

Docket Number: 1922

REGENCY HALL NURSING HOME, INC.

John DeLorenzo, Esquire
~~John N. Kennedy, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Esquire~~
Jason W. Manne, Assistant Counsel

April 18, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$44,362.00+

May 1, 1995

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

May 8, 1995

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 3, 1995.

May 8, 1995

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

May 22, 1995

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

May 31, 1995

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

June 16, 1995

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

June 20, 1995

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

June 20, 1995

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

June 28, 1995

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

July 14, 1995

Plaintiff's Response to Defendant's 1st Set of Interrogatories and Plaintiff's Response to Defendant's 1st Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 24, 1995

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

August 8, 1995

Plaintiff's Response to Defendant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 8, 1995

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

September 28, 1995

Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 4, 1995

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 4th day of December, 1995, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, are hereby **OVERRULED**. The Motion to Compel Discovery is hereby **GRANTED**, however, the Motion is limited to the direction as set forth in the body of this Opinion.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 6, 1995

Acceptance of Service of Opinion and Order dated December 4, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 5, 1995.

July 25, 1996

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 25th day of July, 1996, a Rule to Show Cause is issued upon Plaintiff, Regency Hall Nursing Home, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked >closed, discontinued and ended with prejudice=.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 16, 1996

Acceptance of Service of Opinion and Order dated July 25, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 14, 1996.

August 26, 1996

Letter/Response to Rule to Show Cause dated July 25, 1996 received from attorney for Plaintiff advising that Plaintiff does wish to pursue its case at the Board; however, it was awaiting a decision on a similar case in Commonwealth Court that may resolve some of the same issues present in this case. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 29, 1996

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

September 5, 1996

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

September 12, 1996

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

September 27, 1996

Letter forwarded to parties directing them to proceed with discovery.

June 4, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE JULY 7, 1997.

June 13, 1997

Status Report received from attorney for Defendant advising that except for one minor issues, the Plaintiff has lost in two forums (OHA and Commonwealth Court) and is now appealing to the Supreme Court. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 5, 1997

Letter received from attorney for Plaintiff requesting 30 days in which to file a Status Report as he just received our letter requesting same from Louis Capozzi, Jr., Esquire

October 21, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE **November 20, 1997**.

November 25, 1997

Second Letter forwarded to parties requesting a Status Report. **STATUS REPORT DUE ON OR BEFORE DECEMBER 29, 1997.** or Rule to Show Cause will be issued.

January 16, 1998

The Board rendered an Opinion and made the following Order: **AND NOW**, this 16th day of January, 1998, a Rule to Show Cause is issued upon Plaintiff, Regency Hall Nursing Home, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked ~~closed~~, discontinued and ended with prejudice.[@] Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 6, 1998

Letter/Response to Rule to Show Cause, filed by attorney for Plaintiff, requesting that this matter be scheduled for hearing. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 5, 1998

Panel Hearing (Swartz & Minckler) scheduled for December 1, 2 and 3, 1998, in the Board of Claims Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

November 16, 1998

Letter received from Defendant advising that this matter has mistakenly been scheduled for trial because the former Claimant's law firm's secretary did not realize that this matter had been transferred to John Delorenzo, Esq. for Plaintiff. Both parties agree that they would benefit from additional time to determine what issues remain outstanding and request that the Board issue a scheduling order allowing the parties 180 days to complete discovery and prepare case for trial.

November 20, 1998

The Board rendered an Opinion and made the following Order: **AND NOW**, this 20th day of November, 1998, it is **ORDERED** and **DECREED** that the letter-type Motion to reschedule is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that counsel for both parties complete discovery within 180 days from the exit date of this Order, at which time the case will be rescheduled for hearing.® Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 25, 1998

Acceptance of Service of Opinion and Order dated November 20, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 25, 1998.

August 11, 1999

Letter forwarded to parties requesting a status report. Status report due on or before **September 10, 1999**.

September 15, 1999

Letter received from attorney for Plaintiff advising that this matter is not ready for hearing.

May 24, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 23, 2000**.

June 27, 2000

Letter/Status Report received from attorney for Plaintiff advising that this case is not ready for a hearing.

January 3, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 2, 2001**.

February 5, 2001

Letter received from attorney for Plaintiff advising that this matter is not ready for a hearing and that they will inform the Board when a hearing is required.

August 7, 2001

Letter forwarded to parties requesting a Status Report. Status

Report due on or before **September 6, 2001.**

September 10, 2001

Letter received from attorney for Plaintiff advising that this case is not ready for a hearing.

March 13, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before April 12, 2002.

April 15, 2002

Letter received from Plaintiff advising that these cases are not ready for a hearing.

October 25, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before November 25, 2002.

December 18, 2002

Letter/Status Report received from Plaintiff advising that this matter is not ready for hearing. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 27, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 27th day of September, 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 Hearings and Appeals." Copy forwarded to Plaintiff and Defendant.

October 3, 2005

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