

Docket Number: 1975-P
Consolidated With No. 2063

HOPKINS HOUSE NURSING & REHABILITATION CENTER

Louis J. Capozzi, Jr., Esquire
~~Kimber L. Latsha, Esquire~~
~~Stephen A. Miller, Esquire~~
Michael A. Hynum, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~Leslie Oaks, Assistant Counsel~~
~~Counsel Larry T. Brandenburg, Assistant~~
~~Cynthia White Williams, Esquire~~
Leonard W. Crumb, Assistant Counsel

August 21, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$226,075.00+.

September 1, 1995

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT October 1, 1995.

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 26, 1995

Defendant filed letter withdrawing the appearance of Catherine Stewart as counsel for Defendant. Copy forwarded to Plaintiff.

May 17, 1996

Status letter forwarded to parties. Response due 6/17/96.

March 17, 1998

Plaintiff filed an Entry of Appearance (Louis Capozzi, Jr., Esquire).

April 1, 1998

Praecipe for Withdrawal of Appearance of Kimber L. Latsha, Esquire as counsel for Plaintiff on behalf of Latsha, Davis &

Yohe.

October 30, 1998

Status letter forwarded to parties. RESP. Due 11/30/98.

April 19, 1999

Status letter received from attorney for Plaintiff advising that upon completion of discovery Claimant will forward a settlement offer to Defendant. If the parties are unable to settle a trial will be requested.

December 14, 1999

Letter forwarded to parties requesting status. Status due 1/14/00.

January 4, 2000

Letter received from attorney for Plaintiff advising that they are preparing a settlement offer to be presented to Defendant. If the parties are unable to resolve this matter a hearing will be requested.

August 23, 2000

Letter forwarded to parties requesting a status report. Due 9/23/00.

September 26, 2000

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

January 26, 2001

Entry of Appearance of Capozzi & Associates on behalf of Plaintiff. Copy forwarded to Defendant.

February 8, 2001

Praecipe for Entry of Appearance filed by new counsel for Defendant (Larry T. Brandenburg, Assistant Counsel). Copy forwarded to Plaintiff.

April 27, 2001

Letter forwarded to parties requesting a status. Due 5/29/01.

April 30, 2001

Letter received from attorney for Plaintiff advising that they are preparing a position paper to submit to Defendant to propose a settlement of this and related matters. The position paper should be forwarded by the end of June. If the parties are unable to reach a settlement a hearing will be requested.

December 20, 2001

Letter forwarded to parties requesting a status report.
Response due 1-22-02.

January 10, 2002

Letter received from attorney for Plaintiff advising that their accountant has reviewed all issues in this appeal. Once this process is complete a settlement proposal will be forwarded to Defendant for review. The Board will be notified if settlement is reached or to request a hearing.

May 22, 2002

Praecipe for Entry of Appearance on behalf of Defendant filed by attorney for Defendant Cynthia White Williams. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 23, 2002

Praecipe of Withdrawal of Appearance filed by attorney for Defendant (Larry T. (Larry T. Brandenburg). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 29, 2002

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

October 30, 2002

Letter forwarded to Defendant advising that the Board does not

accept Discovery material.

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.

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. 1975, 2063, 2043, 1974, 2065 & 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.

October 11, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 11th day of October, 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 17, 2005

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

October 20, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 11, 2005. Receipt of same acknowledged October 18, 2005.
