

Docket Number: 2479

GEORGE HARRISON MEMORIAL HOME

Louis J. Capozzi, Jr., Esquire
Michael A. Hynum, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Chief Counsel~~
Catherine Stewart, Assistant Counsel

August 7, 1997

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

August 11, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 9/10/97.**

August 20, 1997

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 15, 1997.

August 21, 1997

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 18, 1997.

September 22, 1997

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

October 1, 1997

Letter forwarded to Plaintiff directing them to respond to New Matter. Copy forwarded to Defendant by Board.

October 16, 1997

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

March 20, 1998

Status letter forwarded to parties. **RESPONSE DUE April 20, 1998.**

April 27, 1998

Status letter received from attorney for Plaintiff advising that once discovery is completed, they will request the matter be scheduled for hearing.(Diary for 5 months).

November 10, 1998

Letter forwarded to parties requesting a status. RESPONSE DUE
12/10/98.

November 23, 1998

Letter received from attorney for Plaintiff advising that the parties are engaged in the discovery process.

September 1, 1999

Letter forwarded to parties requesting a status. NOW DUE 10/1/99.

September 7, 1999

Letter received from attorney for Plaintiff, advising that discovery is ongoing. Plaintiff hopes the case will be settled without the Board's intervention.

November 17, 1999

Certificate of Service of Claimant's Request for Production of Documents and First Request for Answers to Interrogatories served upon attorney for Defendant by attorney for Plaintiff.

May 31, 2000

Claimant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **Response due from Defendant June 20, 2000.**

June 6, 2000

Certificate of Service of Claimant's Response to DPW's Request for Production of Documents served upon Defendant by Plaintiff.

July 3, 2000

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

July 3, 2000

Letter-Brief to serve as Claimant's Reply to Defendant's Response to Motion to Compel Discovery received from attorney for Plaintiff

advising that due to past experiences with Defendant their agreed upon time for discovery can go on for years. Plaintiff requests the Board to order a specific date in which Defendant must allow inspection and copying of documents.

July 5, 2000

Letter received from attorney for Defendant advising that they disagree with Plaintiff's contention that Defendant's agreed upon time for review of permanent files can go on for years. Defendant will make permanent files available to Plaintiff between July 7, 2000 and August 7, 2000.

July 25, 2000

The Board rendered an Opinion and made the following Order: **AND NOW** 25th day of July, 2000, upon consideration of plaintiff's motion to compel discovery and defendant's response to the motion, it is **HEREBY ORDERED** that defendant produce the documents for inspection and copying which were requested by plaintiff on November 17, 1999, and the documents referred to in defendant's responses to interrogatories dated July 3, 2000. It is **ORDERED** that this be done on or before August 15, 2000. Copies forwarded to attorney for Plaintiff and Defendant.

July 31, 2000

Acceptance of Service of Opinion and Order dated July 25, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 27, 2000.

August 3, 2000

Acceptance of Service of Opinion and Order dated July 25, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 27, 2000.

January 31, 2001

Letter forwarded to parties requesting a status report. Due 3/1/01.

March 5, 2001

Letter received from attorney for Plaintiff advising that to date they have not received Defendant's permanent files as per its Motion to Compel discovery June 30, 2000. Once Plaintiff has inspected Defendant's permanent files they will seek a settlement that is fair and equitable to all parties. If unable to settle a hearing will be requested.

April 26, 2001

Letter received from Plaintiff requesting a discovery deadline and hearing for the above claims. There is one issue to

litigate in Docket 2869. Plaintiff requests that Docket No. 2479 and 2869 be consolidated for hearing. Plaintiff further requests that discovery deadline of July 31, 2001 be set for both dockets and a consolidated hearing be scheduled at the Board's earliest convenience subsequent to July 31, 2001.

September 28, 2001

Letter forwarded to parties requesting a status report. Due 11/1/01.

October 29, 2001

Letter received from attorney for Plaintiff advising that they will forward documentation to Defendant that will facilitate the possibility of settlement. If settlement is not reached they will request a hearing.

February 12, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **March 14, 2002.**

September 19, 2002

Letter forwarded to parties requesting a status report. **Response due 10/18.02.**

October 22, 2002

Letter received from attorney for Plaintiff advising that the parties are engaged in settlement negotiations. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 7, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 7th day of October, 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 12, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 7, 2005. Receipt of same acknowledged October 11, 2005.

October 7, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 7th day of October, 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 17, 2005

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

October 18, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 7, 2005. Receipt of same acknowledged October 17, 2005.
