

Docket Number: 1974

*****CONSOLIDATED WITH DOCKET NOS. 1894, 2065, 2110 & 2677*****

QUAKERTOWN MANOR CONVALESCENT & REHABILITATION CENTER

~~David C. Marshall, Esquire~~
~~Stephen A. Miller, Esquire~~
Michael Hynum, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

CLOSED

August 21, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$243,135.00+.

September 1, 1995

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

September 8, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 6, 1995.

September 11, 1995

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 5, 1995.

October 5, 1995

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

October 25, 1995

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

June 19, 1996

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

November 25, 1997

Letter forwarded to parties requesting a status report. Status Report due on or before **December 26, 1997**.

December 8, 1997

Letter received from attorney for Defendant advising that they are waiting on Plaintiff's response to their discovery request as well as a position statement from opposing counsel.

December 23, 1997

Letter received from attorney for Plaintiff advising that Plaintiff's files were received from prior counsel this week and they are now reviewing the file and Claimant's issues and will be meeting with them in the near future to discuss their position.

March 4, 1998

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

August 25, 1998

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

November 18, 1998

Letter forwarded to parties requesting a Status Report. Status Report due on or before **December 18, 1998**.

December 18, 1998

Letter/Status Report received from attorney for Plaintiff advising that discovery between the parties has commenced and upon completion of same, they will forward a settlement offer in the form of a position paper for Defendant's review.

August 25, 1999

Letter forwarded to parties requesting a Status Report. Status Report due on or before **September 24, 1999**.

August 31, 1999

Letter/Status Report received from Plaintiff advising that the parties have completed their discovery and Plaintiff is preparing a settlement offer in the form of a position paper to be sent to Defendant. If they can not settle, Plaintiff will promptly request a hearing.

March 16, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 17, 2000**.

April 10, 2000

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

January 8, 2001

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

January 26, 2001

Entry of Appearance of Capozzi & Associates, P.C., on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 6, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before September 5, 2001.

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 the Defendant's review. If the parties are unable to negotiate a settlement a hearing will be requested before the Board.

February 28, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before March 29, 2002.

April 3, 2002

Letter received from Plaintiff advising that they are in settlement discussions with Defendant and intend to continue these settlement negotiations at the present time.

October 4, 2002

Letter received from attorney for Plaintiff requesting this matter be scheduled for hearing, or in the alternative, requests a pre-hearing conference.

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, via 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.

October 15, 2002

Letter received from attorney for Defendant, U.S. Mail, 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.

November 8, 2002

Letter received from attorney for Plaintiff, in response to Defendant's letter, advising that Plaintiff still wants a hearing scheduled (at the Board's earliest times in 2003) and 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 if a hearing must be scheduled, that it be set for June of 2003 - not January, 2003, for various reasons set forth in the letter.

November 19, 2002

Letter received from Plaintiff in response to Defendant's letter relative to scheduling these matters for consolidation/hearing, advising that scheduling these matters for hearing dates, in the past, has prompted parties to complete discovery and Plaintiff expects the same result with these matters.

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.

August 24, 2004

Defendant filed Acceptance of Service of Order dated August 18, 2004. Receipt of same acknowledged August 20, 2004.
