

Docket Number: 2079-P

ABINGTON MANOR NURSING AND REHABILITATION CENTER

~~Jeffrey W. Beehtel, Esquire~~
~~David Marshall, Esquire~~
Louis J. Capozzi, Esquire

VS.
CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Mary Frances Grabowski, Assistant Counsel~~
Leonard W. Crumb, Assistant Counsel

February 27, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$300.00+.

February 28, 1996

Withdrawal of Appearance of Jeffrey W. Bechtel, Esquire on behalf of Plaintiff, as well as entry of Appearance of David Marshall, Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff.

March 11, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 4/10/96.

March 14, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 12, 1996.

March 15, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 12, 1996.

April 9, 1996

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

April 16, 1996

Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 2, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 2nd day of May, 1996, upon receipt of Plaintiff's, Abington Manor Nursing and Rehabilitation Center, Amended Claim, the Board accepts and grants the Plaintiff's request. The Preliminary Objections, as filed by the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, are hereby rendered **MOOT** and **DISMISSED**.

Defendant is directed to file their response to Plaintiff's Amended Claim within thirty (30) days from the receipt of same." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 4, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 4th day of October, 1996, the Preliminary Objections as filed by the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, are **DENIED**. The parties are directed to file the necessary pleadings to close the pleading stage of litigation, to enter discovery and to advise the Board when they are prepared to proceed to trial." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 7, 1996

Letter forwarded to parties requesting status. Response due from parties May 7, 1997.

CLOSED

Copy of Amended Claim forwarded by attorney for Defendant and Chief Deputy Attorney General. Response due from Defendant June 3, 1996.

Acceptance of Service of Amended Claim and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 6, 1996.

May 9, 1996

Acceptance of Service of Amended Claim received and Opinion and Order dated May 2, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 6, 1996.

May 31, 1996

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

May 31, 1996

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

June 21, 1996

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

July 8, 1996

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

July 30, 1996

Plaintiff's Response and Brief to Defendant's Preliminary Objections to Plaintiff's Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 28, 1996

Acceptance of Service of Opinion and Order dated October 4, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 7, 1996.

October 30, 1996

Acceptance of Service of Opinion and Order dated October 4, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 10, 1996.

May 6, 1997

Status letter received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 30, 1997

Letter forwarded to parties requesting status. Response due from parties July 30, 1997.

August 14, 1997

Letter forwarded to parties requesting status. Response due from parties September 15, 1997.

September 9, 1997

Withdrawal of Appearance of Latsha, Davis & Yohe, P.C. filed on behalf of Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 15, 1997

Letter received from attorney for Plaintiff advising that the parties are currently attempting settlement. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 24, 1997

Letter forwarded to parties requesting status. Response due from parties December 24, 1997.

December 23, 1997

Status letter received from attorney for Plaintiff advising that the parties are very close to settling this case and upon doing so, will notify the Board.

April 22, 1998

Panel Hearing scheduled for June 29 & 30, 1998 and July 1, 1998, in the Board's Courtroom No. 2, 200 North Third Street, Suite 700, Harrisburg, PA 17102.

May 29, 1998

Defendant's Pre-trial statement with attachments filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 2, 1998

Motion Seeking Dismissal or Other Relief and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 22, 1998

Motion in Limine and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 22, 1998

Claimant's Pre-Hearing Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 23, 1998

Claimant's Answer to Respondent's Motion in Limine filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 23, 1998

Claimant's Answer to Respondent's Motion to Dismiss filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 23, 1998

Claimant's Motion for Change in Start Time of Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff

June 23, 1998

Respondent's Second Motion in Limine and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 23, 1998

Respondent's Motion to quash Subpoena Duces Tecum of Ian Cohen filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 24, 1998

CLOSED

The Board rendered an opinion and made the following Order: "AND NOW, this 24th day of June, 1998, it is **ORDERED** and **DECREED** that the panel hearing scheduled to begin at 9:30 a.m. on June 29, 1998, is hereby rescheduled and shall begin at 12:30 p.m. on June 29, 1998 and thereafter begin at 9:30 a.m. on June 30 and July 1, 1998, if necessary. It is further **ORDERED** and **DECREED** that Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Motions in Limine and Seeking Dismissal or Other Relief are hereby **DISMISSED** as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 24, 1998

Respondent's Motion to Quash the Subpoena of Mary Frances Grabowski filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 24, 1998

Claimant's Response to Respondent's Motion to Quash and Claimant's Cross Request for Enforcement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 24, 1998

Attachments to Motion to Quash Subpoena of Ian Cohen filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 24, 1998

Attachments to to Quash Subpoena of Mary Frances Grabowski filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 24, 1998

Defendant's Amended Motion to Quash the Subpoena of Mary Frances Grabowski filed by attorney for Defendant. Copy forwarded to attorney Plaintiff by attorney for Defendant.

June 25, 1998

Defendant's Supplemental Averments to Defendant's Second Motion in Limine filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

June 25, 1998

The Board rendered an opinion and made the following Order: "AND NOW, this 25th day of June, 1998, it is **ORDERED** and **DECREED** that the Defendant's Motion to Quash the Subpoena of Mary Frances Grabowski is hereby **GRANTED**. It is further **ORDERED** and **DECREED**, for reasons assigned above, that Plaintiff's, Abington Manor Nursing & Rehabilitation Center, Cross Request for Enforcement is hereby **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 25, 1998

Claimant's Response to Respondent's Amended Motion to Quash the Subpoena of Mary Frances Grabowski filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 25, 1998

Claimant's Request for Reconsideration of Order of June 25, 1998, Quashing Subpoena of Witness filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 26, 1998

Claimant's Motion to preclude Respondent from amending its pre-trial statement of the issues in dispute and determine whether the issues raised by Respondent in correspondence sent to Claimant yesterday improperly usurp the jurisdiction of the Board of Claims filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 29, 1998

Respondent's Response to Claimant's Motion to Preclude Respondent from Amending its Pre-Trial Statement of the issues in Dispute and Determine Whether the issues raised by Respondent in correspondence sent to Claimant yesterday improperly usurp the jurisdiction of the Board of Claims. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 29, 1998

Panel hearing held June 29, 1998 in Court Room No. 2, 200 North Third Street, Harrisburg, PA.

June 30, 1998

Panel hearing held June 30, 1998 in Court Room No. 2, 200 North Third Street, Harrisburg, PA.

July 1, 1998

Panel hearing held July 1, 1998 in Court Room No. 2, 200 North Third Street, Harrisburg, PA. CASE CONTINUED.

July 6, 1998

Acceptance of Service of Opinion and Order dated June 25, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 30, 1998.

July 8, 1998

Panel hearing scheduled for July 20, 1998 in Board's Courtroom No. 2, Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

July 16, 1998

Letter received (via fax) from attorney for Defendant advising that they will be amending their witness list.

July 16, 1998

Letter filed by attorney for Plaintiff objecting to Defendant's request to amended its witness list.

July 17, 1998

Motion to Quash Notice to Attend filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 17, 1998

Letter received from attorney for Defendant clarifying the

Defendant's additions and amendments to its witness list.

July 17, 1998

Notice to Attend filed by attorney for Defendant.

July 20, 1998

Transcript for hearing held June 29 & 30, 1998 filed.

July 20, 1998

Copy of transcript for hearing held June 29 & 30, 1998 forwarded to attorney for Defendant.

July 20, 1998

Transcript for hearing held July 1, 1998 filed.

July 20, 1998

Panel hearing held in Board's Courtroom No. 1 commencing at 9:00 a.m.

July 21, 1998

Copy of transcript for Panel hearing held July 1, 1998 forwarded to attorney for Defendant.

July 24, 1998

Acceptance of Service of testimony for hearing held June 29 & 30, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 22, 1998.

July 24, 1998

Acceptance of Service of testimony for hearing held July 1, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 22, 1998.

July 28, 1998

Transcript for Panel hearing held July 20, 1998 filed.

July 29, 1998

Copy of transcript for Panel hearing held July 20, 1998 forwarded to attorney for Defendant.

September 1, 1998

Letter forwarded to parties requesting Findings of Fact, Conclusions and Briefs. Plaintiff's due 10/01/98. Defendant's Due 11/02/98.

September 30, 1998

Letter received via fax requesting an extension of time until October 9, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief.

October 1, 1998

Letter forwarded to Plaintiff granting Plaintiff's request for an extension of time until October 9, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief.

October 19, 1998

Letter received via fax requesting an additional extension of time until October 23, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief.

October 22, 1998

Telephone confirmation and letter forwarded to Plaintiff granting Plaintiff's request for an extension of time until October 23, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief.

October 29, 1998

Plaintiff's Post-Hearing Brief and Suggested Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Defendant's Findings of Fact, Conclusions and Brief due November 30, 1998.

November 25, 1998

Letter received from attorney for Defendant requesting an extension until December 21, 1998 in which to file Defendant's Findings of Fact, Conclusions and Brief.

December 1, 1998

Letter forwarded to attorney for Defendant granting request for an extension until December 21, 1998 in which to file Defendant's Findings of Fact, Conclusions and Brief.

December 21, 1998

Letter received from attorney for Defendant requesting a 30-day extension of time in which to file their Findings of Fact, Conclusions

and Brief.

December 22, 1998

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until January 22, 1999 in which to file Defendant's Findings of Fact, Conclusions and Brief. Same due January 22, 1999.

January 15, 1999

Letter received from attorney for Defendant requesting an extension of time until February 22, 1999 in which to file Defendant's Findings of Fact, Conclusions of Law and Brief.

January 22, 1999

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until February 22, 1999 in which to file Defendant's Findings of Fact, Conclusions of Law and Brief. Due 2/22/99.

Letter received from attorney for Plaintiff opposing Defendant's request for an extension of time until February 22, 1999 in which to file Defendant's Findings of Fact, Conclusions of Law and Brief.

February 12, 1999

Second letter received from attorney for Defendant requesting an extension of time until March 5, 1999 in which to file Defendant's Findings of Fact, Conclusions of Law and Brief.

February 22, 1999

Letter forwarded to attorney for Defendant granting Defendant until March 5, 1999 in which to file Defendant's Findings of Fact, Conclusions of Law and Brief.

March 5, 1999

Department of Public Welfare's Response to Claimant's Proposed Findings of Fact and Conclusions of Law as well as Department of

Public Welfare's Post-Hearing Brief filed by attorney for Defendant.
Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 5, 1999

Documents forwarded to Mr. Swartz for Panel Report.

April 12, 1999

Letter received from attorney for Plaintiff requesting until April 30, 1999 in which to file Plaintiff's Reply Brief to Defendant's Response and Brief to Plaintiff's Proposed Findings of Fact and Conclusions of Law.

Plaintiff's Reply Brief to Defendant's Findings of Fact and Conclusions of Law filed by attorney for Plaintiff

Motion to Quash Claimant's Reply Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 19, 1999

Claimant's Response to Motion to Quash Claimant's Reply Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 11, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of August, 1999, it is **ORDERED** and **DECREED** that the Defendant's Motion to Quash Claimant's Reply Brief is hereby **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 17, 1999

Acceptance of Service of Opinion and Order dated August 11, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1999.

August 17, 1999

Acceptance of Service of Opinion and Order dated August 11, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 14, 1999.

November 17, 1999

Panel Report filed by Messrs. Swartz and Kambic.

March 17, 2000

Status letter received from attorney for Plaintiff requesting a Stay of Proceedings until April 3, 2000 pending completion of settlement negotiations.

March 23, 2000

Praecipe to Withdraw, Discontinue and End filed by attorney for Plaintiff.

April 12, 2000

The Board rendered an Opinion and made the following Order: **AND**
Now, this 12th day of April, 2000, it is **ORDERED** and **DECREED** that
this docket be marked closed and closed with prejudice." Copy
forwarded to attorney for Plaintiff and attorney for Defendant.

April 14, 2000

Acceptance of Service of Opinion and Order dated April 12, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 14, 2000.

April 20, 2000

Acceptance of Service of Opinion and Order dated April 12, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 17, 2000.
