

Docket Number: 2060-P

CLARVIEW NURSING AND REHABILITATION CENTER, **~~ELDER
CREST, LANGHORNE GARDENS NURSING CENTER, *MOUNTAIN LAUREL
NURSING AND REHABILITATION CENTER, READING NURSING CENTER~~

~~Jeffrey W. Bechtel, Esquire
Louis J. Capozzi, Jr., Esquire
Kimber Latsha, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

January 30, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$491,525.00+.

February 5, 1996

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

February 12, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 6, 1996.

March 8, 1996

Defendant's Answer to Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 13, 1996

Letter forwarded to parties directing the parties to proceed with necessary discovery.

January 6, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE FEBRUARY 5, 1997.

April 2, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE MAY 2, 1997

April 30, 1997

Status letter received from Plaintiff advising that portions of the claim are settled and if further discussions do not resolve the claim, Plaintiff will request a hearing.

November 4, 1997

Letter forwarded to parties requesting status report. Status Report due on or before **December 4, 1997**.

December 9, 1997

Second letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE **JANUARY 8, 1998** or Rule to Show Cause will be issued.

December 16, 1997

Letter/Status Report received from Plaintiff advising that portions of this claim have settled (some facilities) and they will be filing a Motion to Withdraw these facilities by the end of December, 1997. Once the remaining facilities settle, they will withdraw the claim.

March 24, 1998

Letter forwarded to parties requesting a status report. Status Report due on or before APRIL 23, 1998.

April 27, 1998

Letter/Status Report received from attorney for Plaintiff advising that the parties were involved in extensive settlement negotiations in a claim which involves numerous facilities and now that same is resolved, the parties will resume settlement for this matter.

September 1, 1998

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

October 7, 1998

Second Letter forwarded to parties requesting a Status Report. Status Report due on or before November 9, 1998 - Or a Rule to Show Cause for Failure to Prosecute shall be issued.

October 7, 1998

Status letter received from attorney for Plaintiff advising that position papers were submitted to the Defendant for the above facilities which will result in an amicable settlement. If the parties cannot resolve the matter a hearing will be requested.

June 9, 1999

Letter forwarded to parties requesting a status report. Status Report due on or before July 9, 1999.

July 13, 1999

Letter/Status Report received from attorney for Plaintiff advising that they are involved in settlement negotiations involving other relative claims, once resolved they will withdraw the above claim. If the parties are unable to settle a hearing will be established.

March 16, 2000

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

June 2, 2000

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 2nd day of June, 2000, a Rule to Show Cause is issued upon Plaintiff, Clarview Nursing and Rehabilitation Center, Elder Crest, Langhorne Gardens Nursing Center, Mountain Laurel Nursing and Rehabilitation Center, Reading Nursing Center, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue this matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked ~~closed~~, discontinued and ended with prejudice.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 12, 2000

Acceptance of Service of Opinion and Order dated June 2, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 9, 2000.

June 12, 2000

Acceptance of Service of Opinion and Order dated June 2, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 8, 2000.

June 12, 2000

Letter received from attorney for Plaintiff advising that they are currently involved in settlement negotiations with other

Extendicare cases. Once these claims are resolved they will proceed with settlement negotiations regarding the above-referenced case.

January 19, 2001

Letter forwarded to parties requesting a status report. Status report due on or before February 19, 2001.

February 5, 2001

Letter received from attorney for Plaintiff advising that position papers with the exception of Clarview were submitted to Defendant. Settlement negotiations have been delayed due to Barry Kramer's departure from DPW. Plaintiff will proceed with settlement negotiations regarding Clarview once the other Extendicare claims are resolved. If unable to come to a resolution a hearing will be requested.

April 13, 2001

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

***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: Mountain Laurel FYE 6/30/93 and 6/30/94 and Spruce Manor (formerly Reading) 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, **Aclosed**, 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.

January 17, 2002

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

January 23, 2002

Letter received from Plaintiff advising that each nursing home involved in this case is currently going through settlement negotiations or will be in the near future and advises that they will promptly withdraw this Claim upon the complete resolution of same.

July 25, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **August 26, 2002**.

September 3, 2002

Letter received from Plaintiff advising that some of the facilities involved in this matter are settling and that upon the complete resolution of this Claim, they will withdraw the Claim.

June 4, 2003

Plaintiff filed Praecipe for Discontinuance as to Some Named Plaintiff (Elder Crest) for fiscal period 6/30/94. Copy forwarded to Defendant.

June 6, 2003

Plaintiff filed Praecipe for Discontinuance as to Some Named Plaintiff (Langhorne Gardens Nursing) for fiscal period 6/30/94. Copy forwarded to Defendant.

**** June 18, 2003**

Board issued Order. Order as follows: **AND NOW**, this 18th day of June, 2003, upon receipt of two Praecipes For Discontinuance as to Some Named Plaintiffs, one for Elder Crest regarding FYE 6/30/94, filed with this Board on June 4, 2003, as well as one for Langhorne Gardens Nursing Center regarding FYE 6/30/94, filed on June 6, 2003, both of which advise that This matter may be withdrawn, discontinued and ended as to . . . the named plaintiffs and fiscal periods only . . . = executed by Kimber L. Latsha, Esquire, on behalf of Plaintiff herein, it is **ORDERED** and **DIRECTED** that the above-named Plaintiffs for the fiscal periods identified only are hereby withdrawn, discontinued and ended with prejudice.@ Copy forwarded to Plaintiff and Defendant.

June 25, 2003

Defendant filed Acceptance of Service of Order dated June 18, 2003. Receipt of same acknowledged by Defendant June 20, 2003.

June 30, 2003

Plaintiff filed Acceptance of Service of Order dated June 18, 2003. Receipt of same acknowledged by Plaintiff June 27, 2003.

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.

September 28, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 21, 2005. Receipt of same acknowledged September 27, 2005.

September 28, 2005

Defendant filed Acceptance of Service of Opinion and Order dated September 21, 2005. Receipt of same acknowledged September 23, 2005.

October 3, 2005

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