

Docket Number: 2253

**MARINER HEALTH CARE OF WEST HILLS**

~~John A. Feichtel, Esquire~~  
~~Louis J. Capozzi, Jr., Esquire~~  
Steven M. Montresor, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Chief Counsel~~  
Jason W. Manne, Assistant Counsel

**August 23, 1996**

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

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**August 28, 1996**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 9-27-96.

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**September 6, 1996**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 30, 1996.

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**September 10, 1996**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 4, 1996.

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**September 12, 1996**

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

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**October 18, 1996**

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

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**October 18, 1996**

Motion for Leave to Amend Claim and Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 28, 1996**

DPW's Response to Preliminary Objections to Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 13, 1996**

The Board made the following Order: **AND NOW**, this 13th day of November, 1996, upon consideration of Plaintiff's Motion for Leave to Amend Claim pursuant to Rule 1032 and Rule 1033 of the Pennsylvania Rules of Civil Procedure, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion is **GRANTED**. The Preliminary Objections to Plaintiff's claim, filed by Defendant are rendered moot.@ Copies forwarded to attorneys for Plaintiff and attorney for Defendant.

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**November 20, 1996**

Acceptance of Service of Order dated November 13, 1996, received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff November 19, 1996.

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**December 23, 1996**

Interrogatories to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 23, 1996**

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

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**December 23, 1996**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.  
**Response to New Matter due from Plaintiff 1/23/97.**

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**January 10, 1997**

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

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**January 21, 1997**

Letter forwarded to parties directing them to proceed with discovery.

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**March 4, 1997**

Plaintiff's Response to Defendant's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**March 4, 1997**

Plaintiff'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.

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**April 4, 1997**

DPW's First Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 1, 1997**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 1st day of May, 1997, both Claimant, Mariner Health Care of West Hills, and the involuntary Claimant, Legend/West Hills Health Care Center, are both **ORDERED** to respond to Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Second Set of Interrogatories within twenty (20) days of the exit date of this Order.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 7, 1997**

Acceptance of Service of Opinion and Order dated May 1, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 6, 1997.

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**May 19, 1997**

Plaintiff's Response to Defendant's Second Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 7, 1997**

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

**Response due from Defendant 8/18/97.**

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**July 23, 1997**

Proposed Order, Preliminary Objection to Amended Claim and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**Response and Brief due Plaintiff 8/25/97.**

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**August 20, 1997**

Stipulation executed and filed by the parties.

**September 4, 1997**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 4th day of September, 1997, it is **ORDERED** and **DECREED** that no further pleadings are required at this stage and that the parties shall commence discovery and advise the Board of Claims when the matter is ready for trial.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 10, 1997**

Acceptance of Service of Opinion and Order dated September 4, 1997, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 8, 1997.

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**March 10, 1998**

Letter forwarded to the parties requesting a status report.  
**Response due 4/10/98.**

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**April 23, 1998**

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

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**October 14, 1998**

Letter forwarded to the parties requesting a status report.  
**Response due 11/16/98.**

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**August 27, 1999**

Letter forwarded to parties requesting a status. Resp. Due 9/27/99.

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**September 2, 1999**

Letter received from attorney for Plaintiff advising that they are assessing whether any additional documentation or discovery is necessary.

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**March 21, 2000**

Letter forwarded to parties requesting a status. NOW due 4/31/00.

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**June 2, 2000**

Letter received from attorney for Plaintiff advising that they are currently assessing whether additional discovery is necessary. If the parties are unable to reach an agreement a

hearing will be requested.

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**January 19, 2001**

Letter forwarded to parties requesting a status report. Status Report due on or before February 19, 2001.

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**February 23, 2001**

Letter received from attorney for Plaintiff advising that the parties are exploring the possibility of settlement. If unable to reach an agreement a hearing will be requested.

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**August 31, 2001**

Letter forwarded to parties requesting a status. Due 10/1/01.

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**September 7, 2001**

Letter received from attorney for Plaintiff advising that the parties are exploring the possibility of settlement. If the parties are unable to reach an amicable resolution a hearing will be requested.

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**March 26, 2002**

Letter forwarded to parties requesting a status report. Due 4/26/02.

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**April 2, 2002**

Letter received from attorney for Plaintiff advising that the parties are exploring the possibility of settlement. If the parties are unable to reach an amicable resolution, a hearing will be requested.

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**November 18, 2002**

Letter forwarded to parties requesting a status report. Response due 12/18/02.

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**March 3, 2003**

Letter received from attorney for Plaintiff advising that the parties are exploring the possibility of settlement. If the parties are unable to reach an amicable resolution a hearing will be requested. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 29, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 29<sup>th</sup> day of September, 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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**October 6, 2005**

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

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**November 22, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated September 29, 2005. Receipt of same acknowledged November 21, 2005.

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