

Docket Number: 2281

(CONSOLIDATED WITH NO. 2279)

CUMBERLAND COUNTY NURSING HOME

~~Daniel K. Natirboff, Esquire~~

~~Jeffrey W. Beehtel, Esquire~~

~~John N. Kennedy, Esquire~~

~~Kimber Latsha, Esquire~~

~~**David C. Marshall, Esquire~~

CLOSED

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Cynthia White Williams, Assistant Counsel

November 12, 1996

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

November 20, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 12-20-96.

December 2, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 22, 1996.

CLOSED

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **REPLY DUE FROM PLTF. 1/22/97.**

January 2, 1997

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

January 6, 1997

Letter forwarded to parties directing them to proceed with necessary discovery.

June 12, 1997

Defendant's First Request for Production of Documents as well as Defendant's 1st Continuing Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 12, 1997

Letter forwarded to parties requesting status. Response due from parties January 12, 1998.

January 5, 1998

Entry of Appearance of Louis J. Capozzi, Jr., Esquire, on behalf of Plaintiff filed by attorney for Plaintiff.

January 7, 1998

Letter/Status Report received from Plaintiff advising that Defendant agreed to postpone discovery until Plaintiff can prepare a settlement proposal, which they anticipate will be in the coming months. If a settlement cannot be reached, they will proceed with discovery and then request a hearing be scheduled. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 11, 1998

Letter forwarded to parties requesting a status report. Status Report due on or before June 10, 1998.

June 11, 1998

Letter/Status report received from Plaintiff advising that they have prepared a settlement proposal in the form of a position paper settling this matter and Board Docket Nos. 2279 and 2537 and anticipate dispatching the settlement offer to Defendant the week of June 15, 1998.

October 15, 1998

Letter forwarded to parties requesting a Status Report. Status Report due on or before November 16, 1998.

November 17, 1998

Second letter forwarded to parties requesting a Status Report. Status Report due on or before **December 17, 1998** or a Rule to Show Cause will be issued.

November 17, 1998

Letter/Status Report received from Plaintiff advising that they dispatched a settlement proposal to Defendant and are anticipating a response from them before the end of the calendar year. If the parties can not reach a settlement, Plaintiff will promptly notify the Board so a hearing can be scheduled.

July 1, 1999

Letter forwarded to parties requesting a status report. Status Report due on or before **August 2, 1999**.

August 2, 1999

Letter/Status Report received from Plaintiff advising that they are in the process of preparing responses to Defendant's discovery requests and anticipate completing discovery this month, at which time, they will immediately request the scheduling of a hearing date.

September 14, 1999

Notice of Service of Claimant's Response to Respondent's First Request for Production of Documents and Claimant's Answer to Respondent's First Continuing Set of Interrogatories filed by Plaintiff.

November 5, 1999

Motion to Consolidate (Docket Nos. 2279, 2281 & 2537); Brief in Support of Claimant's Motion to Consolidate Claims and Proposed Order, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 8, 1999

DPW's Response to Motion to Consolidate filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 21, 1999

Letter (in response to Defendant Response to Plaintiff's Motion to Consolidate Case Nos. 2279, 2281 & 2537) received from attorney for Plaintiff requesting that if Defendant feels that the issues in No. 2537 differ from Nos. 2279 and 2281, Plaintiff requests that numbers 2279 and 2281 be consolidated and scheduled for trial; as well as requests that number 2537 be scheduled for trial as well, separately.

January 3, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 3rd day of February, 2000, upon consideration of Claimant's Motion to Consolidate, Defendant's response and the various correspondence cited in the above Opinion, it is **ORDERED, ADJUDGED** and **DECREED** that Claimant's Motion to Consolidate Docket Nos. 2279 and 2281 is hereby **GRANTED**. Claimant's Motion to Consolidate Docket No. 2537 with the above two (2) docket numbers is **DENIED**. Senior Counsel for the Board of Claims will be in contact with counsel in the near future in order to schedule respective hearings in these matters. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED
February 7, 2000
Acceptance of Service of Opinion and Order dated February 3, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 4, 2000.
February 11, 2000

Notice of Service of Claimant's Response to Respondent's Second Request for Production of Documents filed by attorney for Plaintiff.

February 14, 2000

Acceptance of Service of Opinion and Order dated January 3, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 7, 2000.

March 2, 2000

The Board made the following Order: "**AND NOW**, this 2nd day of March, 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 James B. Wilson, P.E., Engineer Member, beginning on May 30, 2000 through June 1, 2000, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, and will commence at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed no later than forty-five (45) days prior to the commencement of the trial." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 9, 2000

Acceptance of Service of Order dated March 2, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 7, 2000.

****April 6, 2000**

Praecipe for Entry of Appearance of David C. Marshall, Esquire filed on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 7, 2000

Panel Hearing (Giles and Wilson) originally scheduled for May 30, 31 and June 1, 2000 ~~rescheduled~~ for May 31, June 1 and June 2, 2000, in Board's Courtroom No. 2, 15th floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

April 27, 2000

Letter received from attorney for Plaintiff requesting a thirty (30) day extension of time to respond to Defendant's outstanding discovery request.

April 24, 2000

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting them until **May 17, 2000** to respond to Defendant's outstanding discovery request.

April 28, 2000

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

April 28, 2000

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

May 24, 2000

Letter receivedd from Plaintiff advising that the parties have reached a tentative settlement of these issues and are currently in the process of drafting a Stipulation of Settlement memorializing the agreements reached. Requests a continuance of the hearing of 45 days.

May 26, 2000

Panel Hearing (Giles/Wilson) scheduled for May 31, June 1 and 2, 2000 **canceled**, per Plaintiff's letter received May 24, 2000 advising that the parties have reached a tentative settlement.

October 2, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 1, 2000**.

November 3, 2000

Letter/Status Report received from attorney for Plaintiff advising that the parties have prepared a draft Stipulation of Settlement that Client is currently reviewing and hopes to complete soon.

November 27, 2000

Praecipe to Withdraw With Prejudice filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 1, 2000

The Board made the following Order: "**AND NOW**, this 1st day of December, 2000, upon receipt of a Praecipe to Withdraw With Prejudice, requesting the Board to 'mark the above-captioned appeals as Withdrawn, Discontinued and Ended With Prejudice', executed by David C. Marshall, Esquire and Kimber L. Latsha, Esquire, on behalf of Plaintiff, The Cumberland County Nursing Home, and docketed with this Board under date of November 27, 2000, it is **ORDERED** and **DIRECTED** that said cases be marked 'withdrawn, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 5, 2000

Acceptance of Service of Order dated December 1, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 4, 2000.

December 7, 2000

Acceptance of Service of Order dated December 1, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 4, 2000.
