

Docket Number: 1873

ARBUTUS PARK MANOR

~~John D. Kennedy, Esquire~~  
~~Louis J. Capozzi, Jr., Esquire~~

VS.

**CLOSED**

~~COMMONWEALTH OF PENNSYLVANIA~~  
~~DEPARTMENT OF PUBLIC WELFARE~~

~~John A. Kane, Chief Counsel~~

Jason W. Manne, Assistant Counsel

**December 30, 1994**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$91,219.52+

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**January 11, 1994**

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

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**January 18, 1995**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 12, 1995.

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**CLOSED**

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

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**February 9, 1995**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 13, 1995.

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**February 21, 1995**

Plaintiff's Preliminary Objections to Paragraph 4 Defendant's New Matter and Defendant's Counterclaim filed by attorney for Plaintiff.

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Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 21, 1995**

Plaintiff's Brief in Support of Preliminary Objections to Paragraph 4 of Defendant's New Matter and Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 22, 1995**

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

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**April 12, 1995**

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

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**April 17, 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.

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**April 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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**May 1, 1995**

Brief in Opposition to DPW's Preliminary Objections to Arbutus' Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 26, 1995**

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

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**June 5, 1995**

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

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**June 14, 1995**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of June, 1995, the Preliminary Objection of the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare to the Preliminary Objections of the Plaintiff, Arbutus Park Manor, is **DENIED**. The Preliminary Objections of the Plaintiff to paragraph four of Defendant's New Matter and the Defendant's Counter-Claim, are **GRANTED**. The Board will direct Defendant to file an Amended New Matter and Counter-Claim consistent with this Opinion. The Amended New Matter and Amended Counter-Claim of the Defendant is to be filed within thirty (30) days of the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 23, 1995**

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

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**June 30, 1995**

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

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**July 17, 1995**

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

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**September 7, 1995**

The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of September, 1995, the Motion to Compel Discovery as filed by the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, on April 27, 1995, is DISMISSED as MOOT. The Plaintiff, Arbutus Park Manor, has filed Supplemental Answers to the Interrogatories. Said Answers appearing to have been accepted by the Defendant." Copy forwarded to attorney for Plaintiff and Defendant.

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**September 11, 1995**

Acceptance of Service of Opinion and Order dated September 7, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 8, 1995.

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**September 13, 1995**

Acceptance of Service of Opinion and Order dated September 7, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 8, 1995.

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**March 3, 1997**

Status report filed by attorney for Defendant.

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**May 12, 1997**

Letter forwarded to parties requesting status of case. Response due from parties June 12, 1997.

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**June 10, 1997**

Status letter received from attorney for Plaintiff advising that the parties are currently reviewing a proposed Settlement Agreement.

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**November 4, 1997**

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

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**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.

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**April 29, 1998**

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

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**May 1, 1998**

Letter forwarded to Plaintiff requesting Plaintiff to file a Praecipe if this case has been settled.

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**June 1, 1998**

Status letter filed by attorney for Plaintiff advising that they are in the process of settling this case and upon receipt of the sum awarded, Plaintiff will forthwith file a Praecipe that said case be closed.

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**December 7, 1998**

Letter forwarded to parties requesting status. Response due from parties January 7, 1999.

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**December 15, 1998**

Letter received from attorney for Plaintiff advising that no settlement monies have been exchanged and advising that upon receipt of the settlement monies Plaintiff will file a Praecipe to mark same "settled, discontinued and ended."

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**January 7, 1999**

Praecipe of Discontinuance with Prejudice filed by attorney for Plaintiff.

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**January 12, 1999**

The Board rendered the following Order: "**AND NOW**, this 12th day of January, 1999, upon receipt of a Praecipe to Discontinue with Prejudice filed on January 7, 1999, by Katherine E. Stine, counsel for Plaintiff, Arbutus Park Manor, it is **ORDERED** and **DIRECTED** that this case be marked 'settled, discontinued and ended with prejudice.'" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 19, 1999**

Acceptance of Service of Order dated January 12, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 13, 1999.

**CLOSED**