

Docket Number: 1909

UNITED HEALTH, INC., ABINGTON CREST NURSING CENTER, BEAVER
VALLEY NURSING CENTER, BELAIR NURSING CENTER, BROAD MOUNTAIN
NURSING HOME, DRESHER HILL NURSING CENTER, **ELK HAVEN NURSING**
HOME, LANCHORNE GARDENS NURSING CENTER, STATESMAN NURSING
CENTER, TOWNSHIP MANOR NURSING CENTER, TREMONT NURSING CENTER
and VALLEY MANOR NURSING CENTER

~~Louis J. Capozzi, Esquire~~
~~John N. Kennedy, Esquire~~
~~Robert E. Slavkin, Esquire~~
Kimber L. Latsha, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Jeffrey P. Schmoyer, Assistant Counsel

March 24, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$2,310,188.00+.

April 3, 1995

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

April 6, 1995

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 4, 1995.

April 6, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 4, 1995.

April 24, 1995

Answer of the Commonwealth of Pennsylvania, Department of public Welfare filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 7, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE FEBRUARY 6, 1997.

April 2, 1997

Second letter forwarded to parties requesting status report. STATUS REPORT DUE MAY 2, 1997; FAILURE TO RESPOND A RULE TO SHOW CAUSE WILL BE ISSUED.

April 30, 1997

Status letter received from Plaintiff advising that portions of the claim are settled and if further discussions do not resolve the claim, Plaintiff will request a hearing.

November 4, 1997

Letter forwarded to parties requesting status report. Status Report due on or before **December 4, 1997**.

December 9, 1997

Second letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE **JANUARY 8, 1998** or Rule to Show Cause will be issued.

December 16, 1997

Letter/Status Report received from Plaintiff advising that portions of this claim have settled (some facilities) and they will be filing a Motion to Withdraw these facilities by the end of December, 1997. Once the remaining facilities settle, they will withdraw the claim.

March 24, 1998

Letter forwarded to parties requesting a status report. Status Report due on or before APRIL 23, 1998.

November 18, 1998

Status letter forwarded to parties. Response due 12/18/98.

December 22, 1998

Letter received from attorney for Plaintiff advising that a proposed settlement offer was submitted to Defendant. If the parties are unable to settle a hearing will be requested.

August 12, 1999

Letter forwarded to parties requesting a status. Response due 9/13/99.

August 26, 1999

Letter received from attorney for Plaintiff advising that the parties have executed Stipulation of Settlement for portions of the claims involving the above-captioned matter. Position papers have been submitted to the Defendant for the following facilities: Abington Crest, Elk Haven and Statesman. If the parties are unable to settle these matters a hearing will be requested.

March 16, 2000

Letter forwarded to parties requesting a status report. DUE 4/17/00.

April 5, 2000

Letter received from attorney for Plaintiff advising that the parties have settled portions of #1909 as pointed out in attached letter. If the parties cannot resolve these matters a hearing will be requested.

February 1, 2001

Letter forwarded to parties requesting a status. Due 3/1/01.

February 28, 2001

Letter received from Plaintiff advising that the parties have settled portions of the Claim docketed at 1909. Once the parties resolve the Claims currently being negotiated, they will explore options for the above referenced matter.

April 13, 2001

Praecipe for Discontinuance as to some Named Plaintiff filed by Plaintiff.

April 20, 2001

The Board made the following Order: **AND NOW**, this 20th day of April 2001, upon receipt of a Praecipe For Discontinuance As to Some Named Plaintiffs: This matter may be withdrawn, discontinued and ended as to the following named plaintiffs and fiscal periods only: Belair FYE 12/31/90, 12/31/92 & 6/30/92, Broad Mountain FYE 6/30/91 & 6/30/92, Dresher Hill FYE 6/30/91 & 6/30/92, Langhorne FYE 6/30/91 & 6/30/92, Statesman FYE 6/30/91 & 6/30/92, Township Manor FYE 6/30/91 & 6/30/92, Tremont FYE 6/30/91 & 6/30/92, and Valley Manor FYE 6/30/91 & 6/30/92", executed by Kimber L. Latsha, Esquire on behalf of Plaintiff, herein, and docketed with this Board under date of April 13, 2001, it is **ORDERED** and **DIRECTED** that the case, be marked, **Aclosed**, ended and discontinued with prejudice@. Copy forwarded to attorney for Plaintiff and Defendant.

April 26, 2001

Acceptance of Service of Order dated April 20, 2001, received from attorney for Defendant. Receipt of same acknowledged by

attorney for Defendant April 23, 2001.

April 27, 2001

Acceptance of Service of Order dated April 20, 2001, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 2001.

October 30, 2001

Letter forwarded to parties requesting a status. Response due **11/30/01**.

November 15, 2001

Praecipe For Discontinuance As To Some Named Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff and Defendant.

November 26, 2001

The Board made the following Order: **AND NOW**, this 26th day of November 2001, upon receipt of a Praecipe For Discontinuance As To Some Named Plaintiff, advising the Board that ... **A**This matter may be withdrawn, discontinued and ended as to the following named plaintiff and fiscal period only: Beaver Valley FYE 6/30/91 and 6/30/92...@, executed by Kimber L. Latsha, Esquire, on behalf of Plaintiff herein, and docketed with this Board under date of November 15, 2001, it is **ORDERED** and **DIRECTED** that part of the case (Beaver Valley) be marked, **A**closed, ended and discontinued with prejudice@. Copy forwarded to attorney for Plaintiff and Defendant.

November 29, 2001

Acceptance of Service of Order dates November 26, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 28, 2001.

November 29, 2001

Acceptance of Service of Order dated November 26, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 27, 2001.

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June 7, 2002

Letter forwarded to parties requesting a status report. Response 7/8/02.

June 20, 2002

Letter received from Plaintiff advising that they anticipate resuming settlement negotiations in the near future for the above claim.

October 23, 2002

Letter to parties requesting a status report. **Response due 11-25-02.**

November 20, 2002

Letter received from attorney for Plaintiff advising that the parties have deferred settlement negotiations involving the above claim, pending settlement negotiations regarding Extendicare's owned facilities FYE 6/30/92-6/30/94. Once these claims are resolved the parties will pursue negotiated settlement options for the above matter.

June 11, 2003

Plaintiff filed Praecipe for Discontinuance As to Some Named Plaintiff (Abington Crest Nursing Center). Copy forwarded to attorney for Defendant.

July 3, 2003

Board issued Opinion and Order: Order as follows: **AND NOW**, this 3rd day of July 2003, it is **ORDERED** and **DECREED** that this matter is **WITHDRAWN, DISCONTINUED** and **ENDED** as to Abington Crest Nursing Center for fiscal period ending 6/30/92 only.

July 10, 2003

Defendant filed Acceptance of Service of Opinion and Order dated July 3, 2003. Receipt of same acknowledged July 9, 2003.

July 17, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated July 3, 2003. Receipt of same acknowledged July 15, 2003.

August 15, 2005

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 15th day of August, 2005, it is **ORDERED** and **DECREED** that pursuant to 42 Pa. C.S.A. 5103 (a) and Pa. R.C.P. 213(f), this matter and the record thereof is **TRANSFERRED** to the Department of Public Welfare, Bureau of Hearing and Appeals. Copy forwarded to Plaintiff and Defendant.

August 30, 2005

Board transferred file to Department of Public Welfare, Bureau of Hearings and Appeals.
