

Docket Number: 2068-P

BRIARLEAF NURSING AND CONVALESCENT CENTER

~~Jeffrey W. Bechtel, Esquire~~
~~John Kennedy, Esquire~~
Daniel Natirboff, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Catherine Stewart, Assistant Counsel~~
Edward Cherry, Assistant Counsel

CLOSED

February 9, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$131,401.00+.

February 20, 1996

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

February 26, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 21, 1996.

February 26, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 21, 1996.

March 28, 1996

Answer to Complaint with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Reply due from Pltff. May 2, 1996.

May 8, 1996

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

July 3, 1997

Letter/Status report received from attorney for Plaintiff advising that they are attempting to settle this claim but if settlement can not be reached they will request a hearing. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 25, 1997

Entry of Appearance of Louis J. Capozzi, Esquire, filed on behalf of Plaintiff.

September 3, 1997

Withdrawal of Appearance of Kimber L. Latsha, Esquire filed on behalf of Plaintiff.

October 15, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE **NOVEMBER 14, 1997.**

November 25, 1997

2nd Letter forwarded to parties requesting a Status Report. **STATUS REPORT DUE ON OR BEFORE DECEMBER 29, 1997.** If no Report filed - Rule to Show Cause shall be issued.

December 4, 1997

Letter/Status Report received from Plaintiff advising that they will be meeting with their expert December 18-19, 1997, and will thereafter submit a position paper in the form of a settlement proposal to Defendant.

June 10, 1998

Letter forwarded to parties requesting a Status Report. **Status Report due on or before July 10, 1998.**

June 24, 1998

Letter received from Plaintiff advising that this matter is related to #2076 and that the parties are still involved in settlement negotiations.

August 11, 1999

Letter forwarded to parties requesting a status report. Status Report due on or before **September 10, 1999.**

August 16, 1999

Letter received from attorney for Plaintiff advising that they are engaged in the discovery process and are also pursuing ongoing settlement negotiations with Defendant. The parties are attempting a global settlement of issues and at the conclusion of discovery, if settlement negotiations fail, Plaintiff will request a hearing date before the Board.

June 19, 2000

Notice of Service of Claimant's Response to DPW's Request for Production of Documents filed by Plaintiff.

June 20, 2000

Letter forwarded to parties requesting a Status Report. Status

Report due on or before **July 20, 2000.**

June 26, 2000

Letter received from attorney for Plaintiff advising that the parties are engaged in discovery and that the parties are attempting a global settlement of numerous outstanding Board cases concerning Accord Health Systems, Inc.

September 5, 2000

Withdrawal of Appearance of Catherine Stewart, Assistant Counsel, and Entry of Appearance of Edward Cherry, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.

March 19, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 18, 2001.**

April 17, 2001

Letter received from attorney for Plaintiff advising that the parties are engaged in discovery and that this matter has common issues with those settled in the 6/30/95 Claim and Claimant anticipates forwarding a settlement offer to Defendant at the conclusion of discovery.

October 19, 2001

Letter forwarded to parties requesting a Status Report. Same due on or before **November 19, 2001.**

November 21, 2001

Letter received from attorney for Plaintiff advising that the parties are in discovery and the parties have been able to reach a settlement with respect to disputes relating to a MA Audit Appeal for FYE: 6/30/95. In that this matter has common issues with those already settled, Plaintiff anticipates forwarding a settlement offer to Defendant at the end of discovery.

May 22, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 21, 2002.**

June 24, 2002

Letter received from attorney for Plaintiff, via facsimile,

advising that the parties are engaged in discovery and that they anticipate forwarding a settlement offer to Defendant at the conclusion of discovery.

June 25, 2002

Letter received from attorney for Plaintiff, via U.S. Mail, advising that the parties are engaged in discovery and that they anticipate forwarding a settlement offer to Defendant at the conclusion of discovery.

August 12, 2002

Notice of Service of Plaintiff's First Set of Interrogatories and Request for Production of Documents Propounded upon Defendant, filed by attorney for Plaintiff.

February 7, 2003

Motion to Consolidate and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 7, 2003

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of March, 2003, after due consideration of the Motion to Consolidate the cases docketed to Nos. 2068-P and 2077-P, submitted by counsel for Claimant, it is hereby **ORDERED** that the Motion is **GRANTED** and the referenced cases are consolidated to Docket No. 2068-P and shall hereinafter proceed as a single case in all prospective proceedings.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 13, 2003

Acceptance of Service of Opinion and Order dated March 7, 2003 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant (undated).

March 13, 2003

Acceptance of Service of Opinion and Order dated March 7, 2003 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 10, 2003.

October 7, 2004

Plaintiff filed Praecipe to Settle, Discontinue and End. Copy forwarded to Defendant.

October 13, 2004

Board issued Order. Order as follows: "**AND NOW**, this 13th day of October, 2004, upon receipt of a Praecipe to Settle, Discontinue and End, executed by Daniel K. Natirboff, Esquire, on behalf of Plaintiff, Briarleaf Nursing & Convalescent Center, requesting the Board to ' . . . discontinue, close, and end the above captioned matter with prejudice', and docketed with this Board under date of October 7, 2004, it is **ORDERED** and **DIRECTED** that the above-captioned matters be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

October 15, 2004

Defendant filed Acceptance of Service of Order dated October 13, 2004. Receipt of same acknowledged October 14, 2004.

October 21, 2004

Plaintiff filed Acceptance of Service of Order dated October 13, 2004. Receipt of same acknowledged October 13, 2004.
