

Docket Number: 1868-P

SAINT MARTHA MANOR

~~Louis J. Capezzi, Jr., Esquire~~

~~*Daniel K. Natirboff, Esquire~~

~~*Nicholas Deenis, Esquire~~

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

~~Carol Ulichney, Assistant Counsel~~

Mary Frances Grabowski, Assistant Counsel

December 2, 1994

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$80,610.00+

December 9, 1994

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

January 4, 1995

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

CLOSED

February 6, 1995
Petition for leave to Amend New Matter as well as Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 27, 1996
Answer and Amended New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 27, 1996

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, requesting a response to Amended New Matter and Counterclaim. **Response due 3/26/96.**

March 1, 1996

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

July 11, 1996

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

September 10, 1996

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

September 10, 1996

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

April 29, 1997

Letter forwarded to parties requesting a status report.

Response due 5/29/97.

May 29, 1997

Letter received from attorney for Defendant advising that the case is still pending. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 6, 1997

Letter received from attorney for Plaintiff advising that Plaintiff is determining if additional discovery is necessary. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 3, 1997

Entry of Appearance of Louis J. Capozzi, Jr., Esquire, attorney for Plaintiff, filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 9, 1997

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

January 13, 1998

Letter forwarded to the parties requesting a status report.

Response due 2/12/98.

February 13, 1998

Letter received from attorney for Defendant advising that there has been no activity in the case.

February 13, 1998

Letter received from attorney for Plaintiff advising that they are preparing discovery documents.

May 26, 1998

Letter received from attorney for Plaintiff requesting a 30-day extension of time to file a response to Defendant's First Set of Interrogatories and Document Request.

June 2, 1998

Letter forwarded to attorney for Plaintiff granting the request for an extension of time to file a response to Defendant's First Set of Interrogatories and Document Request.

November 17, 1998

Notice of Service of Claimant's Response to DPW's First Set of Interrogatories and Claimant's Response to Respondent's Request for Production of Documents filed by attorney for Plaintiff.

December 2, 1998

Notice of Service of Defendant's Second Set of Interrogatories filed by attorney for Defendant.

February 23, 1999

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

February 25, 1999

Letter forwarded to Defendant requesting response to Plaintiff's Motion to Compel Discovery. Response due 3/25/99.

March 25, 1999

Letter received from attorney for Defendant requesting a 30-day extension of time in which to file Defendant's Response to Plaintiff's Motion to Compel Discovery.

March 26, 1999

Letter received from attorney for Plaintiff requesting a hearing be set.

March 30, 1999

Letter received from attorney for Defendant via fax advising that Defendant disagrees with Plaintiff and does not feel this case is ready for trial.

April 30, 1999

Defendant's Response in Opposition to Motion to Compel Discovery and Brief in Support filed by attorney for Defendant.

March 31, 1999

Letter received from attorney for Defendant via U.S. Mail advising that Defendant disagrees with Plaintiff and does not feel this case is ready for trial.

May 21, 1999

Motion to Disqualify Capozzi and Associates and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff June 24, 1999.

May 21, 1999

Motion to Submit Privileged Materials Under Seal and For In Camera Review filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff June 24, 1999.

June 1, 1999

Reply to Respondent's Response to Claimant's Motion to Compel Discovery and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 21, 1999

Letter received from attorney for Plaintiff requesting a 30-day extension of time in which to file their response to the Motion to Disqualify and Motion to Submit Privileged Documents for In Camera Review.

July 23, 1999

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for a 30-day extension of time in which to file their response to the Motion to Disqualify and Motion to Submit Privileged Documents for In Camera Review.

August 23, 1999

Claimant's Response to DPW's Motion to Disqualify Capozzi & Associates and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

***September 16, 1999**

Withdrawal of Appearance of Daniel K. Natirboff, Esquire and Entry of Appearance of Nicholas Deenis, Esquire filed on behalf of Plaintiff.

September 22, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of September, 1999, upon consideration of defendant's motion to disqualify Capozzi and Associates as counsel for the plaintiff, **IT IS ORDERED, ADJUDGED AND DECREED** that the motion is **DENIED** as moot." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 27, 1999

Acceptance of Service of Opinion and Order dated September 22, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 24, 1999.

September 30, 1999

Acceptance of Service of Opinion and Order dated September 22, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 29, 1999.

October 29, 1999

Substitution of Appearance of Nicholas Deenis, Esquire on behalf of Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 23, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of November, 1999, after careful review of the Motions before the Board and the submission of the parties in support of and in objection to such Motions it is hereby **ORDERED** that the Claimant's, Saint Martha Manor, Motion to Compel Discovery is **GRANTED** and the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is directed to produce the documents, #5,#6,#8, #9 and #11 as requested in Claimant's Second Request for Documents. It is further **ORDERED** that Respondent's Motion to Submit Privileged Materials Under Seal and For In Camera Review is **DENIED**. The Board of Claims herewith offers a caution that the parties to the instant case are wandering close to dilatory activity which will not be tolerated by this Board." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 6, 1999

Acceptance of Service of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 1, 1999.

May 18, 2000

Letter forwarded to parties requesting status. Response due from parties June 19, 2000.

June 19, 2000

Status Report filed by attorney for Defendant advising that the parties are conducting discovery.

January 2, 2001

Letter forwarded to parties requesting status. Response due from parties February 2, 2001.

January 22, 2001

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

August 6, 2001

Letter forwarded to parties requesting status. Response due from parties September 6, 2001.

August 15, 2001

Status letter received from attorney for Plaintiff advising that the parties have agreed to the terms of a draft settlement agreement and are currently discussing the inclusion of additional appeals in this master settlement agreement. The parties hope to finalize their agreements within the next few weeks.

January 2, 2002

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

January 7, 2002

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 7th day of January, 2002, upon receipt of a letter type Precept to Discontinue advising "Pursuant to a settlement reached between Catholic Health Care Services and the Department of Public Welfare, the appeals identified in Exhibit 2 to the attached Stipulations of Settlement filed with the Bureau of Hearings and Appeals have been settled. Insofar as your records may reflect that the listed appeals before the Board of Claims are open, please enter an Order of Dismissal consistent with the Order entered by the Bureau of Hearings and Appeals." filed by Nicholas Deenis, Esquire, attorney for Plaintiff, docketed with this Board under date of January 2, 2002, it is **ORDERED** and **DIRECTED** that said case be marked "closed, discontinued and ended without prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 10, 2002

Acceptance of Service of Order dated January 7, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 8, 2002.

January 11, 2002

Acceptance of Service of Order dated January 7, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 8, 2002.

January 14, 2002

Acceptance of Service of Order dated January 7, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 10, 2002.