

Docket Number: 2249

**ATRIUM I NURSING AND REHAB CENTER**

~~John N. Kennedy, Esquire~~  
~~Louis J. Capozzi, Jr., Esquire~~  
~~Stephen A. Miller, Esquire~~  
~~Daniel K. Natirboff, Esquire~~  
Martha Bell, Administrator

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Assistant Counsel, Esquire~~  
Jeffrey P. Schmoyer, Assistant Counsel

**August 14, 1996**

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

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**August 15, 1996**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 9-16-96.

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**September 17, 1996**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Plaintiff's Response to New Matter due 10/25/96.

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**September 27, 1996**

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

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**April 9, 1997**

Letter forwarded to parties requesting status. Response due from parties May 9, 1997.

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**June 16, 1997**

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

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**June 18, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 4, 1997.

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**July 24, 1997**

Entry of Appearance of Louis J. Capozzi, Esquire, filed by Louis J. Capozzi, Esquire. Per Marlene of Louis Capozzi's office on July 25, 1997, a copy of same will be forwarded to attorney for Defendant.

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**November 24, 1997**

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

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**December 30, 1997**

Status letter filed by attorney for Plaintiff advising that the parties are conducting discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 4, 1998**

Letter forwarded to parties requesting status. Response due from parties June 4, 1998.

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**June 4, 1998**

Status letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations and if same does not materialize, Plaintiff will request a hearing be set.

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**July 6, 1998**

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

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**April 3, 2000**

Letter forwarded to parties requesting status. Response due from parties May 3, 2000.

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**April 12, 2000**

Entry of Appearance of Stephen A. Miller, Esquire as co-counsel on behalf of Plaintiff.

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**April 13, 2000**

Status letter received from attorney for Plaintiff advising that the parties are conducting discovery in an effort to settle said case.

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**November 8, 2000**

Letter forwarded to parties requesting status. Response due from parties December 8, 2000.

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**December 8, 2000**

Status letter received from attorney for Plaintiff advising that the parties are currently negotiating a settlement.

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**June 27, 2001**

Letter forwarded to parties requesting status. Response due from parties July 27, 2001.

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**July 27, 2001**

Letter/Status report filed by attorney for Plaintiff advising that the parties are currently negotiating a settlement and agreed to put formal discovery on hold pending negotiations.

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**January 30, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before March 1, 2002.

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**February 27, 2002**

Letter/Status report filed by attorney for Plaintiff advising that the parties are engaged in the discovery process.

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**September 10, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before October 10, 2002.

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**October 17, 2002**

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 17th day of October, 2002, a Rule to Show Cause is issued upon Plaintiff, Atrium I Nursing and Rehab Center, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked "closed, discontinued and ended with prejudice".@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 18, 2002**

Withdrawal of Appearance of the law firm of Capozzi & Associates filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 5, 2002**

Letter received from Daniel K. Natirboff, Esquire, former

counsel for Plaintiff, advising that Plaintiff has not retained new counsel and that all matters should be forwarded to: Martha Bell, Administrator, Atrium I Nursing & Rehabilitation Center, 5180 Campbells Run Road, Pittsburgh, PA 15205.

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**November 14, 2002**

Acceptance of Service of Opinion and Order dated October 17, 2002 received from Daniel K. Natirboff, Esquire. Receipt of same acknowledged by Daniel K. Natirboff, Esquire November 4, 2002.

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**July 27, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 27<sup>th</sup> day of July, 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.

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**July 29, 2005**

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

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