

Docket Number: 2302

MERCY DOUGLASS CENTER, INC.  
d/b/a STEPHEN SMITH HOME FOR THE AGED

~~Richard J. King, Jr., Esquire~~  
~~Jonathan P. Nase, Esquire~~  
Louis J. Capozzi, Jr., Esquire  
Michael A. Hynum, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
~~Catherine Stewart, Assistant Counsel~~  
Kathleen Grogan, Senior Assistant Counsel

**December 13, 1996**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$96,305.00+.

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**December 31, 1996**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 1/30/97.**

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**January 8, 1997**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 3, 1997.

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**January 9, 1997**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 3, 1997.

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**January 22, 1997**

Letter received from attorney for Defendant requesting a 30-day extension of time to file a response to the Complaint. **Same granted 1/24/97. Response due from Defendant 3/3/97.**

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**March 14, 1997**

Answer to Complaint 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 4/28/97.**

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**April 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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**April 21, 1997**

Letter forwarded to parties directing them to proceed with discovery.

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**October 21, 1997**

Letter forwarded to the parties requesting a status report. **Response due 11/21/97.**

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**October 23, 1997**

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 24, 1997**

Respondent's Answer to Interrogatories filed by attorney for Defendant, via Fax. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 1, 1997**

Respondent's Answer to Interrogatories filed by attorney for Defendant, via mail. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 13, 1998**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 13th day of January, 1998, it is **ORDERED** and **DECREED** that the Motion to Compel be dismissed as being moot.® Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 20, 1998**

Acceptance of Service of Opinion and Order dated January 13, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 15, 1998.

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**January 23, 1998**

Acceptance of Service of Opinion and Order dated January 13, 1998, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 16, 1998.

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**July 14, 1998**

Letter forwarded to the parties requesting a status report.  
**Response due 8/14/98.**

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**July 24, 1998**

Letter received from attorney for Plaintiff advising that Plaintiff is currently reviewing the case in hopes of negotiating a settlement or certifying the case for trial.

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**April 2, 1999**

Status letter received from attorney for Plaintiff advising that they are not ready for trial.

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**January 20, 2000**

Letter forwarded to parties requesting a status report. Status Report due on February 21, 2000.

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**February 18, 2000**

Letter received from Charles O. Barto and Associates advising that they no longer represent the Plaintiff. Capozzi and Associates are counsel for Plaintiff.

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**February 29, 2000**

Letter forwarded to Plaintiff directing them to enter their appearance as counsel for Plaintiff.

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**March 13, 2000**

Entry of Appearance of Louis J. Capozzi, Jr., Esquire, as counsel for Plaintiff. Copy forwarded to attorney for Defendant and previous counsel for Plaintiff by new attorney for Plaintiff.

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**June 21, 2000**

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

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**September 27, 2000**

Letter forwarded to parties requesting a status report. Due 10/27/00.

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**October 11, 2000**

Letter received from attorney for Plaintiff advising that they are in the process of initiating discovery with the Defendant. Upon completion of discovery Plaintiff will negotiate a fair and equitable settlement with the Defendant.

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**May 22, 2001**

Letter forwarded to parties requesting a status. Due 6/22/01.

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**June 20, 2001**

Letter received from attorney for Plaintiff advising that the parties are still engaged in the discovery process. At the conclusion they will forward a proposal for settlement to Defendant.

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**July 30, 2001**

Entry of Appearance of Kathleen Grogan as counsel for Defendant.

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**July 17, 2002**

Letter forwarded to parties requesting a status report. Due 8/19/02.

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**August 23, 2002**

Letter received from attorney for Plaintiff advising that a

settlement proposal was forwarded to Defendant for review on May 15, 2002. To dae there has been no response.

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**November 29, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 29<sup>th</sup> 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."

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