

Docket Number: 2399

~~GENESIS HEALTH VENTURES d/b/a ABINGTON MANOR NURSING and  
REHABILITATION CENTER; BRINTON MANOR; HOMESTEAD NURSING AND  
CONVALESCENT CENTER; MIFFLIN HEALTHCARE CENTER; RIVERSTREET  
MANOR NURSING AND REHABILITATION CENTER; WAYNE NURSING AND  
REHABILITATION CENTER~~

~~and~~

~~\*\*DORRANCE MANOR NURSING AND REHABILITATION CENTER; HIGHLAND  
NURSING AND REHABILITATION CENTER; SILVER LAKE NURSING AND  
REHABILITATION CENTER; SUBURBAN WOODS HEALTH AND  
REHABILITATION CENTER, \*SUSQUEHANNA CENTER FOR NURSING AND  
REHABILITATION, TOWNE MANOR NURSING AND REHABILITATION CENTER  
WEST; AND TOWNE MANOR NURSING AND REHABILITATION CENTER EAST~~

~~David C. Marshall, Esquire  
Louis J. Capozzi, Jr., Esquire  
Stephen A. Miller, Esquire  
Michael A. Hynum, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
Leonard W. Crumb, Assistant Counsel

**January 24, 1997**

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

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**January 31, 1997**

Copies of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT: March 3, 1997.**

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**February 6, 1997**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 4, 1997.

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**February 10, 1997**

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

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**February 19, 1997**

Letter received from attorney for Defendant requesting an extension of time of 30 days in which to file its responsive pleading.

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**February 25, 1997**

Letter forwarded to attorney for Defendant granting an extension of time until April 2, 1997 in which to file Defendant's responsive pleading. **RESPONSE DUE FROM DEFENDANT APRIL 2, 1997**

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**March 19, 1997**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **REPLY DUE FROM PLTF.: April 28, 1997**

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**April 15, 1997**

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

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**April 17, 1997**

Letter received from attorney for Plaintiff advising that most of these claims will probably be withdrawn due to settlement.

PER JUDGE, CASE IS TO BE DIARIED FOR 5 MONTHS (9/22/97)

**April 18, 1997**

Letter forwarded to parties directing them to proceed with necessary discovery and furnish the Board with a status report advising of their positions relative to scheduling the case for hearing.

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**July 25, 1997**

Entry of Appearance of Louis J. Capozzi, Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Per Marlene of Louis Capozzi's office on July 25, 1997, a copy of same will be forwarded to attorney for Defendant.

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**September 3, 1997**

Entry of Appearance of the firm of Capozzi & Associates, P.C. filed on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 29, 1997**

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE OCTOBER 29, 1997.

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**October 31, 1997**

Letter/Status Report received from Plaintiff advising that Stipulations of Settlement have been reached for some of the facilities in this claim and Plaintiff is waiting payment for same; however, not all of the facilities to this claim have settled with DPW and negotiations are continuing.

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**December 4, 1997**

Praecipe to Withdraw Party from Claim (Susquehanna Center for Nursing and Rehabilitation) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**\* December 10, 1997**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 10th day of December, 1997, it is **ORDERED** and **DECREED** that the Plaintiff's Praecipe to Withdraw Party (Susquehanna Center for Nursing and Rehabilitation) from Claim is hereby **GRANTED** and subsequently, Susquehanna Center for Nursing and Rehabilitation is hereby withdrawn from the original Claim, with prejudice.@ Copies forwarded to attorney for Plaintiff and

attorney for Defendant.

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**December 16, 1997**

Acceptance of Service of Opinion and Order dated December 10, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 11, 1997.

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**December 30, 1997**

Praecipe to Withdrawal Party from Claim (Dorrance Manor) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**\*\* January 7, 1998**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of January, 1998, it is **ORDERED** and **DECREED** that the Plaintiff's Praecipe for Withdrawal of Party (Dorrance Manor Nursing and Rehabilitation Center) from Claim, is hereby **GRANTED** and subsequently, Dorrance Manor Nursing and Rehabilitation Center is hereby withdrawn from the original Claim, with prejudice.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 13, 1998**

Acceptance of Service of Opinion and Order dated January 7, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 9, 1998.

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**January 21, 1998**

Acceptance of Service of Opinion and Order dated January 7, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 16, 1998.

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**June 10, 1998**

Letter forwarded to parties requesting a Status Report. **Status Report due on or before July 10, 1998.**

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**June 22, 1998**

Praecipe for Withdrawal of Parties from Claim (Abington Manor Nursing and Rehabilitation Center, Homestead Nursing and Convalescent Center, Mifflin Healthcare Center, Riverstreet Manor Nursing and Rehabilitation Center, Wayne Nursing and Rehabilitation Center, Highland Nursing and Rehabilitation Center, Silver Lake Nursing and Rehabilitation Center, Towne Manor Nursing and Rehabilitation Center West, and Towne Manor

Nursing and Rehabilitation Center East) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 23, 1998**

Acceptance of Service of Opinion and Order dated December 10, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 15, 1997.

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**June 24, 1998**

Letter/Status Report received from Plaintiff advising that all parties to this claim have settled except Brinton Manor and Suburban Woods and they are continuing discussions to resolve the remaining issues.

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**June 26, 1998**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th day of June, 1998, it is **ORDERED** and **DECREED** that the Plaintiffs Praecipe for Withdrawal of Parties (Abington Manor Nursing and Rehabilitation Center, Homestead Nursing and Convalescent Center, Mifflin Healthcare Center, Riverstreet Manor Nursing and Rehabilitation Center, Wayne Nursing and Rehabilitation Center, Highland Nursing and Rehabilitation Center, Silver Lake Nursing and Rehabilitation Center, Towne Manor Nursing and Rehabilitation Center West, and Towne Manor Nursing and Rehabilitation Center East) from Claim, is hereby **GRANTED** and subsequently, said facilities are hereby withdrawn from the original Claim, with prejudice.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 6, 1998**

Acceptance of Service of Opinion and Order dated June 26, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 3, 1998.

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**July 6, 1998**

Acceptance of Service of Opinion and Order dated July 6, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 30, 1998.

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**July 8, 1999**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **August 9, 1999**.

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**July 16, 1999**

Letter received from attorney for Plaintiff advising that Brinton Manor is currently in settlement negotiations with Defendant and Suburban Woods is awaiting related discovery from Defendant and working to prepare a settlement proposal.

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**August 3, 1999**

Praeipice of Discontinuance (for Brinton Manor) as to Not All of Remaining Claimants by Consent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 6, 1999**

The Board made the following Order: **AND NOW**, this 6th day of August, 1999, it is **ORDERED** and **DECREED** that the Praeipice of Discontinuance as to Not All of Remaining Claimants by Consent, is hereby **GRANTED** and subsequently, Brinton Manor is hereby withdrawn from the original Claim, with prejudice.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 19, 1999**

Acceptance of Service of Opinion and Order dated August 6, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 19, 1999.

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**March 28, 2000**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 27, 2000**.

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**April 28, 2000**

Status letter received from attorney for Plaintiff advising that the parties are in negotiations regarding discovery issues and a potential settlement of this matter.

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**November 22, 2000**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **December 22, 2000**.

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**November 27, 2000**

Letter received from attorney for Plaintiff advising that this matter is not related to the pending DPW settlement offers and that the parties are continuing discovery and analysis of



facility records in order to prepare a settlement offer/position  
paper to be forwarded to Defendant.

**December 20, 2000**

Letter received from attorney for Plaintiff advising that the parties are negotiating a settlement in this matter and have agreed that formal discovery would be put on hold pending these negotiations.

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**June 28, 2001**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **July 30, 2001**.

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**August 10, 2001**

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 10th day of August, 2001, a Rule to Show Cause is issued upon Plaintiff, Genesis Health Ventures d/b/a Suburban Woods Health & Rehabilitation Center, 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".

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**August 15, 2001**

Letter/Response to Rule to Show Cause filed by attorney for Plaintiff advising that Plaintiff does wish to pursue this case and is in the process of reviewing documentation to prepare a settlement offer to DPW.

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**August 16, 2001**

Acceptance of Service of Opinion and Order dated August 10, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 14, 2001.

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**August 16, 2001**

Acceptance of Service of Opinion and Order dated August 10, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 14, 2001.

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**February 22, 2002**

Letter forwarded to parties requesting a Status Report. Status

Report due on or before **March 25, 2002.**

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**March 21, 2002**

Status letter received from attorney for Plaintiff advising that the parties are actively involved in settlement negotiations.

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**October 7, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 6, 2002.**

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**November 6, 2002**

Letter received from attorney for Plaintiff advising that all parties, except for Suburban Woods have withdrawn and that the remaining Plaintiff will make efforts to seek settlement.

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**August 3, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 3<sup>rd</sup> day of August, 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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**August 5, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated August 3, 2005. Receipt of same acknowledged August 4, 2005.

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**August 16, 2005**

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

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