

Docket Number: 1894

*****CONSOLIDATED WITH DOCKET NOS. 1974, 2065, 2110 & 2677*****

~~THE MULTICARE COMPANIES, INC., HOPKINS HOUSE NURSING AND
REHABILITATION CENTER, QUAKERTOWN MANOR CONVALESCENT AND
REHABILITATION CENTER~~

~~Louis J. Capozzi, Jr., Esquire
John N. Kennedy, Esquire
David C. Marshall, Esquire
Stephen A. Miller, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel
Cynthia White Williams, Assistant Counsel
Leonard Crumb, Assistant Counsel~~

February 7, 1995

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$257,491.00+.

March 2, 1995

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

March 7, 1995

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 3, 1995.

March 31, 1995

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

April 18, 1995

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

October 12, 1995

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

October 25, 1995

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

December 1, 1995

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

May 8, 1996

Amended Claim filed by attorneys for Plaintiffs. Amount of Claim: **Unchanged.**

May 31, 1996

Copies of Amended Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. Response due from Defendant July 1, 1996.

June 6, 1996

Acceptance of Service of an Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1996.

October 23, 1996

Answer to Amended Claim and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Response due from Plaintiff 12-12-96.**

November 15, 1996

Claimants' Answer to Respondent's New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 25, 1996

Letter forwarded to parties directing them to proceed with discovery.

May 27, 1997

Letter forwarded to parties requesting a status report.
Response due 6/26/97.

June 30, 1997

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

July 2, 1997

Letter received from attorney for Plaintiff advising that Plaintiff is in the process of preparing responses to Defendant's discovery requests. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 16, 1998

Status letter forwarded to the parties.
Response due 2/16/98.

February 11, 1998

Letter received from attorney for Defendant advising that Defendant is still awaiting responses to discovery requests.

March 4, 1998

Entry of Appearance of Louis J. Capozzi, Jr., Esquire, attorney for Plaintiff, filed.

August 25, 1998

Praecipe for Entry of Appearance of David C. Marshall, Esquire, attorney for Plaintiff, filed.

August 26, 1998

Letter forwarded to the parties requesting a status report.
Response due 9/28/98.

September 8, 1998

Praecipe of Withdrawal of Appearance filed by Louis J. Capozzi, Jr., Esquire. Copy forwarded to attorney for Defendant by Mr. Capozzi.

November 9, 1999

Letter forwarded to parties requesting a status report. NOW DUE 12-9-99.

December 8, 1999

Status Letter received from attorney for Plaintiff that Plaintiff is preparing a settlement offer in the form of a position paper to be presented to the Department's counsel for review. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 20, 2000

Letter received from attorney for Plaintiff advising that they are preparing a settlement offer in the form of a position paper for Defendant's review. If unable to resolve the matter a hearing will be requested.

January 8, 2001

Entry/Withdrawal of Appearance- Enter Leonard Crumb as counsel for Defendant and withdraw Cynthia White Williams as counsel for Defendant.

January 26, 2001

Entry of Appearance entered on behalf of Plaintiff from Capozzi and Associates.

August 6, 2001

Letter forwarded to parties requesting a status report. Due 9/6/01.

August 15, 2001

Letter received from attorney for Plaintiff advising that the parties are preparing a settlement offer in the form of a position paper for Defendant's review.

February 28, 2002

Letter forwarded to parties requesting a status report. Due 3/28/02.

March 21, 2002

Letter received from attorney for Plaintiff advising that they are engaged in settlement discussions with Defendant including the exchange of documentation. If the parties cannot reach a settlement a hearing will be requested.

September 18, 2002

Letter forwarded to parties requesting a status report. Response due 10/17/02.

October 10, 2002

Letter received from attorney for Defendant, via facsimile, objecting to Plaintiff's letter requesting this matter be scheduled for hearing (for several, mentioned reasons) and requesting that the Board, per Board Rule 899.402(b), enter an order compelling Plaintiff to respond to the presently unanswered discovery requests served on them by Defendant.

October 11, 2002

Letter received from attorney for Defendant, via facsimile, objecting to Plaintiff's request for a hearing and advising that if the Board does decide to schedule the matter, he would request that it be scheduled for May, 2003.

October 11, 2002

Letter received from attorney for Defendant, vis U.S. Mail, objecting to Plaintiff's letter requesting this matter be scheduled for hearing (for several, mentioned reasons) and requesting that the Board, per Board Rule 899.402(b), enter an order compelling Plaintiff to respond to the presently unanswered discovery requests served on them by Defendant.

November 8, 2002

Letter received from attorney for Plaintiff, in response to Defendant's letter, advising that Plaintiff requests a hearing be scheduled at the Board's earliest convenience in 2003 and they will respond to Defendant's outstanding discovery by the end of November 2002.

November 13, 2002

Letter received from Defendant in response to Plaintiff's request for a consolidation/hearing for the above-matters, wherein Defendant requests that a hearing be scheduled and set for June of 2003 - not January 2003, for reasons outlined in the letter.

November 19, 2002

Unopposed Motion to Sever and Consolidate Claims filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 22, 2002

Notice of Service of Respondent's First Consolidated Request for Production of Documents filed by attorney for Defendant.

December 3, 2002

Letter received from Defendant, via facsimile, in response to Plaintiff's November 19, 2002 letter (relative to scheduling these matters for trial) advising that Plaintiff has not yet produced discovery documents and disagreeing with Plaintiff's request that a hearing be scheduled for February, 2003.

January 15, 2003

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of January, 2003, upon the Unopposed Motion to Sever and Consolidate Claims filed by the Claimants, finding that the relief requested is consistent with principles of judicial economy and a party's right to control the litigation of its own claims, and is without prejudice to Respondent or the other Claimants, it is hereby **ORDERED** that the Motion is **GRANTED**. The claims of Hopkins House are severed from the matters at Docket Nos. 1894 and 2110-P and are consolidated with the related pending claims of Hopkins House at Docket Nos. 1975- P and 2063-P, while the claims of Laurel Nursing & Rehabilitation (Laurel) are severed from the matter at Docket No. 2110-P and are consolidated with the related pending claims of Laurel at Docket No. 2043-P. The claims of Quakertown Manor in Docket Nos. 1894 and 2110-P shall be consolidated for hearing on such dates as may hereafter be scheduled by the Board of Claims with the related claims of Quakertown Manor at Docket Nos. 1974, 2065-P and 2677. A copy of this Order shall be entered onto the docket for each of the docket matters involved: Docket Nos. 1894, 1974, 1975-P, 2043-P, 2063-P, 2065-P, 2110-P and 2677." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 22, 2003

Acceptance of Service of Opinion and Order dated January 15, 2003, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 20, 2003.

May 12, 2003

Plaintiff filed letter requesting that the consolidated matters of Docket Nos. 1894, 1974, 2065, 2110 & 2677 be scheduled for hearing at the Board's earliest dates. Copy forwarded to Defendant.

May 16, 2003

Defendant filed letter, via facsimile, in response to Plaintiff's letter of May 12, 2003, advising that Plaintiff has not provided Defendant with requested discovery and further advises that Defendant intends to file a Motion to Dismiss Plaintiff's claims based on a recent Commonwealth Court decision (dated May 15, 2003) in Presbyterian Medical Center of Oakmont v. DPW. Copy forwarded to Plaintiff.

May 28, 2003

Defendant filed Motion to Dismiss Claims for Lack of Subject Matter Jurisdiction as well as Brief in Support of DPW's Motion to Dismiss Consolidated Claims for Lack of Subject Matter Jurisdiction. Copy forwarded to Plaintiff.

June 26, 2003

Plaintiff filed Answer to Defendant's Motion to Dismiss Consolidated Claims for Lack of Subject Matter Jurisdiction. Copy forwarded to Defendant.

August 13, 2004

Plaintiff filed Praecipe of Discontinuance of Claims of Quakertown Manor. Copy forwarded to Defendant.

August 18, 2004

Board issued Order. Order as follows: "**AND NOW**, this 18th day of August, 2004, upon receipt of a Praecipe of Discontinuance of Claims of Quakertown Manor, executed by Louis J. Capozzi, Jr., Esquire, on behalf of Plaintiff, The Multicare Companies, Inc., d/b/a Quakertown Manor Convalescent and Rehabilitation Center, advising the Board that '. . . the remaining claims of Quakertown Manor, are discontinued and ended and may be closed as to Quakertown Manor's claims', and docketed with this Board under date of August 13, 2004, it is **ORDERED** and **DIRECTED** that the above-captioned matters be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.
