

Docket Number: 1824

THE WESTERN PENNSYLVANIA HOSPITAL

Peter Molinaro, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

~~Robin M. Lewis, Assistant Counsel~~
~~Laura J. N. Neal, Assistant Counsel~~

VS.

HOWARD P. MONSOUR, SR., M.D., d/b/a
COMPREHENSIVE HEALTH CARE GROUP

~~Howard P. Monsour, Sr., M.D.~~
~~Paul G. Kachulis, Esquire~~
~~William Gleason Barbin, Esquire~~
~~Howard P. Monsour, Sr., M.D.~~

June 29, 1994* **

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$716,676.04+

July 1, 1994

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

July 29, 1994

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged unknown).

July 29, 1994

Defendant's Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant.

August 10, 1994

Petition of the Claimant to Extend the Time to Respond to the Preliminary Objections of the Department of Corrections. .

August 23, 1994

Brief in Support of Defendant's Preliminary Objections filed by attorney for Defendant.

***August 29, 1994**

Third-Party Complaint filed by attorney for Defendant.

August 31, 1994

The Board rendered an Opinion and made the following Order: **AND NOW**, this 31st day of August, 1994, upon receipt of a Petition of the Claimant to Extend the Time to Respond to the Preliminary Objections of the Department of Corrections filed on August 10, 1994, over the signature of Peter Melanuria, Jr., attorney for Plaintiff, The Western Pennsylvania Hospital, and there being no opposition from opposing counsel, the above-stated Motion is hereby **GRANTED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 1, 1994

Copy of Third-Party Complaint forwarded to attorney for Plaintiff and Additional Defendant by attorney for Defendant.

September 12, 1994

Acceptance of Service of Opinion and Order dated August 31, 1994 received from attorney for Plaintiff. Receipt of same acknowledged September 2, 1994.

September 12, 1994

Acceptance of Service of Third-Party Complaint received from attorney for Plaintiff. Receipt of same acknowledged September 6, 1994.

September 12, 1994

Plaintiff's Brief in Opposition to Defendant's Preliminary Objections filed by attorney for Plaintiff.

October 27, 1994

Praecipe for Entry of Default Judgment filed by attorney for Defendant.

December 15, 1994*

Amended Statement of Claim filed by attorney for Plaintiff. Amt. of Claim: \$497,123.43

December 30, 1994

Copy of Amended Statement of Claim forwarded to attorney for Defendant.

February 2, 1995

Defendant's Preliminary Objections to Plaintiff's Amended Complaint filed by attorney for Defendant.

May 3, 1995

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

May 24, 1995

Plaintiff's Brief in Opposition to Defendant's Preliminary Objections filed by attorney for Plaintiff

July 3, 1995

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 3rd day of July, 1995, the Board finds as follows: (A) The Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Corrections, to the original Complaint of the Plaintiff, Western Pennsylvania Hospital, are **MOOT**. (B) The Request for Summary Judgment as filed by the Defendant, Third Party Plaintiff against the Third Party Defendant, Howard P. Monsour, Sr., M.D., d/b/a Comprehensive Health Care Group, is **DENIED**. **8** The Preliminary Objections of the Defendant to the Amended Complaint of the Plaintiff is **DENIED**. The Defendant is **DIRECTED** to file responsive pleadings to its complaint within thirty (30) days from the exit date of this Order. The Defendant is further **DIRECTED** to file, if it so desires, an Amended Third Party Complaint against the Third Party Defendant within thirty (30) days of the exit date of this Order.@ Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

July 10, 1995

Acceptance of Service of Opinion and Order dated July 3, 1995 received from attorney for Plaintiff. Receipt of same acknowledged July 5, 1995.

July 11, 1995

Claimant's Response to New Matter filed by attorney for Plaintiff.

August 2, 1995

Petition of the Department of Corrections for Extension of Time to Answer Claimant's Amended Statement of Claim filed by attorney for Defendant.

August 2, 1995

Amended Third-Party Complaint filed by attorney for Defendant.

August 4, 1995

Copy of Third-Party Complaint forwarded to attorney for Plaintiff and attorney for Additional Defendant.

August 7, 1995

Acceptance of Service of Opinion and Order dated July 3, 1995 received from attorney for Defendant. Receipt of same acknowledged July 26, 1995.

August 22, 1995

Answer to Amended Statement of Claim and New Matter filed by attorney for Defendant.

September 13, 1995

Reply of the Plaintiff to the New Matter of Additional Defendant filed by attorney for Plaintiff.

***September 27, 1995**

Entry of Appearance of Paul G. Kachulis, Esquire, on behalf of Additional Defendant filed by attorney for Additional Defendant.

October 2, 1995

Answer to Amended Third-Party Complaint filed by attorney for Additional Defendant.

October 20, 1995

Plaintiff's First Set of Interrogatories directed to Third-Party Defendant/ and Plaintiff's First Set of Interrogatories directed to Original Defendant; and Plaintiff's First Request for Production of Documents directed to Third-Party Defendant filed by attorney for Plaintiff.

December 18, 1995

Motion to Compel Response to Request for Production of Documents filed by attorney for Plaintiff.

February 7, 1996

Plaintiff's Memorandum in Support of Motion to Compel filed by attorney for Plaintiff.

March 27, 1996

Defendant's Response to Plaintiff's Motion to Compel Responses to Request for Production of Documents filed by attorney for Defendant.

April 24, 1996

The Board made the following Order: **AAND NOW**, this 24th day of April, 1996, the Board being advised by the Plaintiff, The Western Pennsylvania Hospital, that the Defendant, Commonwealth of Pennsylvania, Department of Corrections, has answered the Plaintiff's Request for Production of Documents, the request to compel these answers is now **MOOT**.@ Copy forward to all parties.

May 1, 1996

Acceptance of Service of Order dated April 24, 1996 received from attorney for Plaintiff. Receipt of same acknowledged April 29, 1996.

May 15, 1996

Acceptance of Service of Order dated April 24, 1996 received from attorney for Defendant. Receipt of same acknowledged May 1, 1996.

July 23, 1996

Petition for Extension of Time in which to file a Status Report filed by attorney for Defendant.

July 29, 1996

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 29th day of July, 1996, Defendant's, Commonwealth of Pennsylvania, Department of Corrections, Petition for the Department of Corrections for Extension of Time to File a Status Report for an additional seven (7) days is hereby **GRANTED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 31, 1996

Defendant's Status Report filed by attorney for Defendant.

August 22, 1996

Acceptance of Service of Opinion and Order dated July 29, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 20, 1996.

September 6, 1996

Third Party Defendant's Answers to Interrogatories filed by attorney for Additional Defendant.

October 4, 1996

Third-Party Defendant's Status Report filed by attorney for Additional Defendant.

October 4, 1996

Letter-type Supplement to Additional Defendant's Answers to Interrogatories and Request for Production of Documents filed by attorney for Additional Defendant.

October 11, 1996

Answers to Defendant's First Set of Interrogatories filed by attorney for Defendant.

May 1, 1997

Letter forwarded to parties requesting updated status of case.

June 3, 1997

Status letter received from attorney for Defendant advising that the parties are, at present, conducting discovery.

July 16, 1997

Entry of Appearance of William Gleason Barbin, Esquire on behalf of Additional Defendant Howard P. Monsour, et al.

December 8, 1997

Letter forwarded to parties requesting status.

February 24, 1999

Letter forwarded to parties requesting status.

March 26, 1999

Status Report filed by attorney for Additional Defendant.

April 9, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of April, 1999, it is **ORDERED** and **DECREED** that the status report/letter-type Motion for an additional sixty (60) days in which to file another status report is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that the Third-Party Defendant, Howard P. Monsour, Sr., M.D. d/b/a Comprehensive Health Care Group, shall file its second status report no later than sixty (60) days from the exit date of this Order.® Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

May 4, 1999

Acceptance of Service of Opinion and Order dated April 9, 1999 received from attorney for Defendant. Receipt of same May 4, 1999.

March 16, 2000

Letter forwarded to parties requesting status.

April 17, 2000

Petition of the Department of Corrections for Extension of Time to File a Status Report filed by attorney for Defendant.

April 24, 2000

Status letter received from attorney for Plaintiff advising that the parties are conducting discovery and awaiting information on pending criminal charges against the Third-Party Defendant Howard P. Monsour, M.D.

May 1, 2000

Status Report filed by attorney for Plaintiff requesting the Third-Party Defendant to advise the parties of the current status of the pending criminal charges against Howard P. Monsour, Sr., M.D.

May 11, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of May, 2000, it is **ORDERED** and **DECREED** that the Petition of the Department of Corrections for Extension of Time to File a Status Report is **GRANTED**. It is further **ORDERED** and **DECREED** that said Status Report shall be filed within thirty (30) days from receipt of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 19, 2000

Acceptance of Service of Opinion and Order dated May 11, 2000 received from attorney for Defendant. Receipt of same acknowledged May 15, 2000.

May 25, 2000

Acceptance of Service of Opinion and Order dated May 11, 2000 received from attorney for Plaintiff. Receipt of same acknowledged May 22, 2000.

July 21, 2000

Letter forwarded to parties requesting status

August 7, 2000

Status letter received from attorney for Plaintiff advising that the status remains the same.

August 21, 2000

Praecipe for Entry of Appearance of Laura J. N. Failing, Assistant Counsel filed on behalf of Defendant.

August 22, 2000

Status Report filed by attorney for Defendant.

March 19, 2001

Letter forwarded to parties requesting status.

April 19, 2001

Status letter received from attorney for Plaintiff advising that they understand there has been a disposition in the criminal charges filed against Dr. Monsour and that they are now ready to proceed with the deposition of Dr. Monsour.

April 20, 2001

Status Report received from attorney for Defendant (via fax) advising that they understand there has been a disposition in the criminal charges filed against Dr. Monsour and that they are now ready to proceed with the deposition of Dr. Monsour.

April 20, 2001

Status Report received from attorney for Defendant (via fax) advising that they understand there has been a disposition in the criminal charges filed against Dr. Monsour and that they are now ready to proceed with the deposition of Dr. Monsour.

June 25, 2001

Copy of a courtesy letter which a forwarded to attorneys for Defendants by attorney for Plaintiff outlining the deposition schedule for Howard P. Monsour, Sr., M.D. filed.

October 22, 2001

Praecipe for the withdrawal of appearance on behalf of Dr. Howard P. Monsour filed by William Barbin, Esquire.

February 6, 2002

Letter forwarded to parties requesting status.

March 7, 2002

Status report received from attorney for Defendant advising that this case is ongoing and that the deposition of Howard P. Monsour, M.D., the Third-Party Defendant has not yet occurred.

April 8, 2002

Status letter received from attorney for Plaintiff advising that they have the deposition of Howard P. Monsour, M.D. set for May 24, 2002 and they anticipate the deposition of one or more representatives yet.

May 28, 2002

Amended praecipe for Withdrawal of Appearance filed by counsel for additional defendant, Howard Monsour, et al.

June 3, 2002**

Petition of the Western Pennsylvania Hospital to Amend its Statement of Claims filed by attorney for Plaintiff. Amt. of Claim: \$597,123.43

June 5, 2002

Letter forwarded to Defendant and Additional Defendant requesting response to Plaintiff's Petition of the Western Pennsylvania Hospital to Amend its Statement of Claim.

June 19, 2002

Letter received from Dr. Monsour requesting an extension of time in which to respond to the Plaintiff's Petition to Amend its Complaint.

June 20, 2002

Letter forwarded to Dr. Monsour granting an additional 30 days from the date of this letter in which to respond to Plaintiff's Petition to Amend its Complaint.

July 17, 2002

Letter received from Dr. Monsour requesting a second extension of time in which to respond to the Plaintiff's Petition to Amend its Complaint.

July 19, 2002

Letter forwarded to Dr. Monsour granting an additional 30 days from the date of this letter in which to respond to Plaintiff's Petition to Amend its Complaint.

August 20, 2002

Defendant's (Dr. Monsour) response to the Plaintiff's Petition to Amend its Claim advising that Defendant (Dr. Monsour) requires approximately four months to produce the documents to present his case.

August 23, 2002

Letter forwarded to Defendant (Dr. Monsour) granting a four (4) month extension for Defendant to produce the documents to present his case.

August 23, 2002

Letter forwarded to attorney for Defendant requesting status.

December 13, 2002

Letter received from Defendant (Dr. Monsour) requesting an additional four (4) months in which to respond to Plaintiff's Petition to Amend its Claims.

December 17, 2002

Letter forwarded to Defendant (Dr. Monsour) granting Defendant's request for an additional four (4) months in which to respond to Plaintiff's Petition to Amend its Claims.

April 7, 2003

Letter received from Defendant (Dr. Monsour) requesting an additional four (4) months in which to respond to Plaintiff's Petition to Amend its Claims.

April 11, 2003

Letter forwarded to Defendant (Dr. Monsour) granting Defendant's request for an additional four (4) months in which to respond to Plaintiff's Petition to Amend its Claims.

April 11, 2003

Letter forwarded to attorney for Defendant requesting status.

May 12, 2003

Defendant's (Department of Corrections) Status Report filed via e-mail transmission. Copy forwarded to Plaintiff and Defendant (Dr. Monsour).

May 22, 2003

Plaintiff filed Notice of Service of Plaintiff's Request for Admissions Directed to Defendant and Third Party Defendant as well as Notice of Service of Plaintiff's Second Set of Interrogatories Directed to Defendant and Third Party Defendant.

July 7, 2003

Plaintiff filed Motion to Compel Answers to Interrogatories directed to Third Party Defendant.

August 6, 2003

Additional Defendant filed letter via fax advising that Additional Defendant is still attempting to contact (4) four individual witnesses in this matter and will advise the Board on a weekly basis of his progress.

August 6, 2003

Additional Defendant filed letter via U.S. Mail advising that Additional Defendant is still attempting to contact (4) four individual witnesses in this matter and will advise the Board on a weekly basis of his progress.

August 19, 2003

Additional Defendant filed letter via U.S. Mail advising that two of the four witnesses are on vacation and can't be reached at this time and he is still trying to reach the other two.

September 25, 2003

Plaintiff filed Motion to Deem Request for Admissions Admitted Against Defendant and Additional Defendant.

September 25, 2003

Plaintiff filed Motion to Compel Defendant.

October 1, 2003

Board forwarded letter requesting Brief in Support of Plaintiff's Motion to Deem Request for Admissions Admitted.

October 1, 2003

Board forwarded letter to Defendant and Additional Defendant requesting response and brief to Plaintiff's Motion to Deem Request for Admissions Admitted.

October 14, 2003

Plaintiff filed Brief in Support of Plaintiff's Motion to Deem Request for Admissions Admitted.

October 23, 2003

Additional Defendant filed Answers to Interrogatories of Plaintiff.

October 23, 2003

Defendant filed Response to Plaintiff's Request for Admissions.

October 23, 2003

Defendant filed Response to Plaintiff's Motion to Deem Request for Admissions Admitted.

October 23, 2003

Defendant filed Response to Plaintiff's Motion to Compel.

November 4, 2003

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 4th day of November, 2003, it is **ORDERED** and **DECREED** that Plaintiff's Petition to Amend its Statement of Claim is **GRANTED** and that Plaintiff is given leave to file its Second Amended Statement of Claim within twenty (20) days from the date of service of this Order.@ Copy forwarded to Plaintiff, Defendant and Additional Defendant.

November 4, 2003

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 4th day of November, 2003, the answers to Interrogatories directed to Additional Defendant having not been properly served, Plaintiff's Motion to Compel is **GRANTED** and it is **ORDERED** and **DECREED** that Additional Defendant serve complete answers to the Interrogatories of Plaintiff as directed within ten (10) days of service of this Order.@ Copy forwarded to Plaintiff, Defendant and Additional Defendant.

November 24, 2003

Plaintiff filed Second Amended Statement of Claim.

November 26, 2003

Board issued Acknowledgment letter and forwarded copy of Second Amended Statement of Claim to Attorney General.

December 12, 2003

Chief Deputy Attorney General filed Acceptance of Service of Second Amended Claim. Receipt of same acknowledged December 10, 2003.

December 24, 2003

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 24th day of December, 2003, it is **ORDERED** and **DECREED** that Plaintiff's Motion to Deem Request for Admissions Admitted is hereby **DENIED.**@

January 7, 2004

Defendant filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged December 30, 2003.

January 8, 2004

Plaintiff filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged January 5, 2004.

April 1, 2004

Plaintiff filed Renewed Motion to Compel Answers to Plaintiff's Second Set of Interrogatories.

June 17, 2004

Board rendered the following Opinion and Order. Order as follows: **AAND NOW**, this 17th day of June, 2004, the Interrogatories directed to the Defendant, Commonwealth of Pennsylvania, Department of Corrections, having not been answered, Plaintiff's, The Western Pennsylvania Hospital, Motion to Compel is **GRANTED** and it is hereby **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Corrections, serve complete answers to the Interrogatories of Plaintiff as directed within twenty (20) days of service of this Order.@ Copy forwarded to Plaintiff and Defendant.

July 6, 2004

Defendant filed Acceptance of Service of Opinion and Order dated June 17, 2004. Receipt of same acknowledged June 22, 2004.

September 13, 2004

Defendant (Corrections) filed via e-mail Motion for Extension of Time to Respond to Plaintiff's Second Request for Production of Documents.

September 16, 2004

Board forwarded letter to Defendant granting Defendant's request for an extension of time until October 28, 2004 in which to respond to Plaintiff's Second Request for Production of Documents.

October 29, 2004

Defendant (Corrections) filed via e-mail Second Motion for Extension of Time to Respond to Plaintiff's Second Request for Production of Documents.

November 4, 2004

Board forwarded letter to Defendant granting extension of time until November 24, 2003, in which to Respond to Plaintiff's Second Request for Production of Documents.

November 12, 2004

Plaintiff's Objection to the Defendant's Second Motion for Enlargement of Time.

November 5, 2008

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

January 5, 2009

Plaintiff filed Praecipe for Discontinuance.

January 8, 2009

Board forwarded letter to parties requesting Defendant to advise the Board whether or not the crossclaim against Additional Defendant can be dismissed also.

January 29, 2009

Defendant filed Praecipe for Discontinuance.

February 2, 2009

Board rendered an Order. Order as follows: "**AND NOW**, this 2nd day of February, 2009, upon receipt of a Praecipe executed by Peter Molinaro, Esquire, on behalf on Plaintiff, The Western Pennsylvania Hospital requesting that the Board kindly discontinue Plaintiff's actions, docketed with this Board under date of January 5, 2009, and receipt of a Praecipe executed by Laura J. Neal, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Corrections, requesting that the Board note the discontinuance of the action against Howard P. Monsour, Sr., M.D., d/b/a Comprehensive Health Care Group, docketed with this Board under date of January 29, 2009, it is hereby **ORDERED** and **DIRECTED** that the above-captioned matter be marked discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

February 4, 2009

Defendant filed Acceptance of Service of Order dated February 2, 2009. Receipt of same acknowledged February 4, 2009.

February 9, 2009

Plaintiff filed Acceptance of Service of Order dated February 2, 2009. Receipt of same acknowledged February 4, 2009.
