

Docket Number: 2042-P

UNITED HEALTH, INC., BROAD ACRES NURSING HOME, BROAD MOUNTAIN
NURSING HOME, ~~DRESHER HILL NURSING CENTER~~, ELK HAVEN NURSING
HOME, ~~STATESMAN NURSING CENTER~~, ~~TOWNSHIP MANOR NURSING CENTER~~,
~~TREMONT NURSING CENTER~~, AND VALLEY MANOR NURSING CENTER

~~Louis J. Capozzi, Jr., Esquire~~
~~Jeffrey W. Bechtel, Esquire~~
~~John N. Kennedy, Esquire~~
Kimber L. Latsha, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Jeffrey P. Schmoyer, Assistant Counsel~~
Edward G. Cherry, Esquire

December 8, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$943,776.00.

December 14, 1995

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

December 29, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 20, 1995.

January 4, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 14, 1995.

January 31, 1996

Answer of Commonwealth of Pennsylvania, Department of Public Welfare, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 15, 1997

Letter forwarded to parties requesting status reports. **STATUS REPORTS DUE ON OR BEFORE MAY 15, 1997**

May 5, 1997

Letter/Status report received from attorney for Plaintiff advising that portions of the claim have been settled. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 30, 1997

Letter/Status Report received from Plaintiff advising that the parties are in the process of resolving the Claim at #2445 and once that Claim is resolved, the parties will initiate settlement regarding this claim.

March 31, 1998

Letter forwarded to parties requesting status report. Status Report due on or before **May 1, 1998**.

April 27, 1998

Status letter received from attorney for Plaintiff advising that the parties are involved in extensive settlement negotiations.

October 15, 1998.

Status letter forwarded to parties. RESPONSE DUE 11/16/98.

November 16, 1998

Status letter received from attorney for Plaintiff advising that the parties are in settlement negotiations with a number of cases pending before the Board. The Plaintiff is presently preparing a position paper for the above case which should result in a settlement. Copy forwarded to attorney for Defendant from attorney for Plaintiff.

December 2, 1998

Letter received from attorney for Plaintiff advising that settlement negotiations are in the works. If the parties are unable to settle a hearing will be requested.

January 28, 2000

Letter forwarded to parties requesting status. Status due 2-28-00.

February 15, 2000

Letter received from Plaintiff advising that the parties are in settlement negotiations with Defendant involving claims filed by Extendicare owned facilities FYEs 6/30/92 through 6/30/94. Upon completion of resolving these claims they will explore settlement options for facilities that include the above-referenced claim. If the parties are unable to resolve this matter a hearing will be requested.

March 29, 2001

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

April 13, 2001

Letter received from attorney for Plaintiff advising that the parties are in settlement negotiations pertaining to a number of cases pending before the Board. Upon completion of cases for

FYE 6/30/92 - 6/30/94 they will explore settlement options for Elk Haven and Broad Acres.

April 13, 2001

Praecipe for Discontinued as to some Named Plaintiffs filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 20, 2001

The Board made the following Order: **AND NOW**, this 20th day of April, 2001, upon receipt of a Praecipe For Discontinuance As to Some Named Plaintiffs advising that A... This matter may be withdrawn, discontinued and ended as to the following named plaintiffs and fiscal periods only: Tremont FYE 6/30/94, Statesman FYE 6/30/94, and Dresher Hill FYE 6/30/94", executed by Kimber L. Latsha, Esquire, on behalf of Plaintiff herein, and docketed with this Board under date of April 13, 2001, it is **ORDERED** and **DIRECTED** that the case, be marked,@closed, ended and discontinued with prejudice@. Copy forwarded to attorney for Plaintiff and Defendant.

April 26, 2001

Acceptance of Service of Order dated April 20, 2001, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 23, 2001.

April 27, 2001

Acceptance of Service of Order dated April 20, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 2001.

October 30, 2001

Letter forwarded to parties requesting a status. Due 11/30/01.

November 15, 2001

Letter received from attorney for Plaintiff advising that upon completion of all matters of Extendicare owned facilities FYE 6/30/92 through 6/30/94 they will explore settlement options for facilities that include Elk Haven and Broad Acres.

June 11, 2002

Letter forwarded to parties requesting a status. **Response due 7/11/02.**

June 20, 2002

Letter received from attorney for Plaintiff advising that position papers for each facility with the exception of Broad Acres were submitted to Defendant for settlement purposes. Upon Completion of resolving all matters of Extendicare's owned facilities FYE 6/30/92 - 6/30/94, they will explore settlement options for Broad Acres.

August 28, 2002

Praecipe for Discontinue as to some named Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 23, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 23rd day of September, 2002, it is **ORDERED** and **DECREED** that the matter is withdrawn, discontinued and ended as to Township Manor Nursing Center for fiscal period ending 6/30/94 only. Copies forwarded to attorney for Plaintiff and Defendant.

September 30, 2002

Acceptance of Service of Opinion and Order dated September 23, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 2002.

September 30, 2002

Acceptance of Service of Opinion and Order dated September 23, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 26, 2002.

June 6, 2003

Plaintiff filed Praecipe for Discontinuance as to Some Named Plaintiff. Copy forwarded to attorney for Defendant.

July 8, 2003

Board issued Opinion and Order. Order as follows: **AND NOW**, thos

8th day of July, 2003, it is **ORDERED** and **DECREED** that the matter is **WITHDRAWN, DISCONTINUED** and **ENDED** as to Broad Mountain Nursing Home for fiscal period ending 6/30/94 only and Valley Manor Nursing Center for fiscal period ending 6/30/94 only. Copy forwarded to Plaintiff and Defendant.

October 7, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 7th 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 14, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 7, 2005. Receipt of same acknowledged October 12, 2005.

October 17, 2005

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

November 3, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 7, 2005. Receipt of same acknowledged November 2, 2005.
