

Docket Number: 2111

HEALTH CARE AND RETIREMENT

Andrew L. Hurst, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
John A. Kase, Esquire
Joseph W. Mann, Assistant Counsel

CLOSED

May 20, 1996

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

June 3, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT: 7/3/96

June 11, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 6, 1996.

CLOSED

June 12, 1996

Acceptance of Service of Claim received from attorney for defendant. Receipt of same acknowledged by attorney for defendant June 5, 1996.

June 13, 1996

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

July 3, 1996

Claimant's Answer to Defendant's New Matter, Answer to Defendant's Counterclaim, and New matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 1996

Counter-Reply to Claimant's New Matter in Reply to Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 24, 1996

Claimant's Response to defendant's First Request For Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 12, 1996

Claimant's Motion for Summary Judgment as to Respondent's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 12, 1996

Affidavit in Support of Claimant's Motion for Summary Judgment as to respondent's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 12, 1996

Brief in Support of Claimant's Motion for Summary Judgment as to Respondent's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 12, 1996

Claimant's Motion to Stay Discovery on Respondent's Counterclaim Pending Resolution of Claimant's Motion for Summary Judgment as to Respondent's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

September 23, 1996

Memorandum in opposition to Stay of Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 23, 1996

DPW's Brief In Opposition to Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 14, 1996

The Board made the following Order: **AND NOW**, this 14th day of November, 1996, the Claimant's Health Care and Retirement Corporation of America, et. al., Motion for Summary Judgment as it relates to the Counterclaim of the Respondent, Commonwealth of Pennsylvania, is hereby **DENIED**. The Claimant's Motion to Stay Discovery on Respondent's Counterclaim pending resolution of Claimant's Motion for Summary Judgment is now **MOOT**. The parties are directed to pursue discovery and place this case in a position where it can be tried within the immediate future.

November 25, 1996

Acceptance of Service of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 20, 1996.

December 20, 1996

Claimant's Motion for Reconsideration and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

December 20, 1996

Claimant's Memorandum in Support of Motion for Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 6, 1997

DPW's Memorandum in Opposition to Reconsideration filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 17, 1997

Claimant's Reply Brief to DPW's Memorandum in Opposition to Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 2, 1997

CLOSED

The Board rendered an Opinion and made the following Order: "**AND NOW, this 2nd day of October, 1997, Plaintiff's, Health Care and Retirement, Motion for Reconsideration is DENIED and the Board's Order of November 14, 1996, denying Plaintiff's request for Summary Judgment as it relates to Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Counter-claim remains in effect. It is so ORDERED.**" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 14, 1997

Acceptance of Service of Opinion and Order dated October 2, 1997. Receipt of same acknowledged by attorney for Plaintiff October 10, 1997.

April 30, 1998

Status letter forwarded to parties. Response due May 30, 1998.

November 5, 1998

The Board rendered an Opinion and made the following Order: AND NOW this 5th day of November, 1998, a Rule to Show Cause is issued to counsel for both parties to explain why no response was made to the request for a status report. This rule is returnable thirty(30) mailing days thereof. Failure to respond shall cause the Board of Claims to impose whatever sanctions it deems appropriate. Copies forwarded to attorney for Plaintiff and Defendant.

November 19, 1998

Letter received from attorney for Defendant advising that the parties are currently involved in litigating some legal issues associated with Plaintiff's Medical Assistance reimbursement.

November 23, 1998

Acceptance of Service of Opinion and Order dated November 5, 1998 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff of November 19, 1998.

CLOSED

November 25, 1998

Letter received from attorney for Plaintiff concurring with Defendant's letter.

January 14, 2000

Letter forwarded to parties request a status report. Status Report due on or before February 14, 2000.

June 26, 2000

Letter received from attorney for Plaintiff advising that they have been unable to reach a settlement regarding the above-captioned matter.

August 9, 2000

The Board rendered the following Order: "AND NOW, this 9th day of August, 2000, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board's Panel, composed of Frederick D. Giles, Esquire, Panel Attorney, and Conrad E. Kambic, P.E. Engineer Member, beginning on October 24, 2000 through October 26, 2000, if necessary.

Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed by September 22, 2000." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 21, 2000

Acceptance of Service of Order dated August 9, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 15, 2000.

October 2, 2000

Stipulation to Discontinue filed by both parties.

October 2, 2000

Hearing cancelled.

October 17, 2000

Board rendered an Opinion and made the following Order: **AND NOW**, this 17th day of October, 2000, it is **ORDERED** and **DECREED** that this case be marked "Discontinued and ended with Prejudice". Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 23, 2000

Acceptance of Service of Opinion and Order dated October 17, 2000 filed by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 20, 2000.

CLOSED