

Docket Number: 2311

**THE SARAH A. REED RETIREMENT CENTER**

~~Charles O. Barto, Jr., Esquire~~  
~~Peter W. Kociolek, Jr., Esquire~~  
David C. Marshall, Esquire  
Kimber L. Latsha, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

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

**January 9, 1997**

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

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**January 15, 1997**

Copies of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT:** February 14, 1997.

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**January 23, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 17, 1996.

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**January 28, 1997**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 22, 1997.

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**March 3, 1997**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **REPLY DUE FROM PLAINTIFF:** April 3, 1997

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**March 3, 1997**

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

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**March 3, 1997**

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

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**March 18, 1997**

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

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**March 25, 1997**

Motion to Hold Issues in Abeyance Pending Disposition of Related Cases filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 18, 1997**

Letter/Response, advising that Defendant has no objection to Plaintiff's Motion to Hold Issues, filed by attorney for Defendant.

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**May 7, 1997**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of May, 1997, it is **ORDERED** and **DECREED** that all proceedings herein be **STAYED** indefinitely. Counsel for either party may, at any time in the future, request that the stay be lifted.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 13, 1997**

Acceptance of Service of Opinion and Order dated May 7, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 12, 1997.

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**November 20, 1998**

Letter received from counsel for Plaintiff requesting that the Stay in this matter be lifted and the parties be permitted to proceed with discovery and other activities to prepare this case for trial.

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**December 2, 1998**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 2nd day of December, 1998, it is **ORDERED** and **DECREED** that the stay of May 7, 1997 is hereby **LIFTED**. It is further **ORDERED** and **DECREED** that counsel for both parties complete all discovery within 180 days of the exit date of this Order and also advise when same is complete so the matter can be set for trial.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 22, 1999**

Letter forwarded to parties requesting a Status Report. Status

Report due on or before August 23, 1999.

**September 20, 1999**

Letter/Status Report received from attorney for Plaintiff advising that they are currently gathering information which will assist in preparing for hearing, however, at this time, they are not ready for hearing.

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**May 24, 2000**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 23, 2000**.

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**June 19, 2000**

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

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**June 26, 2000**

Letter received from attorney for Plaintiff advising that Claimant's First Request for Production of Documents were forwarded to Defendant on June 16, 2000 and that Claimant will be ready for hearing upon conclusion of discovery.

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**January 4, 2001**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 5, 2001**.

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**March 20, 2001**

Praecipe of Withdrawal of Appearance of Peter W. Kociolek, Jr., Esquire, and the law office of Charles O. Barto, Jr., and Associates, filed by attorney for Plaintiff.

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**March 23, 2001**

Letter forwarded to Plaintiff, with copy to attorney for Defendant, directing Plaintiff to advise whether or not they would be retaining new counsel or whether or not they wished to pursue this matter. Response due on or before **April 23, 2001**.

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**May 18, 2001**

The Board rendered an Opinion and made the following Order: ~~AND~~ **NOW**, this 18th day of May, 2001, a Rule to Show Cause is issued upon Plaintiff, The Sarah A. Reed Retirement Center, for failure to advise this Board as to whether or not Plaintiff wishes to pursue this 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 >settled, discontinued and ended with prejudice=.@ Copy forwarded to Plaintiff and attorney for Defendant.

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**May 23, 2001**

Letter received from Plaintiff advising that Peter Kociolek, Jr., Esquire withdrew his appearance in error, as he felt that he was no longer representing the Center, as his firm had been dismissed on an unrelated matter.

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**May 24, 2001**

Acceptance of Service of Opinion and Order dated May 18, 2001 received from Plaintiff. Receipt of same acknowledged by Plaintiff May 23, 2001.

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**June 22, 2001**

Letter received from Plaintiff advising that Charles O-Barto, Jr., & Associates is not representing the Center and that David C. Marshall, Esquire, is currently representing the Center on appeals.

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**July 27, 2001**

Letter forwarded to David Marshall, Esquire, inquiring as to whether or not he intended to enter his appearance on behalf of Plaintiff. **Response due on or before August 27, 2001.**

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**August 23, 2001**

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

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**February 28, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before March 29, 2002.

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**March 5, 2002**

Letter received from Plaintiff advising that they will prepare a settlement offer in the form of a position paper to be presented to Defendant for review.

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**September 11, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **October 11, 2002**.

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**September 16, 2002**

Letter received from attorney for Plaintiff advising that they will prepare a settlement offer in the form of a position paper to be presented to Defendant.

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**September 21, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 21<sup>st</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 3, 2005**

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

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**October 24, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated September 21, 2005. Receipt of same acknowledged October 6, 2005.

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