

Docket Number: 2419

*(CONSOLIDATED WITH NOS. 1977, 2259, 2541, 2552 AND 2648)

INTEGRATED HEALTH SERVICES, INC.; REST HAVEN NURSING CENTERS,
INC., d/b/a INTEGRATED HEALTH SERVICES OF PENNSYLVANIA AT
BROOMALL; REST HAVEN NURSING CENTER, INC., d/b/a INTEGRATED
HEALTH SERVICES OF CHESTNUT HILL; AND REST HAVEN NURSING
CENTER, d/b/a INTEGRATED HEALTH SERVICES AT WHITEMARSH

Louis J. Capozzi, Jr., Esquire
Michael Hynum, Esquire
~~John N. Kennedy, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

March 7, 1997

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$699,206.00.

March 12, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 4-11-97.

March 18, 1997

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General March 13, 1997.

March 27, 1997

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 14, 1997.

April 11, 1997

Letter received from attorney for Defendant requesting an extension of time of 30 days in which to file its response to Plaintiff's Claims.

April 15, 1997

Letter forwarded to attorney for Defendant granting extension of time to file response to Plaintiff's Claims. **RESPONSE TO CLAIMS DUE ON OR BEFORE MAY 12, 1997.**

May 13, 1997

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **REPLY TO NEW MATTER DUE FROM PLAINTIFF: 06/02/97**

June 13, 1997

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

August 25, 1997

Entry of Appearance of Louis J. Capozzi, Jr., Esquire, on behalf

of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 3, 1997

Withdraw of Appearance of Latsha, Davis & Yohe, filed by previous attorney for Plaintiff. Copy forwarded to current attorney for Plaintiff and attorney for Defendant.

December 15, 1997

Letter forwarded to parties requesting status. Response due from parties January 15, 1998.

January 22, 1998

Letter forwarded to parties requesting a status report. STATUS REPORT DUE ON OR BEFORE FEBRUARY 23, 1998.

February 26, 1998

Letter/Status Report received from Plaintiff advising that they are waiting for Defendant's response to settlement offers submitted in connection with audit appeals 1987-1990, which have similar issues as the 1994 audit appeals. If they do not receive a response to their settlement offer by mid March, 1998, they will serve Defendant with discovery.

June 30, 1998

Letter forwarded to parties requesting a Status Report. *Status Report due on or before July 30, 1998.*

July 16, 1998

Letter/Status Report received from Defendant advising that the focus of the parties' dealings has been on appeals involving earlier periods and have focused primarily on settlement, thus DPW has not propounded all of the discovery requests it will require, nor has it received responses to those already propounded.

August 4, 1998

Notice of Service of Request for Production of Documents filed by attorney on behalf of Defendant. Copy forwarded to attorney for Plaintiff by attorney of Defendant.

August 4, 1998

Notice of Service of Interrogatories filed by attorney on behalf of Defendant. Copy forwarded to attorney for Plaintiff by attorney of Defendant.

September 3, 1998

Motion to Consolidate as well as Brief in Support of Claimant's Motion to Consolidate filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 2, 1998

Response in Opposition to Claimant's Motion to Consolidate as well as Brief in Support of Response in Opposition to Claimant's Motion to Consolidate filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant

*** November 9, 1998**

The Board rendered an Opinion and made the following Order: **AND NOW** this 9th day of November, 1998 upon consideration of Plaintiff's motion to consolidate Docket Nos. 1932, 1977, 2259, 2419, 2541, 2552, and 2648, and Defendant's opposition thereto, it is hereby **ORDERED** that: 1) the motion to consolidate is **DENIED IN PART** and Docket No. 1932 will not be consolidated with any other claim; and 2) the motion to consolidate will be **GRANTED IN PART** and Docket Nos. 1977, 2259, 2419, 2541, 2552, and 2648 will be consolidated for hearing. It is further **ORDERED** that all discovery in these claims be completed within six months of the exit date of this Order.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 18, 1998

Acceptance of Service of Opinion and Order dated November 9, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1998.

November 18, 1998

Acceptance of Service of Opinion and order dated November 9, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 16, 1998.

December 7, 1998

Notice of Service of Defendant's Second Request for Production
of Documents and Second Set of Interrogatories filed by attorney
for Defendant.

December 7, 1998

Entry of Appearance of Jason W. Manne, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.

December 23, 1998

Notice of Service of Claimant's Response to Respondent's Second Request for Production of Documents and Second Set of Interrogatories filed by attorney for Plaintiff.

July 2, 1999

Letter forwarded to parties requesting a Status Report. **STATUS REPORT DUE ON OR BEFORE AUGUST 2, 1999.**

July 14, 1999

Letter/Status Report received from Plaintiff advising that the parties are in settlement negotiations and have technical staff working on finalizing the numbers. They will advise if there is any change in status.

January 13, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 14, 2000.**

January 26, 2000

Letter received from Plaintiff advising that they submitted a settlement proposal to Defendant as part of a global settlement and are awaiting a response. Also advising that they will continue to seek settlement negotiations with Defendant and continue discovery efforts.

March 30, 2000

Letter/Status Report received from attorney for Plaintiff advising that the parties are attempting to complete a global settlement of several pending BOC cases and Claimant submitted a settlement proposal on May 27, 1999 and September 3, 1999, which was supplemented, and they are awaiting a response to same from Defendant.

October 2, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 1, 2000.**

October 24, 2000

Letter received from attorney for Plaintiff advising that the parties are in the midst of settlement negotiations and it is hoped that they will reach a fair and equitable settlement of all outstanding issues in this matter.

May 14, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 13, 2001**.

June 15, 2001

Letter received from attorney for Plaintiff advising that the parties are in the midst of settlement negotiations and it is hoped that they will reach a fair and equitable settlement of all outstanding issues in this matter.

January 17, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before February 19, 2002.

February 19, 2002

Letter received from attorney for Plaintiff advising that they intend to continue with settlement negotiations with Defendant and that it is hoped that a fair and equitable settlement of all outstanding issues will be reached.

August 28, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **September 27, 2002**.

October 4, 2002

Letter received from attorney for Plaintiff advising that they intend to continue settlement negotiations with Defendant and that it is hoped that a fair and equitable settlement of all outstanding issues in the matter will be reached.

November 5, 2002

Letter received from Plaintiff requesting a hearing be set, or in the alternative, a pre-hearing conference to resolve any pre-trial issues, if any exist.

November 7, 2002

Letter received from Defendant, in response to Plaintiff's request for a hearing, requesting that Plaintiff should file their pre-trial statement, etc., which would allow Defendant to determine what adjustments and issues they intend to litigate. At that point, Defendant would either file a Pre-Trial Statement, or request a pre-hearing conference.

November 12, 2002

Letter received from attorney for Plaintiff, via facsimile, requesting a 60 day extension of his November 4, 2002 request for a hearing for the above-matters, pending Defendant's review of the latest settlement offer made by Plaintiff. If settlement is not reached, Plaintiff will file its Pre-Trial Statement as requested by Defendant in its November 6, 2002 letter to the Board.

January 7, 2003

Letter received from Plaintiff requesting an additional 30 day extension of his 11/4/02 request for a hearing for the above-matters, pending Defendant's review of the latest settlement offer. If settlement is not reached, Plaintiff will file its Pre-Trial as requested by Defendant in its 11/6/02 letter to the Board.

January 9, 2003

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting Plaintiff's request for an additional 30 day stay of his hearing request pending settlement negotiations. Status Report due on or before **February 7, 2003**.

February 6, 2003

Letter received from Plaintiff advising that the parties are involved in settlement negotiations and it is hoped that they can reach a fair and equitable settlement of all outstanding issues.

September 20, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 20th 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."

October 3, 2005

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

October 17, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated
September 20, 2005. Receipt of same acknowledged October 11,
2005.
