

Docket Number: 1790-P

ARBUTUS PARK MANOR

Louis J. Capozzi, Jr., Esquire
Michael A. Hynum, Esquire

VS.
CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

***February 11, 1994**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$61,815.60.

March 7, 1994

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

March 11, 1994

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 9, 1994.

CLOSED

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

April 14, 1994

Answer of Arbutus Park Manor to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 11, 1994

Motion to Amend Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Amended Claim attached at Exhibit A.

***May 13, 1994**

Copy of Amended Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. Amount of Claim: \$283,763.04.

May 18, 1994

Acceptance of Service of Amended Claim received from attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 16, 1994

Opposition to Motion to Amend Claim filed by attorney for Defendant.
Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 14, 1994

Motion for Summary Judgment and 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 7, 1994

Letter received from attorney for Plaintiff stating that the correct amount of the Claim is \$83,700.00. Copy of Letter forwarded to attorney for Defendant by attorney for Plaintiff.

October 27, 1994

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

November 4, 1994

Claimant's Affidavit of Attorneys' Fees filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 4, 1995

Acceptance of Service of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 2, 1995.

March 22, 1995

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

March 22, 1995

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

April 7, 1995

Plaintiff's Preliminary Objections to Defendant's New Matter and Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 28, 1995

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

May 23, 1995

The Board rendered an opinion and made the following Order: "AND NOW, this 23rd day of May, 1995, the Board will **STAY** action on the Motion to Compel Discovery pending the Response of counsel for Plaintiff. It is further ~~ORDERED~~ and ~~DECREEE~~ that counsel for the Defendant advise the Board on/or before June 6, 1995, whether or not Plaintiff has complied with the Discovery request. If Plaintiff is in compliance, the Board will **DISMISS** Defendant's Motion to Compel as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 25, 1995

Acceptance of Service of Opinion and Order dated May 23, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 31, 1995.

June 5, 1995

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

June 30, 1995

Plaintiff's Brief in Support of Preliminary Objections to Paragraph 9 of Defendant's New Matter and Paragraph 5-7 of Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 25, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of September, 1995, the two present Motions before the Board will not be addressed by the Board at this time. The Board will direct parties to conduct their discovery in the spirit of this Opinion and the cooperation that appeared to exist at the end of the Pre-trial Conference." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 27, 1995

Acceptance of service of opinion and order dated September 25, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 29, 1995.

Acceptance of service of opinion and order dated September 25, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 26, 1995.

March 3, 1997

Status Report requesting a hearing be set filed by attorney for Defendant.

July 14, 1997

Status letter received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 4, 1997

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

November 19, 1997

Withdrawal of Appearance of Latsha Davis & Yohe, P.C. filed on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 4, 1997

Status letter received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 6, 1998

Letter forwarded to parties requesting status. Response due from parties May 6, 1998.

April 27, 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.

May 7, 1998

Status letter received from attorney for Plaintiff advising that the parties are attempting settlement and further, that if same does not materialize, Plaintiff will request a hearing be set. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 27, 1998

Letter forwarded to parties requesting status. Response due from parties June 9, 1998.

October 9, 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.

June 9, 1999

Letter forwarded to parties requesting status. Response due July 9, 1999.

July 8, 1999

Letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations.

January 13, 2000

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

February 11, 2000

Status letter received from attorney for Plaintiff advising that the parties are discussing settlement negotiations.

August 28, 2000

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

September 28, 2000

Letter/Status Report received from attorney for Plaintiff advising that the parties are currently preparing discovery and engaging in settlement negotiations.

April 4, 2001

Letter forwarded to parties requesting status. Response due from parties 5/4/01.

May 7, 2001

Letter/Status Report received from attorney for Plaintiff advising that the parties have reached a verbal agreement to settle and Defendant's attorney has presented a stipulation of settlement for approval by the Department.

May 14, 2001

Letter received from attorney for Defendant advising that the parties have not reached a verbal agreement and that a stipulation of settlement was prepared and is being circulated for approval.

May 14, 2001

Letter received (via fax) from attorney for Plaintiff requesting that a hearing be scheduled for three days in July or August 2001.

May 15, 2001

Letter received (via U.S. Mail) from attorney for Plaintiff requesting that a hearing be scheduled for three days in July or August 2001.

May 15, 2001

Letter received from attorney for Plaintiff advising that the parties are going to continue settlement negotiations and do not wish to schedule a hearing at this time.

November 14, 2001

Letter forwarded to parties requesting a Status Report. Status report due on or before 12/14/01.

December 13, 2001

Status letter received from attorney for Plaintiff advising that a stipulation of settlement was entered into and they are awaiting approval from BHA.

June 12, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **July 12, 2002.**

July 11, 2002

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

July 25, 2002

The Board rendered an opinion and made the following Order: "AND NOW, this 25th day of July, 2002, it is **ORDERED** and **DECREED** that the matter is **DISMISSED** with Prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 29, 2002

Acceptance of Service of Opinion and Order dated July 25, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 29, 2002.
