

Docket Number: 2248

KINGSTON HEALTH CARE CENTER

~~John A. Feichtel, Esquire~~
~~Louis J. Capozzi, Jr., Esquire~~
~~Daniel K. Natirboff, Esquire~~
~~Kimber L. Latsha, Esquire~~
~~Steven M. Montresor, Esquire~~
Daniel K. Natirboff, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Chief Counsel~~
~~Mary Frances Grabowski, Assistant Counsel~~
Carol Ulichney, Assistant Counsel

August 12, 1996

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

August 21, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 9-20-96.

August 29, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 28, 1996.

August 29, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 23, 1996.

September 20, 1996

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

September 30, 1996

Letter forwarded to attorney for Plaintiff requesting response to New Matter of Defendant. Response due from Plaintiff October 30, 1996.

October 16, 1996

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

April 28, 1997

Letter forwarded to parties requesting status. Response due from parties May 28, 1997.

July 24, 1997

2nd letter forwarded to parties requesting status. Response due from parties August 25, 1997.

August 7, 1997

Letter received from attorney for Defendant advising that the parties are in discovery. Copy forwarded to attorney for

Plaintiff by attorney for Defendant.

August 7, 1997

Letter received from attorney for Plaintiff advising that the parties are in discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 8, 1997

Letter forwarded to parties requesting status. Response due from parties January 8, 1998.

January 12, 1998

Status letter received from attorney for Defendant advising that there has been no recent activity in this case.

January 13, 1998

2nd letter forwarded to parties requesting status. Response due from parties February 15, 1998.

January 20, 1998

Status letter received from attorney for Plaintiff advising that the parties negotiating settlement negotiations in this case.

January 20, 1998

Status letter received from attorney for Defendant advising that there has been no recent activity in this case.

July 24, 1998

Letter forwarded to parties requesting status. Response due from parties August 24, 1998.

October 2, 1998

Letter forwarded to parties requesting status. Response due from parties November 2, 1998.

December 24, 1998

Entry of Appearance of Daniel K. Natirboff, Esquire filed on behalf of Plaintiff as counsel of record.

January 4, 1999

Entry of Appearance of Louis J. Capozzi, Esquire and Daniel K.

Natirboff, Esquire filed on behalf of Plaintiff as counsel of record.

January 22, 1999

Letter received from attorney for Plaintiff advising that the parties are in discovery.

February 10, 1999

Entry of Appearance of Kimber L. Latsha, Esquire and Steven M. Montresor, Esquire filed on behalf of Plaintiff.

May 18, 2000

Letter forwarded to parties requesting status. Response due from parties June 19, 2000.

June 2, 2000

Status letter received from attorney for Plaintiff advising that the parties are in discovery.

December 12, 2000

Letter forwarded to parties requesting status. Response due from parties January 12, 2001.

January 8, 2001

Letter received from attorney for Plaintiff advising that the parties are currently assessing whether they require any additional documentation in order to prepare its position paper.

February 1, 2001

Entry of Appearance of Daniel K. Natirboff, Esquire, and the Firm of Capozzi & Associates, P.C., filed on behalf of Plaintiff.

July 19, 2001

Entry of Appearance of Daniel K. Natirboff, Esquire and Withdrawal of Appearance of Steven M. Montresor, Esquire filed on behalf of Plaintiff.

July 23, 2001

Notice of Service of Claimant's First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 22, 2001

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

February 7, 2002

Letter forwarded to parties requesting status. Response due from parties March 7, 2002.

March 11, 2002

Status letter received from attorney for Plaintiff advising that the parties are currently engaged in the discovery process.

April 2, 2002

Notice of Service of Claimant's First Set of Interrogatories filed by attorney for Plaintiff.

May 3, 2002

DPW's Objections to Discovery, DPW's Motion for Protective Order and Stay of Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff June 3, 2002.

June 3, 2002

Claimant's Response to Respondent's Objections to Discovery and Motion for a Protective Order and Stay as well as Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 15, 2002

The Board rendered the following Opinion and Order: **AND NOW**, this 15th day of August, 2002, it is **ORDERED** and **DECREED** that the Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Objections to Discovery and Motion for Protective Order and Stay of Discovery are **DENIED**. It is further **ORDERED** and **DECREED** that the Defendant shall respond to Plaintiff's, Kingston Health Care Center, outstanding Request for Production of Documents and Interrogatories within thirty (30) days from the exit date of this Order. **IT IS SO ORDERED.** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 20, 2002

Acceptance of Service of Opinion and Order dated August 15, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 16, 2002.

August 21, 2002

Acceptance of Service of Opinion and Order dated August 15, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 16, 2002.

September 16, 2002

Notice of Service of Defendants Response to Claimant's First Set of Continuing Interrogatories filed by attorney for Defendant.

September 16, 2002

Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff 10/16/02.

October 7, 2002

Letter received from attorney for Plaintiff via facsimile requesting an additional 20-days in which to respond to the Defendant's Motion to Compel Discovery.

October 8, 2002

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an additional 20-days in which to respond to the Defendant's Motion to Compel Discovery. Response due October 28, 2002.

October 9, 2002

Letter received from attorney for Plaintiff via U.S. Mail requesting an additional 20-days in which to respond to the Defendant's Motion to Compel Discovery. Extension granted until October 28, 2002.

October 28, 2002

Claimant's Response to Defendant's Motion to Compel Discovery with New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 28, 2002

Notice of Service of Claimant's Answers to Respondents First Set of Interrogatories filed by attorney for Plaintiff.

January 7, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of January, 2003, after consideration of Defendant's Motion to Compel, Plaintiff's Response thereto, and correspondence from Defendant, the above referenced Motion is **MOOT**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 13, 2003

Acceptance of Service of Opinion and Order dated January 7, 2003 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 8, 2003.

January 15, 2003

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

November 30, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 30th day of November, 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."

November 30, 2005

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

December 9, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated November 30, 2005. Receipt of same acknowledged December 2, 2005.
