

Docket Number: 2077-P

BRIARLEAF NURSING & CONVALESCENT CENTER

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

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

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

CLOSED

February 21, 1996

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

March 5, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 4/4/96.

March 11, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 7, 1996.

April 15, 1996

Answer to Complaint with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Defendant. Reply to New Matter due from Pltf. May 16, 1996.

May 8, 1996

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

April 15, 1997

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

May 20, 1997

Letter forwarded to parties requesting status report. Status Report due on or before June 19, 1997. Rule to Show Cause to be issued upon failure to file said status report.

May 27, 1997

Letter/Status Report received from attorney for Plaintiff advising that Plaintiff is preparing a position paper for Defendant in an attempt to settle these appeals.

December 9, 1997

Letter forwarded to parties requesting status report. **STATUS REPORT DUE ON OR BEFORE JANUARY 8, 1998.**

January 13, 1998

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

January 15, 1998

Letter/Status Report received from attorney for Plaintiff advising that they will submit a position paper and a settlement proposal to Defendant in the near future and if there is no further development of the case, they will contact the Board to schedule same for hearing. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 19, 1998

Letter forwarded to parties requesting a status report. Status Report due on or before **June 18, 1998.**

June 18, 1998

Letter/Status Report received from Plaintiff advising that the parties are still in settlement negotiations and in the event the parties can not reach said agreement, they will petition this Board for a hearing date within the next few months.

December 8, 1998

Letter forwarded to parties requesting a Status Report. Status Report due on or before January 7, 1999.

January 7, 1999

Letter/Status Report received from attorney for Plaintiff advising that the parties are still engaged in discovery and negotiations in the hope that an amicable settlement will be reached. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 10, 1999

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

August 13, 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.

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.
