

Docket Number: 1989

~~M.D.C. LAND COMPANY, d/b/a~~
~~BALA NURSING AND RETIREMENT CENTER~~

Ruth M. Siegel, Esquire
Richard E. Reilly, Esquire

CLOSED
S.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Mary Frances Grabowski, Senior Assistant Counsel~~
Carol Ulichney, Assistant Counsel

September 14, 1995

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim:\$280,000.00+

October 5, 1995

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

October 13, 1995

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 10, 1995.

CLOSED

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

December 7, 1995

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

December 8, 1995

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

December 18, 1995

Proposed Order as well as Petition to Correct the Name of Claimant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 3, 1996

Proposed Order and Motion to Strike filed by attorney for Defendant, via FAX. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 3, 1996

Proposed Order and Answer in Opposition to Petition to Correct the name of Claimant filed by attorney for Defendant, via FAX. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 10, 1996

Proposed Order and Motion to Strike filed by attorney for Defendant, via mail. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 10, 1996

Proposed Order and Answer in Opposition to Petition to Correct the Name of Claimant filed by attorney for Defendant, via mail. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 22, 1996

The Board rendered and Opinion and made the following Order: "AND NOW, this 22nd day of January, 1996, it is ORDERED AND DECREED that the petition to correct the name of Claimant is hereby **GRANTED**. The Claimant hereafter shall be Bala Nursing and Retirement Center.

In view of the above ruling, the Preliminary Objections as filed by the Defendant are hereby dismissed as being **MOOT**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

January 23, 1996

Preliminary Objections to DPW's Motion to Strike Petition to Correct Name of Claimant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorneys for Plaintiff.

February 1, 1996

Acceptance of Service of Opinion and Order dated January 22, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 29, 1996.

February 20, 1996

Letter received from attorney for Defendant, via FAX, requesting a 30-day extension of time to file its answer to the Claim. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of February, 1996, it is ORDERED AND DECREED that the Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Motion to Strike is DISMISSED as being moot. It is further ORDERED AND DECREED that Plaintiff's, Bala Nursing and Retirement Center, Preliminary Objections and response, thereto, are also DISMISSED as being moot." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 22, 1996

Letter received from attorney for Defendant, via mail, requesting a 30-day extension of time to file his answer to the Claim. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1996

Acceptance of Service of Opinion and Order dated January 22, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 24, 1996.

February 23, 1996

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting request for extension of time. Response to Claim due from Defendant 3/19/96.

March 13, 1996

Acceptance of Service of Opinion and Order dated February 22, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 6, 1996.

March 19, 1996

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Reply due from Plaintiff April 29, 1996.

April 29, 1996

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

May 14, 1997

Letter/Status Report received from attorney for Plaintiff advising that the parties have engaged in negotiations in the past several months which resulted in a narrowing of issues and Plaintiff is awaiting a response from Defendant to a settlement offer that was sent by Plaintiff.

August 19, 1997

Letter forwarded to parties requesting a status report. **STATUS REPORT DUE ON OR BEFORE SEPTEMBER 18, 1997.**

September 18, 1997

Letter/Status Report received from attorney for Defendant advising that the Defendant is still reviewing some material relative to settlement and if the parties cannot reach a settlement, the Plaintiff can request a hearing. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

September 17, 1997

Letter/Status Report received from attorney for Plaintiff advising that they are awaiting a response from their client as to a response to their settlement proposal which was filed by Defendant. Requests another 60 days in which to update this report. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 25, 1997

Letter forwarded to parties requesting a Status Report. **STATUS REPORT DUE ON OR BEFORE DECEMBER 29, 1997.**

December 30, 1997

Letter/Status Report received from Defendant advising that there has been no recent activity in this matter.

January 5, 1998

Letter/Status Report received from Plaintiff advising that they will be forwarding to Defendant documentation requested, sometime early next week and advises Plaintiff will diary his calendar for February 27, 1998 to provide an updated status of the matter. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 1998

Letter forwarded to parties requesting a Status Report. Status Report due on or before August 7, 1998.

August 10, 1998

Letter/Status Report received from Plaintiff (via facsimile) requesting a hearing be set for early December. Plaintiff intends to take one deposition which should be complete within the next 30 - 45 days and thereafter the parties will have sufficient time to complete any document exchange that will be necessary.

August 12, 1998

Letter/Status Report received from Plaintiff (via U.S. Mail) requesting a hearing be set for early December. Plaintiff intends to take one deposition which should be complete within the next 30 - 45 days and thereafter the parties will have sufficient time to complete any document exchange that will be necessary.

August 28, 1998

Panel Hearing (Swartz & Kline) scheduled for December 8, 9 and 11, 1998, in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pa commencing at 9:30 a.m.

September 3, 1998

Notice of Deposition filed by attorney for Defendant.

September 14, 1998

Notice of Service of DPW's First Set of Interrogatories filed by attorney for Defendant.

September 16, 1998

Notice of Service of Deposition filed by attorney for Defendant.

October 15, 1998

Notice of Service of Notice of Deposition filed by attorney for Defendant.

October 22, 1998

Notice of Service of Deposition Notice filed by attorney for Defendant.

November 25, 1998

Letter/Praecipe, advising that this case has been settled and requesting that the matter be marked "settled, discontinued and ended", received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 25, 1998

Panel Hearing which was scheduled for December 8, 9 and 10, 1998 **canceled** due to settlement of the parties.

December 2, 1998

The Board made the following Order: "AND NOW, the 2nd day of December, 1998, upon receipt of a Letter/Praecipe, requesting that . . . the matters be marked settled, discontinued and ended", executed by Richard E. Reilly, Esquire, on behalf Plaintiff, Baha Nursing and Retirement Center, and docketed with this Board under date of November 25, 1998. It is **ORDERED** and **DIRECTED** that said cases be marked "settled, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 4, 1998

Acceptance of Service of Order dated December 2, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 3, 1998.

December 7, 1998

Acceptance of Service of Order dated December 2, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 3, 1998.
