

Docket Number: 2468

**PINECREST MANOR**

~~Edward G. Cherry, Esquire~~  
~~Louis J. Capozzi, Jr., Esquire~~  
~~Stephen A. Miller, Esquire~~  
Daniel K. Natirboff, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

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

**July 3, 1997**

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

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**July 8, 1997**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT AUGUST 7, 1997.**

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**July 11, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 10, 1997.

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**July 17, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 9, 1997.

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**July 31, 1997**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due September 1, 1997.

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**August 6, 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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**August 12, 1997**

Withdrawal of Appearance of Latsha, Davis & Yohe filed by Kimber Latsha, Esquire. Copy forwarded to attorney for Plaintiff and attorney for Defendant by Kimber Latsha, Esquire.

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**August 28, 1997**

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

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**August 28, 1997**

Entry of Appearance of Louis J. Capozzi, Esquire filed on behalf of Plaintiff.

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**March 10, 1998**

Letter forwarded to parties requesting status. Response due from parties April 10, 1998.

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**September 10, 1997**

Letter forwarded to parties directing parties to commence with discovery.

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**March 27, 1998**

Status letter received from attorney for Plaintiff advising that they are, at present, working on settlement. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 3, 1998**

Letter forwarded to parties requesting status. Response due from parties September 3, 1998.

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**August 27, 1998**

Status letter received from attorney for Plaintiff advising that the parties are in discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 13, 1999**

Notice of Service of Plaintiff's First Set of Interrogatories to Defendant filed by attorney for Plaintiff.

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**May 19, 1999**

Motion to Compel Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 21, 1999**

Letter forwarded to attorney for Defendant requesting response to Plaintiff's Motion to Compel Answers to Interrogatories. Response due June 21, 1999.

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**June 2, 1999**

Supplement to Motion to Compel Answers to Interrogatories Requesting Dismissal of Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney

for Plaintiff.

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**July 19, 1999**

Response to Claimant's Supplement to Motion to Compel Answers to Interrogatories Requesting Dismissal of Objections filed by attorney for Plaintiff.

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**July 19, 1999**

Notice of Service of Defendant's Interrogatories to Claimant filed by attorney for Defendant.

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**July 22, 1999**

Status letter filed by attorney for Plaintiff relative to discovery filed.

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**August 2, 1999**

Certificate of Service of Defendant's documents to Plaintiff.

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**August 24, 1999**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 24th day of August, 1999, upon consideration of Plaintiff's Supplemental Motion to Compel Answers to Plaintiff's First Set of Interrogatories, Nos. 6 and 7, and defendant's response thereto, **IT IS HEREBY ORDERED** that the motion is **GRANTED**. Defendant is to answer or provide the documents from which the answers to these two interrogatories may be derived within thirty (30) days of the exit date of this order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 27, 1999**

Acceptance of Service of Opinion and Order dated August 24, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 26, 1999.

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**September 7, 1999**

Acceptance of Service of Opinion and Order dated August 24, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 2, 1999.

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**September 14, 1999**

Letter received from attorney for Plaintiff requesting an extension of time until December 31, 1999, in which to file Plaintiff's responses to Defendant's First Set of Interrogatories and First Request for Production of Documents.

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**September 15, 1999**

Letter forwarded to Plaintiff granting Plaintiff's request for an extension of time until December 31, 1999, in which to file Plaintiff's responses to Defendant's First Set of Interrogatories and First Request for Production of Documents. Response due December 31, 1999.

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**January 14, 2000**

Letter forwarded to parties requesting status. Response due from parties February 14, 2000.

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**April 25, 2000**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of April, 2000, a Rule to Show Cause is issued upon Plaintiff, Pinecrest Manor, 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. @ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 28, 2000**

Acceptance of Service of Opinion and Order dated April 25, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 28, 2000.

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**May 4, 2000**

Acceptance of Service of Opinion and Order dated April 25, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 1, 2000.

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**May 5, 2000**

Status letter received from attorney for Plaintiff advising that

the parties are in discovery.

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**June 2, 2000**

Letter forwarded to parties requesting status. Response due from parties July 3, 2000.

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**December 12, 2000**

Status letter forwarded to parties requesting status. Response due from parties January 12, 2001.

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**January 16, 2001**

Letter received from attorney for Plaintiff advising that the parties are conducting settlement negotiations.

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**March 7, 2002**

Letter forwarded to parties requesting status. Response due from parties March 7, 2002.

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**February 6, 2002**

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 11, 2002**

Letter received from attorney for Plaintiff advising that the parties are in discovery and there is a pending Motion to Compel Discovery.

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**February 27, 2002**

DPW's Response to Claimant's Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 13, 2002**

The Board rendered an Opinion and made the following Order: ~~AND~~ **NOW**, this 13th day of March, 2002, upon consideration of the Claimant's Motion to Compel Discovery and the Respondent's response thereto, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED** and that Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, shall provide the

requested documents within thirty (30) days of the exit date of this Order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 19, 2002**

Claimant's Reply to Respondent's Response to Claimant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 21, 2002**

Claimant's Motion to Dismiss Respondent's Objection to Claimant's Second Set of Interrogatories and Claimant's Motion to Compel Respondent's Answers to Claimant's Second Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 21, 2002**

Acceptance of Service of Opinion and Order dated March 13, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 19, 2002.

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**March 27, 2002**

DPW's Motion to Amend New Matter, as well as, Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff April 29, 2002.

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**April 5, 2002**

Letter received from attorney for Defendant requesting a 30-day extension of time in which to respond to Claimant's Motion to Dismiss Respondent's Objections to Second Set of Interrogatories and Claimant's Motion to Compel Respondent's Answers to Claimant's Second Set of Interrogatories filed.

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**April 8, 2002**

Letter forwarded to attorney for Defendant granting Defendant's request for a 30-day extension of time in which to respond to Claimant's Motion to Dismiss Respondent's Objections to Second

Set of Interrogatories and Claimant's Motion to Compel Respondent's Answers to Claimant's Second Set of Interrogatories. **RESPONSE DUE MAY 6, 2002.**

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**April 8, 2002**

Letter received from attorney for Defendant requesting a 30-day extension of time in which to comply with the Board's Order dated March 13, 2002 due to the office moving.

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**April 24, 2002**

Claimant's Answer in Opposition to the Respondent's Motion to Amend New Matter as well as Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 25, 2002**

Claimant's Amended Answer in Opposition to the Respondent's Motion to Amend New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 1, 2002**

DPW's Response Brief in Support of Motion to Amend New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 7, 2002**

Letter received from attorney for Defendant requesting an extension of time until May 20, 2002 in which to respond to Plaintiff's Motion to Dismiss Respondent's Objections to Second Set of Interrogatories and Claimant's Motion to Compel Respondent's Answers to Claimant's Second Set of Interrogatories filed by attorney for Defendant.

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**May 7, 2002**

Letter received from attorney for Defendant requesting an extension of time in which to comply with the Board's Order of March 13, 2002 compelling discovery.

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**May 9, 2002**

DPW's Response Claimant's Motion to Dismiss Respondent's Objections to Claimant's Second Set of Interrogatories and Motion to Compel Respondent's Answers to Claimant's Second Set of Interrogatories As well as Memorandum in Response filed by



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

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**November 14, 2002**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 14th day of November, 2002, Defendant's Motion to Amend New Matter is **DENIED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 25, 2002**

Acceptance of Service of Opinion and Order dated November 14, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 20, 2002.

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**November 9, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 9<sup>th</sup> day of November, 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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**November 15, 2005**

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

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**November 22, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 9, 2005. Receipt of same acknowledged November 21, 2005.

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