

Docket Number: 1960-P

LANCASTER NURSING CENTER ASSOCIATES,
d/b/a TWIN OAKS NURSING CENTER

~~Richard J. King, Esquire~~
Louis J. Capozzi, Jr., Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Kathleen Grogan, Assistant Counsel

August 2, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: Not Specified.

August 7, 1995

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

August 11, 1995

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 9, 2005.

August 22, 1995

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 8, 1995.

September 19, 1995

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

September 27, 1995

Preliminary Objections and Motion to Strike Respondent's Answer, New Matter and Counterclaim, Proposed Order Striking Answer, New Matter and Counterclaim and Memorandum of Law in Support of Claimant's Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 23, 1995

Respondent's Uncontested Motion for Enlargement of Time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 21, 1995

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 21st day of November, 1995, it is ORDERED and DECREED that the Defendant, Commonwealth of Pennsylvania, Department of public Welfare, is GRANTED an enlargement of time in which to file responsive pleadings. The Defendant shall have sixty (60) days from the exit date hereof in which to file its response to Preliminary Objections and Motions to Strike Respondent's Answer, New Matter and Counterclaim.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 27, 1995

Respondent's Uncontested Motion for Enlargement of Time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 30, 1995

Acceptance of Service of Opinion and Order dated November 21, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 28, 1995.

November 30, 1995

Acceptance of Service of Opinion and Order dated November 21, 1995 received from Chief Deputy Attorney General November 27, 1995.

December 13, 1995

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 13th day of December, 1995, it is ORDERED and DECREED that the Motion as filed by the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, is GRANTED. It is further ORDERED and DECREED that the Defendant shall file its response no later than January 22, 1996.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 20, 1995

Acceptance of Service of Opinion and Order dated December 13, 1995 received from attorney for Plaintiff. Receipt of same

acknowledged by attorney for Plaintiff December 19, 1995.

December 21, 1995

Acceptance of Service of Opinion and Order dated December 13, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 15, 1995.

January 23, 1996

Respondent's Response to Claimant's Preliminary Objections and Motions to Strike Respondent's Answer, New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to ~~attorney for~~ Plaintiff by attorney for Defendant.

July 22, 1996

Respondent's Brief in Opposition to Claimant's Preliminary Objections and Motion to Strike Respondent's Answer, New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 5, 1996

Praecipe for Entry of Appearance of **Louis J. Capozzi, Jr., Esquire** and **Jeffrey W. Bechtel, Esquire** filed by attorney for Plaintiff.

October 30, 1996

The Board rendered an Opinion and made the following Order: **AND NOW**, this 30th day of October, 1996, the Preliminary Objections as filed by the Claimant, Lancaster Nursing Center Associates d/b/a Twin Oaks Nursing Center, with the exception of the allegation contained in paragraph 48, are hereby **DENIED**. Paragraph 48 of the Respondent's Counterclaim is **STRICKEN** from the record. Copy forwarded to attorney for Plaintiff and Defendant.

November 8, 2006

Plaintiff filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged by Plaintiff November 6, 1996.

April 9, 1997

Letter forwarded to parties requesting a status report.
Response due 5/9/97.

May 20, 1997

Letter forwarded to parties requesting a status report.
Response due 6/19/97.

June 16, 1997

Letter received from attorney for Plaintiff advising that possible settlement negotiations will be conducted in the future. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 27, 1997

Letter received from attorney for Defendant advising that a settlement was never reached.

August 25, 1997

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

November 25, 1997

Letter forwarded to the parties requesting a status report.
Response due 12/29/97.

January 8, 1998

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

January 14, 1998

Status letter received from attorney for Plaintiff advising that the parties are attempting settlement negotiations.

April 22, 1998

Letter forwarded to the parties requesting a status report.
Response due 5/22/98.

May 26, 1998

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

December 2, 1998

Letter forwarded to the parties requesting a status report.
Response due 1/4/99.

December 9, 1998

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

August 17, 1999

Letter forwarded to parties requesting a status. Response due 9/17/99.

September 17, 1999

Notice of Service of Claimant's First Request for Production of Documents served upon Defendant by Plaintiff.

September 17, 1999

Letter received from attorney for Plaintiff advising that they have requested the permanent file and other documents from the Defendant. Once the material has been reviewed they will make a decision as to the best method to proceed in this matter.

August 22, 2000

Letter forwarded to parties requesting a status. Status Report due on or before **September 22, 2000.**

September 20, 2000

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

March 30, 2001

Letter forwarded to parties requesting a status report. Due 4/30/01.

August 6, 2001

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

February 28, 2002

Letter forwarded to parties requesting a status report. Due

3/28/02.

March 8, 2002

Letter received from Plaintiff advising that they will proceed to take discovery and move this matter to a hearing.

September 18, 2002

Letter forwarded to parties requesting a status report. Response due 10/18/02.

August 15, 2005

The 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 Hearings and Appeals. Copy forwarded to Plaintiff and Defendant.

August 22, 2005

Defendant filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged by Defendant August 18, 2005.

August 30, 2005

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

October 3, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated August 15, 2005. Receipt of same acknowledged September 26, 2005.