

Docket Number: 1977-P

*(CONSOLIDATED WITH NOS. 2259, 2419, 2541, 2552 AND 2648)

~~CENTRAL PARK LODGES CHESTNUT HILL AND CENTRAL PARK LODGES-~~
~~WHITEMARSH~~
INTEGRATED HEALTH SERVICES, INC.; REST HAVEN NURSING CENTER
(CHESTNUT HILL), INC., d/b/a INTEGRATED HEALTH SERVICES OF
CHESTNUT HILL; AND REST HAVEN NURSING CENTER (WHITEMARSH)
d/b/a INTEGRATED HEALTH SERVICES AT WHITEMARSH

Louis J. Capozzi, Jr., Esquire
Michael Hynum, Esquire
~~John N. Kennedy, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Cynthia A. Fillman, Assistant Counsel~~
Jason W. Manne, Assistant Counsel

August 18, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim \$448,474.46+

September 8, 1995

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

September 13, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 8, 1995.

September 14, 1995

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

October 10, 1995

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

October 30, 1995

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

November 15, 1995

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

December 6, 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.

December 28, 1995

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

January 26, 1996

The Board rendered an Opinion and made the following Order: **AND NOW**, this 29th day of January, 1996, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, are hereby **DENIED**. The Motion of the Defendant, as it may relate to attorneys' fees, is not ruled upon at this time. The Plaintiff is **DIRECTED** to file an Amended Claim, merely amending paragraphs one, two and three, wherein the named Plaintiff should be more specifically set forth. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 6, 1996

Acceptance of Service of Opinion and Order dated January 29, 1996 received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff February 3, 1996.

February 6, 1996

Acceptance of Service of Opinion and Order dated January 29, 1996 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant February 1, 1996.

May 20, 1996

The Board rendered an Opinion and made the following Order: **AND NOW**, this 20th day of May, 1996, a Rule to Show Cause is issued upon Plaintiff, Central Park Lodges-Chestnut Hill and Central Park Lodges-Whitemarsh, wherein it is **DIRECTED** that Plaintiff file with the Board of Claims, within thirty (30) days from the exit date of this Order, its Amended Claim, merely amending paragraphs one, two and three, wherein the named Plaintiff should be more specifically set forth. In the event the Plaintiff fails to file said Amended Claim, this Rule to Show Cause will become absolute and the case shall be marked closed, discontinued and ended with prejudice. Copy forwarded to attorneys for Plaintiff and attorney for Defendant.

May 24, 1996

Acceptance of Service of Opinion and Order dated May 20, 1996 received from attorney for Defendant. Receipt of same

acknowledged by attorney for Defendant May 21, 1996.

May 24, 1996

Amended Claim filed by attorney for Plaintiff. Amount of Claim:
\$Unchanged (\$448,474.46+)

May 28, 1996

Acceptance of Service of Opinion and Order dated May 20, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 21, 1996.

June 11, 1996

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

June 24, 1996

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 12, 1996.

July 11, 1996

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
PLAINTIFF-S REPLY TO NEW MATTER DUE AUGUST 15, 1996

July 31, 1996

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

September 25, 1996

Respondent-s First Set of Interrogatories Directed to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 25, 1996

Respondent-s First Set of Requests for Production of Documents Directed to Claimants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 21, 1997

Withdrawal of Appearance of Cynthia Fillman, Assistant Counsel

and Entry of Appearance of Leonard Crumb, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.

June 16, 1997

Status Letter received from attorney for Plaintiff advising that they believe this matter can be resolved expeditiously due to some other settlement of issues.

August 25, 1997

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

September 3, 1997

Withdraw of Appearance of Latsha, Davis & Yohe, filed by previous attorney for Plaintiff. Copy forwarded to current attorney for Plaintiff and attorney for Defendant.

January 13, 1998

Letter forwarded to parties requesting a Status Report. **Status Report due on or before February 12, 1998.**

February 18, 1998

Letter forwarded to parties requesting a status report. Status Report due on or before **March 20, 1998** or a Rule to Show Cause for Failure to Prosecute will be issued.

February 19, 1998

Letter/Status Report received from attorney for Plaintiff advising that once the issues for the audit periods ending 12/31/86 - 12/31/90 are settled, they will be forwarding to Defendant a position paper and stipulation of settlement for this matter. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 27, 1998

Letter/Status Report received from attorney for Plaintiff advising that they are reviewing workpapers received for this matter and are developing discovery requests to serve on Defendant by the end of March, 1998. They anticipate that these issues may settle. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 30, 1998

Letter forwarded to parties requesting a Status Report. *Status Report due on or before July 30, 1998.*

July 16, 1998

Letter/Status Report received from Defendant advising that the focus of the parties' dealings has been on appeals involving

earlier periods and have focused primarily on settlement, thus DPW has not propounded all of the discovery requests it will require, nor has it received responses to those already propounded.

September 3, 1998

Motion to Consolidate as well as Brief in Support of Claimant's Motion to Consolidate filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 2, 1998

Response in Opposition to Claimant's Motion to Consolidate as well as Brief in Support of Response in Opposition to Claimant's Motion to Consolidate filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

*** November 9, 1998**

The Board rendered an Opinion and made the following Order: **AND NOW** this 9th day of November, 1998 upon consideration of Plaintiff's motion to consolidate Docket Nos. 1932, 1977, 2259, 2419, 2541, 2552, and 2648, and Defendant's opposition thereto, it is hereby **ORDERED** that: 1) the motion to consolidate is **DENIED IN PART** and Docket No. 1932 will not be consolidated with any other claim; and 2) the motion to consolidate will be **GRANTED IN PART** and Docket Nos. 1977, 2259, 2419, 2541, 2552, and 2648 will be consolidated for hearing. It is further **ORDERED** that all discovery in these claims be completed within six months of the exit date of this Order. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 17, 1998

Notice of Service of Request for Production of Documents filed by attorney for Plaintiff.

November 18, 1998

Acceptance of Service of Opinion and Order dated November 9, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1998.

November 18, 1998

Acceptance of Service of Opinion and order dated November 9, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 16, 1998.

December 7, 1998

Notice of Service of Defendant's Second Request for Production of Documents and Second Set of Interrogatories filed by attorney

for Defendant.

December 7, 1998

Entry of Appearance of Jason W. Manne, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.

December 29, 1998

Notice of Service of Claimant's Response to Respondent's Second Request for Production of Documents and Second Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 25, 1999

DPW's Second Motion to Compel Discovery (Interrogatory Issue) and DPW's Brief in Support of Second Motion to Compel Discovery (Interrogatory Issue) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 27, 1999

DPW's First Motion to Compel Discovery (Patient Days) and DPW's Brief in Support of First Motion to Compel Discovery (Patient Days) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 27, 1999

DPW's Third Motion to Compel Discovery (Document Issues) and DPW's Brief in Support of Third Motion to Compel Discovery (Document Issues) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1999

Claimant's Response to Respondent's Second Motion to Compel Discovery (Interrogatory Issues) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 23, 1999

Claimant's Response to Respondent's First Motion to Compel Discovery (Patient Days) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 23, 1999

Claimant's Response to Respondent's Third Motion to Compel Discovery (Document Issues) filed by attorney for Plaintiff.

Copy forwarded to attorney for Defendant by attorney for
Plaintiff.

March 31, 1999

DPW's Reply Brief in Support of First Motion to Compel Discovery (Patient Days) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 31, 1999

DPW's Reply Brief in Support of Second Motion to Compel Discovery (Interrogatory Issues) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 31, 1999

DPW's Reply Brief in Support of Third Motion to Compel Discovery (Document Issues) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 9, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of September, 1999, Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, First, Second and Third Motions to Compel Discovery are hereby **GRANTED**. Claimant, Integrated Health Services, Inc., et al, shall, within thirty (30) days of the date of this Order, provide full and complete answers to Interrogatory and Document Request Nos. 5, 6 and 7 served upon it on September 23, 1998, Interrogatory Nos. 1-28, served upon it on December 4, 1998, and documents requested on December 4, 1998, or suffer further sanctions from the Board.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 21, 1999

Acceptance of Service of Opinion and Order dated September 9, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 18, 1999.

March 28, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 27, 2000**.

March 30, 2000

Letter/Status Report received from attorney for Plaintiff advising that the parties are attempting to complete a global settlement of several pending BOC cases and Claimant submitted a

settlement proposal on May 27, 1999 and September 3, 1999, which was supplemented, and they are awaiting a response to same from Defendant.

October 2, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 1, 2000**.

October 24, 2000

Letter received from attorney for Plaintiff advising that the parties are in the midst of settlement negotiations and it is hoped that they will reach a fair and equitable settlement of all outstanding issues in this matter.

May 14, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 13, 2001**.

June 15, 2001

Letter received from attorney for Plaintiff advising that the parties are in the midst of settlement negotiations and it is hoped that they will reach a fair and equitable settlement of all outstanding issues in this matter.

January 17, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before February 19, 2002.

February 19, 2002

Letter received from attorney for Plaintiff advising that they intend to continue with settlement negotiations with Defendant and that it is hoped that a fair and equitable settlement of all outstanding issues will be reached.

August 28, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **September 27, 2002**.

October 4, 2002

Letter received from attorney for Plaintiff advising that they intend to continue settlement negotiations with Defendant and that it is hoped that a fair and equitable settlement of all outstanding issues in the matter will be reached.

November 5, 2002

Letter received from Plaintiff requesting a hearing be set, or in the alternative, a pre-hearing conference to resolve any pre-trial issues, if any exist.

November 7, 2002

Letter received from Defendant, in response to Plaintiff's request for a hearing, requesting that Plaintiff should file their pre-trial statement, etc., which would allow Defendant to determine what adjustments and issues they intend to litigate. At that point, Defendant would either file a Pre-Trial Statement, or request a pre-hearing conference.

November 12, 2002

Letter received from attorney for Plaintiff, via facsimile, requesting a 60 day extension of his November 4, 2002 request for a hearing for the above-matters, pending Defendant's review of the latest settlement offer made by Plaintiff. If settlement is not reached, Plaintiff will file its Pre-Trial Statement as requested by Defendant in its November 6, 2002 letter to the Board.

January 7, 2003

Letter received from Plaintiff requesting an additional 30 day extension of his 11/4/02 request for a hearing for the above-matters, pending Defendant's review of the latest settlement offer. If settlement is not reached, Plaintiff will file its Pre-Trial as requested by Defendant in its 11/6/02 letter to the Board.

January 9, 2003

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting Plaintiff's request for an additional 30 day stay of his hearing request pending settlement negotiations. Status Report due on or before **February 7, 2003**.

February 6, 2003

Letter received from Plaintiff advising that the parties are involved in settlement negotiations and it is hoped that they can reach a fair and equitable settlement of all outstanding issues.

September 21, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 21st 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.

October 17, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 21, 2005. Receipt of same acknowledged October 11, 2005.
