

Docket Number: 1791-P

**VALLEY CARE NURSING HOME**

Louis J. Capozzi, Jr., Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

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

**February 11, 1994**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$18,457.25.

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**March 1, 1994**

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

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**March 8, 1994**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 4, 1994.

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**March 9, 1994**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1994.

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**April 1, 1994**

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

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**April 1, 1994**

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

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**April 22, 1994**

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

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**April 22, 1994**

Plaintiff's Answer to Defendant, Commonwealth of Pennsylvania, Department of Public Welfare's Preliminary Objections to Claim and Proposed Order. Brief in Support of Responses to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 1, 1994**

The Board made the following Order: "AND NOW, this 1st day of September, 1994, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare are **DENIED**. The Department is given thirty (30) days from the exit date of this Order to file responsive pleadings.

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**September 12, 1994**

Acceptance of Service of Opinion and Order dated September 1, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 7, 1994.

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**September 20, 1994**

Acceptance of Service of Opinion and Order dated September 1, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 8, 1994.

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**September 21, 1994**

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

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**September 21, 1994**

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

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**September 21, 1994**

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, 1994**

Plaintiff's Answer to Valley Care Nursing Home to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 9, 1994**

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

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**December 6, 1994**

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

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**December 15, 1994**

Withdrawal of Appearance of Carol Ulichney, Assistant Counsel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 15, 1994**

Entry of Appearance of Jason W. Manne, Assistant Counsel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 20, 1995**

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

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**July 20, 1995**

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

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**July 27, 1995**

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

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**August 14, 1995**

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

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**October 2, 1995**

Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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December 1, 1995

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

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**February 8, 1996**

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

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**September 6, 1996**

The Board rendered an Opinion and made the following Order: **AND NOW, 6th day of September, 1996, the various requests of discovery of both Plaintiff, Valley Care Nursing Home, and Defendant, Commonwealth of Pennsylvania, Department of Public Welfare are DENIED.** The parties are **DIRECTED** to proceed in accordance with the guidelines established by the Board at the time of the Pre-trial Conference and in the multitude of opinions that have emanated from the Board after the Pre-trial Conference. Copy forwarded to attorney for Plaintiff and Defendant.

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**September 12, 1996**

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

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**May 30, 1997**

Status letter forwarded to parties. **RESPONSE DUE 6/3/97.**

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**September 26, 1997**

Status letter forwarded to parties. **RESPONSE DUE 10/27/97.**

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**March 10, 1998**

Status letter forwarded to parties. Response due April 10, 1998.

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**August 7, 1998**

Eastern Panel Hearing scheduled for September 16, 17 and 18, 1998 in Board's Courtroom No. 2 6th Floor, Fulton Bank Building, Harrisburg, PA, commencing at 9:30 a.m.

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**August 7, 1998**

Motion to Amend Claims filed by attorney for Plaintiff.

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**August 7, 1998**

Claimant's Brief in Support of Claimant's Motion to Amend Claim filed by attorney for Plaintiff.

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**August 7, 1998**

Amended Statement of Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 10, 1998**

Motion to Amend New Matter and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 18, 1998**

Claimant's Pre-Hearing Statement filed by attorney for Plaintiff.

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Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**August 19, 1998**

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

**August 19, 1998**

DPW's First Motion in Limine - Exclusion of Expert Testimony filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**August 19, 1998**

DPW's Brief in Support of its First Motion in Limine Exclusion of Expert Testimony filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**August 20, 1998**

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

**August 21, 1998**

Letter received from attorney for Plaintiff requesting an extension of time in which to respond to Defendant's Amended New Matter until September 8, 1998.

**August 24, 1998**

Letter received from attorney for Defendant requesting until September 4, 1998 to respond to the Board's Order of August 19, 1998.

**August 24, 1998**

Notice of Service of Deposition - Trial Issues filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**August 24, 1998**

Notice 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 24, 1998**

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

**August 24, 1998**

DPW's Second Motion in Limine - Exclusion of Patient Day Evidence filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**August 24, 1998**

DPW's Brief in Support of its Second Motion in Limine Exclusion of Patient Day Evidence filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 26, 1998**

Letter forwarded to attorney for Defendant granting their request for an extension of time until September 4, 1998 in which to respond to the Board's Order of August 19, 1998.

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**August 31, 1998**

Stipulation of Settlement filed by attorney for Defendant and attorney for Plaintiff.

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**September 17, 1998**

Hearing settled.

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**September 29, 1998**

The Board rendered an Opinion and made the following Order: AND NOW, this 29th day of September, 1998, it is **ORDERED** and **DECREED** that the above docketed cases are closed, settled and terminated with prejudice. Copy forwarded to attorney for Plaintiff and Defendant.

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**October 8, 1998**

Acceptance of Service of Opinion and Order dated September 29, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 1, 1998.

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**February 11, 2000**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 11th day of February, 2000, this Order is issued as a result of the failure of Plaintiff, Enviro-Health Technologies, Inc., to file with the Board of Claims within thirty (30) days from September 7, 1999, a response to the Rule to Show Cause advising why this Claim should not be dismissed for failure to abide by the instructions of the Board of Claims. Therefore, it is **DIRECTED** that the Rule of September 7, 1999, be made **ABSOLUTE** and the records be marked closed and discontinued with prejudice". Copy forwarded to Plaintiff and attorney for Defendant.

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