Attorneys Fees, Claimant's Motion for Sanctions and Attorneys Fees and Claimant's Response to Respondent's Motion to Reopen the Record to Prevent a Fraud on the Board filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 5, 1997

Letter forwarded to Defendant granting a thirty day extension of time in which to file Defendant's Brief. Brief due 5/25/97.

May 6, 1997

Declaration in Support of Motion to Reopen the Record filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 6, 1997

Brief in Support of Motion to Reopen the Record filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 4, 1997

Department of Public Welfare's Post Hearing Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 4, 1997

DPW's Response to Claimant's Motion for Sanctions and Attorneys Fees filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 18, 1997

Claimant's Brief in Reply to Department of Public Welfare's Post-Hearing Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 25, 1997

Motion to Strike Ex Parte Communication filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 25, 1997

Brief in support of Motion to Strike Ex Parte Communication filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 25, 1997

Entry of Appearance of Louis J. Caporale, Jr., Esquire, filed on behalf of Plaintiff.

August 25, 1997

Claimant's Response to Respondent's Motion to Strike Ex Parte Communication filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 30, 1998

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 30th day of March, 1998, upon consideration of three motions filed in this matter, the Board rules as follows: 1) Defendant's motion to reopen the record is hereby **GRANTED** and if within twenty(20)days of the exit date of this Order, the parties are unable to agree to a stipulation of fact regarding ownership of the nursing home building and improvements in fiscal years 1991 and 1992, the Board will schedule a further day of hearings to admit evidence on this issue: 2) Plaintiff's motion for sanctions and attorneys' fees is hereby **DENIED**; and 3) Defendant's motion to strike certain ex parte communications is hereby **DENIED.**" Copy forwarded to attorney for Plaintiff and Defendant.

April 7, 1998

Acceptance of Service of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 5, 1998.

May 15, 1998

Letter received from attorney for Plaintiff requesting an additional two-week extension of time in which to submit their Stipulation of Fact in the above-referenced matter.

May 20, 1998

Letter forwarded to attorney for Plaintiff granting them an additional two-week extension of time in which to submit their Stipulation of Fact. RESPONSE DUE 5/29/98.

July 16, 1998

Notice of Service of Defendant's Interrogatories Re: Witness and Issues for Trial and Request for Production of Documents - Trial Preparation served upon Plaintiff.

August 1, 1998

Notice of Service for Defendant's Request for Admissions was served upon Claimant by Defendant.

August 4, 1998

Hearing scheduled for October 5, 6 and 7, 1998, in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

August 10, 1998

Motion to Consolidate Claims and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 17, 1998

DPW's Brief in Opposition to Claimant's Motion to Consolidate. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 24, 1998

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

August 24, 1998

Brief in Support of Claimant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 24, 1998

Certificate of Service of Claimant's Responses to Interrogatories and Claimant's Third Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff

August 25, 1998

Certificate of Service of Claimant's Response to Respondent's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 3, 1998

DPW's Brief in Opposition to Claimant's Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 3, 1998

The Board rendered an Opinion and made the following Order: **AND NOW**, this 3rd day of September, 1998, the Motion to Consolidate filed by Plaintiff, Vincentian Home, is hereby **DENIED** as to Docket No. 1785 and **GRANTED** as to Docket Nos. 2437 and 2713."

September 8, 1998

Notice of Service of a Request for Admissions filed by attorney for Plaintiff. Copy served upon Defendant by Plaintiff.

September 8, 1998

Claimant's Pre-Hearing Statement filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 11, 1998

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 11th day of September, 1998, upon consideration of the Motion to Compel Discovery filed by Plaintiff, The Vincentian Home, the Board **ORDERS** that the Motion is **DENIED**. Further, the Board **ORDERS** that the parties exchange any documents as described in the attached Opinion within ten(10) days of the exit date of this Order." Copy forwarded attorney for Plaintiff and Defendant.

September 24, 1998

DPW's Motion to Quash Subpoenas and Motion for Attorneys Fees and Brief in Support filed by attorney Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 28, 1998

Claimant's Amended Pre-Hearing Statement filed by attorney for Plaintiff. Copy forwarded to Defendant by attorney for Plaintiff.

September 28, 1998

Motion to Amend the Scope of the Board's Orders of March 30 and September 11, 1998 to allow Claimant to submit Rebuttal Evidence to Respondent's Claim for Settlement and Reopening into the Reopened Record filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 28, 1998

Brief in Support of Claimant's Motion to Amend the Scope of the Board's Orders of March 30 and September 11, 1998. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 28, 1998

Request for Expedited Decision filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 28, 1998

Declaration of Sami Shamash filed attorney for Defendant. Served upon attorney for Plaintiff by Defendant's attorney.

September 28, 1998

Declaration of Robert Magil filed by attorney for Defendant. Served upon attorney for Plaintiff by attorney for Defendant.

September 28, 1998

Notice of Service of Claimant's Responses to Respondent's Request for Admission and Supplemental Response to Request for Production of Documents filed by attorney for Plaintiff served upon attorney for Defendant.

September 29, 1998

Letter received from attorney for Plaintiff responding to Defendant's September 29, 1998 response faxed today at 12:01 p.m. to Plaintiff's Motion to Amend the Scope of the Board's Orders of March 30 and September 11, 1998. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 29, 1998

Claimant's Second Amended Pre-Hearing Statement filed by Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

September 29, 1998

The Board rendered an Opinion and made the following Order: **AND NOW**, this 29th day of September, 1998, the Motion to Quash Subpoenas is granted. It is further **ORDERED** and **DECREED** that the Defendant's Motion for Attorney's Fees is denied. Copy forwarded to attorney for Plaintiff and Defendant.

September 30, 1998

Claimant's Response to DPW's Motion to Quash Subpoenas and Motion for Attorneys and New Matter and Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 30, 1998

The Board rendered an Opinion and made the following Order: **AND NOW** this 30th day of September, 1998, it is **ORDERED** and **DECREED** that Claimant's Motion is **DENIED**. It is further **ORDERED** and **DECREED** that Claimant may Amend the Pre-Hearing Statement to include the presentation of the deed in question. Copy forwarded to attorney for Plaintiff and Defendant.

October 1, 1998

Letter received from attorney for Defendant requesting that the Board deny Plaintiff's Motion to Amend the Scope of the Board's Orders of March 30 and September 11, 1998, Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 5, 1998

Hearing settled.

October 5, 1998

Praeipice of Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 7, 1998

Transmission of Stipulation of Settlement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 8, 1998

Acceptance of Service of Opinion and Order dated September 30, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 1, 1998.

October 13, 1998

Acceptance of Service of Opinion and Order dated October 1, 1998 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 1, 1998.

November 4, 1998

The Board rendered an Opinion and made the following Order: **AND NOW**, this 4th day of November, 1998, it is **ORDERED** and **DECREED** that the above referenced cases be marked withdrawn, terminated, and settled with prejudice. It is further **ORDERED** and **DECREED** that should a breach of the Settlement Agreement occur the aggrieved party may petition the Board to reopen the same. Copies forwarded to attorney for Plaintiff and Defendant.

December 4, 1998

Acceptance of Service of Opinion and Order dated November 4, 1998 received from attorney Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 10, 1998.
