

Docket Number: 2433

\*(CONSOLIDATED WITH DOCKET NO. 2679)

INGLIS HOUSE - A WHEELCHAIR COMMUNITY

~~Louis J. Capozzi, Jr., Esquire~~  
Kimber L. Latsha, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
~~Catherine Stewart, Assistant Counsel~~  
Mary Frances Grabowski, Senior Assistant Counsel

**\*April 30, 1997**

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

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**May 5, 1997**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 6/4/97.**

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**May 9, 1997**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 7, 1997.

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**May 12, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 7, 1997.

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**June 12, 1997**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Reply to New Matter due before July 16, 1997.**

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**July 15, 1997**

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

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**July 18, 1997**

Letter forwarded to parties directed them to proceed with discovery.

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**January 22, 1998**

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

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**March 3, 1998**

Second Letter forwarded to parties requesting a status report. STATUS REPORT DUE ON OR BEFORE APRIL 2, 1998 - Upon failure of same, a Rule to Show Cause will be issued for Failure to Prosecute.

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**March 10, 1998**

Letter/Status Report received from Plaintiff advising that the parties are concentrating on executing Stipulations for Claims at dockets #1957 and 2101 and once those are resolved, the parties will initiate settlement involving this claim.

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**August 4, 1998**

Letter forwarded to parties requesting a status report. Status Report due on or before September 2, 1998.

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**September 4, 1998**

Letter/Status Report received from Plaintiff advising that they are currently determining if any additional discovery is necessary, and will then forward a settlement proposal in the form of a position paper to DPW for review. Copy forwarded to attorney for Defendant.

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**July , 1999**

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

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**August 2, 1999**

Letter/Status Report received from Plaintiff advising that they are currently preparing a position paper for purposes of a settlement offer and will forward same to Defendant in the near future. If the parties cannot settle, they will promptly seek the establishment of a trial date.

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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 27, 2000**

Letter/Status Report received from attorney for Plaintiff advising that they are currently finalizing a position paper for purposes of a settlement offer and will forward same to Defendant in the near future.

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**September 20, 2000**

The Board made the following Order: "**AND NOW**, this 20th day of September, 2000, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board's Panel, composed of Frederick D. Giles, Esquire, Panel Attorney, and James B. Wilson, P.E., Panel Engineer, beginning on December 5, 2000 through December 7, 2000, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed no later than thirty (30) days prior to the commencement of the trial." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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September 26, 2000  
Motion to Consolidate (Docket No. 2433 and 2639) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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September 27, 2000

Acceptance of Service of Order dated September 20, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 25, 2000.

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**\*October 3, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 3rd day of October, 2000, it is **ORDERED** and **DECREED** that Claimant's Motion to Consolidate is hereby **GRANTED** and both cases are consolidated for trial." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 10, 2000**

Acceptance of Service of Order dated September 20, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 25, 2000.

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**October 10, 2000**

Acceptance of Service of Opinion and Order dated October 3, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 5, 2000.

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**October 10, 2000**

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

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**October 11, 2000**

Acceptance of Service of Opinion and Order dated October 3, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 9, 2000.

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**October 16, 2000**

Withdrawal of Appearance of Lesley Oakes, Assistant Counsel and Entry of Appearance of Mary Frances Grabowski, Senior Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 6, 2000**

Claimant's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 7, 2000**

Letter received from attorney for Defendant requesting that the hearing in the matter be rescheduled to sometime after January 15, 2000. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**\*November 13, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of November, 2000, it is hereby **ORDERED** and **DECREED** that the December hearing dates are **CANCELED**. It is further **ORDERED** and **DECREED** that these cases shall now be heard on January 30, 31 and February 1, 2001. The parties are directed to complete discovery no later than January 1, 2001." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 15, 2000**

Acceptance of Service of Opinion and Order dated November 13, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 14, 2000.

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**November 15, 2000**

Acceptance of Service of Opinion and Order dated November 13, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 14, 2000.

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**\*January 18, 2001**

Panel Hearing which was scheduled for January 30, 31 & February 1, 2001 is now rescheduled for April 11 and 12, 2001. (Giles/Kline).

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**\*January 25, 2001**

Motion to Amend Claim, Brief in Support of Motion to Amend Claim and \*Amended Claim (Attached as Exhibit "A") filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 20, 2001**

Supplemental Expert Report of Gottlier & Associates, P.C., filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 26, 2001**

Letter received from attorney for Defendant advising that Defendant will not oppose Claimant's request to Amend Claim. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 1, 2001**

The Board rendered an Opinion and made the following Order: "AND NOW, this 8th day of March, 2001, it is hereby **ORDERED** and **DECREED** that Claimant's Amended Claim, attached to its Motion to Amend the Claim, is hereby filed with the Board and made a part of the record of this matter. Defendant having been served with a copy of the Amended Claim, is hereby **ORDERED** to file the appropriate response within twenty (20) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 12, 2001**

Praeipie to Withdraw With Prejudice filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 21, 2001**

The Board made the following Order: "**AND NOW**, this 21st day of March, 2001, upon receipt of a Praecipe to Withdraw With Prejudice, requesting the Board to '...withdraw the above-captioned consolidated claim with prejudice as the parties have entered into a Stipulation of Settlement', executed by David C. Marshall, Esquire, on behalf of Plaintiff, Inglis House - A Wheelchair Community, and docketed with this Board under date of March 12, 2001, it is **ORDERED** and **DIRECTED** that said case be marked 'closed, withdrawn, and discontinued with prejudice', and further, the hearing for this matter, which is scheduled for April 11 and 12, 2001 is hereby **CANCELED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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March 12, 2001

Acceptance of Service of Opinion and Order dated March 8, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 9, 2001.

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March 15, 2001

Acceptance of Service of Opinion and Order dated March 8, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 13, 2001.

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**March 23, 2001**

Acceptance of Service of Order dated March 21, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 22, 2001.

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**March 26, 2001**

Acceptance of Service of Order dated March 21, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 22, 2001.

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