

Docket Number: 2366

~~PRESBYTERIAN SENIOR CARE d/b/a **PRESBYTERIAN MEDICAL CENTER OF
OAKMONT, PRESBYTERIAN MEDICAL CENTER OF WASHINGTON, RESTONE
HIGHLANDS HEALTH CARE CENTER, MOUNT MACRINA MANOR AND SHENANGO
PRESBYTERIAN HOME~~

~~John N. Kennedy, Esquire~~

~~Louis J. Capezzi, Jr., Esquire~~

~~Randy J. Wiley, Esquire~~

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

~~Jason Manne, Assistant Counsel~~

January 23, 1997

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

January 27, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT FEBRUARY 27, 1997.

January 30, 1997

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 27, 1997.

CLOSED

Letter received from attorney for Defendant requesting an extension of time until March 19, 1997 to file Defendant's Response to Plaintiff's Claim.

February 21, 1997

Letter forwarded to attorney for Defendant granting Defendant's Request for an Extension of Time until March 19, 1997 to file Defendant's Response to Plaintiff's Claim. Response due March 19, 1997.

April 11, 1997

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

April 14, 1997

Letter forwarded to parties directing parties to commence with discovery.

April 17, 1997

Status letter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 6, 1997

Status letter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 16, 1997

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

September 8, 1997

Entry of Appearance of Louis J. Capozzi, Jr., Esquire filed on behalf of Plaintiff. Copy forwarded to previous counsel for Plaintiff and attorney for Defendant.

September 11, 1997
Withdrawal of Appearance of Kimber L. Lats on behalf of Lashia, Davis & Pohe, P.C. an attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 22, 1997

Petition to Sever Mount Macrina Manor Nursing Home and Presbyterian Medical Center of Washington filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 7, 1997

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 7th day of November, 1997, it is **ORDERED** and **DECREED** that the Plaintiff's Motion to Sever Presbyterian Medical Center of Mount Macrina Nursing Home and Presbyterian Medical Center of Washington from the original Claim is hereby **GRANTED** and subsequently, Presbyterian Medical Center of Mount Macrina Nursing Home and Presbyterian Medical Center of Washington are hereby withdrawn from the original Claim. It is further **ORDERED** and **DECREED** that the Motion to Withdraw the Claims of Presbyterian Medical Center of Mount Macrina Nursing Home and Presbyterian Medical Center of Washington is hereby **GRANTED** and same are dismissed with prejudice. The caption for the case docketed to 2366 shall now read as follows: Presbyterian Senior Care d/b/a Presbyterian Medical Center of Oakmont and Shenango Presbyterian Home vs. Commonwealth of Pennsylvania, Department of Public Welfare." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

****December 2, 1997**

Petition to Sever, Motion to Withdraw and Proposed Order filed by attorney for Plaintiff removing Presbyterian Medical Center of Oakmont from the original Claim. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 11, 1997

The Board rendered an Opinion and made the following Order: “**AND NOW**, this day of December, 1997, it is **ORDERED** and **DECREED** that the Plaintiff’s Motion to Sever Presbyterian Medical Center of Oakmont from the original Claim is hereby **GRANTED** and subsequently, Presbyterian Medical Center of Oakmont are hereby withdrawn from the original Claim. It is further **ORDERED** and **DECREED** that the Motion to Withdraw the Claim of Presbyterian Medical Center of Oakmont is hereby **GRANTED** and same is dismissed with prejudice. The caption for the cases docketed to 2366 and 2366 shall now read as follows: PRESBYTERIAN SENIOR CARE, d/b/a SHENANDO PRESBYTERIAN HOME vs. COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE.” Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 19, 1997

Acceptance of Service of Opinion and Order dated December 11, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 17, 1997.

December 19, 1997

Letter received from attorney for Plaintiff advising that the parties are in discovery and settlement proceedings. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 20, 1998

Letter forwarded to parties requesting status. Response due from parties August 20, 1998.

August 13, 1998

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

March 5, 1999

Letter forwarded to parties requesting status. Response due from parties April 5, 1999.

March 31, 1999

Letter received from attorney for Defendant advising that the parties are in discovery and further advising that this case is not ready for trial.

April 12, 1999

Letter received from attorney for Plaintiff requesting a hearing be set because of Defendant's failure to advise if further discovery is required.

April 15, 1999

Letter received from attorney for Defendant objecting to Plaintiff's request for hearing dates pending resolution of discovery issues.

February 22, 2000

Letter received from attorney for Plaintiff requesting a pre-hearing conference in which to consolidate docket no. 2172 and 2366 and further requesting that a hearing be set.

February 21, 2000

Letter received from attorney for Defendant advising that Defendant's disagrees with Defendant's letter advising that Defendant has never responded to Plaintiff's settlement offer and further advising that Defendant feels settlement is in the very near future.

February 25, 2000

Letter received from attorney for Plaintiff advising that he does not object to Plaintiff's request for an extension of time.

March 2, 2000

Letter forwarded to Defendant granting Defendant's request until April 24, 2000 in which to file their proposed settlement agreement.

June 12, 2000

Praecipe for Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 14, 2000

The Board rendered the following Order: **"AND NOW**, this 14th day of June, 2000, upon receipt of a Praecipe stating: "Claimant hereby advises that this matter may be discontinued, closed and ended, with

prejudice." executed by Randy J. Riley, Esquire, on behalf of Plaintiff, Shenango Presbyterian Home, and docketed with this Board under date of June 12, 2000, it is hereby **ORDERED** and **DIRECTED** that said case be marked "settled, discontinued, and ended with prejudice."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED