

Docket Number: 2303

WHITECLIFF NURSING HOME

Louis J. Capozzi, Jr., Esquire
Katherine E. Stine, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

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

December 16, 1996

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

December 19, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT January 19, 1997.

January 8, 1997

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 20, 1996.

January 31, 1997

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

January 31, 1997

Interrogatories and First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 6, 1997

Letter forwarded to attorney for Plaintiff requesting response to Defendant's New Matter. Response due March 6, 1997.

February 20, 1997

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

December 24, 1997

Status letter received from attorney for Defendant advising that the parties have completed discovery and further that if the Plaintiff feels a hearing is necessary, they will request the Board to set same. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 28, 1998

Letter received from attorney for Defendant advising that the

Defendant does not feel this case is in a position for trial due to unfinished discovery.

July 13, 1998

Letter forwarded to parties requesting status. Response due from parties August 13, 1998.

November 4, 1998

Status letter received from attorney for Plaintiff advising that the parties are in discovery.

August 25, 1999

Letter forwarded to parties requesting status. Response due from parties September 27, 1999.

September 27, 1999

Status letter received from attorney for Plaintiff advising that the parties are in discovery.

September 27, 1999

Notice of Service of Plaintiff's First Request for Production of Documents filed by attorney for Plaintiff.

November 23, 1999

Letter-type Stipulation of Withdrawal with Prejudice in Part of only that portion of pending disputes concerning 1993-1996 Home Office Costs filed by attorney for Plaintiff.

December 3, 1999

Status letter filed by attorney for Plaintiff advising that the parties are in discovery.

May 30, 2000

Letter forwarded to parties requesting status. Response due from parties June 30, 2000.

July 11, 2000

Status letter received from attorney for Plaintiff advising that the parties are still negotiating a global settlement of claims between the parties in this matter and related matters.

January 9, 2001

Letter forwarded to parties requesting status. Response due from the parties February 9, 2001.

February 12, 2001

Status letter received from attorney for Plaintiff advising that the parties are currently involved in negotiations to resolve this appeal.

August 16, 2001

Letter forwarded to parties requesting status. Response due from parties September 16, 2001

October 9, 2001

The Board rendered the following Order: **AAND NOW**, this 9th day of October, 2001, a Rule to Show Cause is issued upon Plaintiff, Whitecliff Nursing Home, 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.

October 17, 2001

Acceptance of Service of Order dated October 9, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 17, 2001.

November 1, 2001

Answer to Rule to Show Cause of the Board of Claims advising that this litigation is ongoing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 15, 2002

Letter forwarded to parties requesting status. Response due from parties June 17, 2002.

May 29, 2002

Notice of Service of Plaintiff=s Renewed and Additional Requests for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 5, 2002

Motion to Consolidate docket nos. 2499, 2706, 2496, 2707, 2668 & 2303 as well as Brief in Support filed by attorney for Plaintiff.

Response due from Defendant July 8, 2002.

June 12, 2002

Response to Claimant=s Motion to Consolidate filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 18, 2002

Brief in Reply to the Brief in Opposition to Consolidation and Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 19, 2002

Brief in Reply to the Brief in Opposition to Consolidation and Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 24, 2002

Correction to Opposition to Consolidation and Hearing filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 11, 2002

Letter received from attorney for Plaintiff requesting a hearing be set.

January 2, 2002

Entry of Appearance of Kathleen Grogan, Senior Assistant Counsel entered on behalf of Defendant.

February 11, 2003

The Motion of the Claimant, Whitecliff Nursing Home, to Compel Discovery, and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation as well as Brief in Support filed by attorney for Plaintiff. Response due from Plaintiff March 12, 2003.

March 3, 2003

Letter received from attorney for Plaintiff via fax requesting a formal pre-hearing conference be scheduled relative to the case management of all cases involved in the motion to consolidate (2303, 2496, 2499, 2668, 2706, 2707).

March 4, 2003

Letter received from attorney for Plaintiff via U.S. Mail requesting a formal pre-hearing conference be scheduled relative to the case management of all cases involved in the motion to consolidate (2303, 2496, 2499, 2668, 2706, 2707).

March 14, 2003

DPW's Answer and New Matter in Opposition to Motion to Compel Discovery and Renewed Motions for Discovery Deadlines, Hearing and Consolidation filed by attorney for Defendant. Response to New Matter due from Plaintiff April 3, 2003.

April 3, 2003

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

April 14, 2003

The Answer of the Claimant, Whitecliff Nursing Home, to the New Matter of the Respondent in Opposition to the Claimant's Motion for Discovery Sanctions Against the Respondent, and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 2003

Board issued Opinion and Order. Order as follows: ~~A~~**AND NOW**, this 8th day of June, 2003, after consideration of the Motion, Answer, and Answer to the New Matter, it is hereby **ORDERED** and **DECREED** that, the Claimant's Motion to Compel Discovery and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation, against the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED** in part, and **DENIED** in part. Respondent is **ORDERED** to provide full and complete answers to any outstanding Interrogatories and Requests for Production of Documents within twenty (20) days of the exit date of this Order. The Renewed Request for a Definitive Hearing Date and Pre-hearing Status Conference is **DENIED**, at this time; and the Renewed Request for Consolidation is deemed **MOOT** since the Board denied it in a separate Order.

July 8, 2003

Board issued Opinion and Order. Order as follows: ~~A~~**AND NOW**, this 8th day of June, 2003, upon consideration of Claimant's Motion to Consolidate and the Respondent's Objection to the Motion, it is hereby **ORDERED** and **DECREED** that the Motion to Consolidate the Claims at Docket Nos. 2303, 2496, 2499, 2668, 2706 and 2707 is hereby **DENIED**.@ Copy forwarded to Plaintiff and Defendant.

July 10, 2003

Defendant filed Acceptance of Service of Opinion and Order dated

July 8, 2003. Receipt of same acknowledged July 9, 2003.

July 29, 2003

Defendant filed Notice of Service of Response to Claimant's Request for Production of Documents.

November 29, 2005

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