

Docket Number: 2273

VALLEY CARE NURSING HOME, INC.
Louis J. Capozzi, Jr., Esquire
Daniel K. Natirboff, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
Jason W. Manns, Esquire

CLOSED

September 25, 1996

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

October 4, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 11/4/96.

October 10, 1996

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

CLOSED

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

November 6, 1996

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

November 6, 1996

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
Response due from Plaintiff 12-12-96.

January 30, 1997

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

February 12, 1997

Letter forwarded to parties directing them to commence with discovery.

August 25, 1997

Entry of Appearance of Louis J. Capozzi Jr., Esquire as counsel for Plaintiff.

July 20, 1998

Letter forwarded to Plaintiff granting a thirty(30) day extension of time in which to file Claimant's response to Defendant's First Set of Interrogatories and Document Requests.

January 20, 1999

Hearing scheduled for February 9, 10 and 11, 1999, in Board's Courtroom No. 2, 6th floor, Fulton Bank Building, Harrisburg, PA,, commencing at 9:30 a.m.

January 22, 1999

Copy of Notice of Service of Claimant's First Document Request filed by Plaintiff served upon Defendant.

January 28, 1999

Notice of Service of Claimant's Responses to Defendant's Interrogatories and Document Requests filed by attorney for Plaintiff copy served upon Defendant.

January 28, 1999

DPW's First Motion to Compel Discovery filed by attorney filed by attorney for Defendant served upon Plaintiff.

January 28, 1999

Letter received from attorney for Defendant advising that the hearing originally scheduled for February 9-11/99 should be rescheduled.

February 4, 1999

Letter forwarded to parties and Giles and Kambic notifying them of the new hearing dates of March 23, 24 and 25,1999.

February 9, 1999

Letter forwarded to Plaintiff directing them to file a response within twenty(20) days for DPW's First Motion to Compel Discovery.

February 9, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of February, 1999, it is **ORDERED** and **DECREED** that Defendant's Motion to Compel Discovery is dismissed as being moot. Copies forwarded to attorney for Defendant and Plaintiff.

February 11, 1999

Acceptance of Service of Opinion and Order dated February 9, 1999 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 10, 1999.

February 12, 1999

Notice of Intended Application for Amendment of Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Amount of Claim unchanged.

February 18, 1999

Consent to Amend Pleadings subject to defenses filed by attorney for Defendant.

February 22, 1999

Corrected Consent to Amend Pleadings Subject to Defenses and Continuance of Trial filed by attorney for Defendant.

February 22, 1999

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

February 22, 1999

DPW's Second Motion to Compel Discovery and Brief in support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1999

DPW's Motion for Western District Panel and Objection to Jurisdiction filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 24, 1999

DPW's Third Motion to Compel Discovery and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 25, 1999

DPW's Pre-Hearing Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 25, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of February, 1999, upon consideration of Defendant's Second Motion to Compel Discovery, the Motion is **GRANTED** and Plaintiff is hereby **ORDERED** to answer Interrogatory 19 within thirty(30) day of the exit date of this Order. Further, since discovery is not complete and since other issues remain unresolved, the Board hereby **VACATES** the hearing date of March 23, 1999 and will set a new date when the matters are ready for hearing. Copy forwarded to attorney for Defendant and Plaintiff.

February 26, 1999

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

March 1, 1999

Letter forwarded to Panel Members advising them that the hearing originally scheduled for March 23, 1999 has been canceled.

March 1, 1999

Preliminary Objections and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 2, 1999

Claimant's Amended Responses to Defendant's Interrogatories and Document Requests filed by attorney for Plaintiff. Copy served upon Defendant.

March 3, 1999

Acceptance of Service of Opinion and Order dated February 25, 1999 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 1, 1999.

March 4, 1999

Letter forwarded to Plaintiff directing them to file their response and Brief. Brief due 4/5/99.

March 5, 1999

Withdrawal of Motion for Western District Panel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 8, 1999

Claimant's Motion for Sanctions and Claimant's Brief in Support of Claimant's Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 15, 1999

Request to Stay Pending Motions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 30, 1999

Letter forwarded to parties granting the request to Stay Pending Motions and status Report. RESPONSE DUE 4/29/99.

April 29, 1999

Request to Stay Pending Motions filed by attorney for Plaintiff.

June 7, 1999

Letter-type request to continue stay pending Motions until July 1, 1999 filed by attorney for Plaintiff.

June 18, 1999

Letter forwarded to Plaintiff granting Plaintiff's request to continue stay pending Motions until July 1, 1999 filed by attorney for Plaintiff.

July 1, 1999

Letter received from attorney for Plaintiff requesting an additional thirty (30) day extension of time in which to file Stay of Response to the Pending Motions.

July 8, 1999

Letter forwarded to attorney for Plaintiff granting an additional thirty (30) day extension of time in which to file Stay of Responses to the Pending Motions. Due date August 2, 1999.

August 4, 1999

Claimant's Response to Respondent's Pending Motions to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 4, 1999

Claimant's Motion to Strike Respondent's Preliminary Objections to Amended Claims and Brief in support of Motion filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 27, 1999

Letter received from attorney for Defendant requesting their pending motions be deferred for sixty (60).

Letter forwarded to attorney for Defendant granting them sixty (60) days in which to defer their pending motions.

Letter forwarded to parties requesting a status report. Status Now Due 2-21-00.

February 22, 2000

Letter/Status Report received from Plaintiff advising that the parties are close to finalizing a settlement. Plaintiff executed a proposed Stipulation of Settlement and forwarded it to Defendant. They anticipate that Defendant will execute the Stipulation of Settlement and thereafter, Plaintiff will file a Praecipe to Settle.

March 28, 2000

Letter forwarded to parties requesting a status report. DUE 4/28/00.

May 1, 2000

Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 15, 2000

The Board made the following Order: **AND NOW**, this 15th day of May, 2000, upon receipt of a Praecipe to Settle, Discontinue and End requesting that "Claimant, Valley Care Nursing Home, by and through its attorneys, Capozzi and Associates, P.C., hereby advises that these matters be **SETTLED, DISCONTINUED** and **ENDED** with prejudice", executed by Daniel K. Natirboff, Esquire, attorney for Plaintiff, docketed with this Board under date of May 1, 2000, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice. Copy forwarded to attorney for Plaintiff and Defendant.

May 22, 2000

Acceptance of Service of Order dated May 15, 2000, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 17, 2000.

CLOSED