

Docket Number: 2495

PEN MED CONSULTANTS, INC., KLINGERMAN NURSING CENTER

Louis J. Capozzi, Jr., Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Kathleen Grogan, Assistant Counsel

September 8, 1997

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

September 11, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 10/13/97.**

September 17, 1997

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 15, 1997.

September 18, 1997

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged Defendant September 18, 1997.

October 14, 1997

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff November 17, 1997.

November 17, 1997

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

July 14, 1998

Letter forwarded to parties requesting status. Response due from parties August 14, 1998.

August 11, 1998

Status letter received from attorney for Plaintiff advising that the parties are in discovery.

November 23, 1999

Letter-type Stipulation of Withdrawal with Prejudice in Part of only that portion of pending disputes concerning 1993-1996 Home Office Costs filed by attorney for Plaintiff.

November 23, 1999

Letter-type Stipulation of Withdrawal with Prejudice in Part of only that portion of pending disputes concerning 1993-1996 Home Office Costs filed by attorney for Plaintiff.

July 21, 2000

Letter forwarded to parties requesting status. Response due from parties August 21, 2000.

August 9, 2000

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

March 2, 2001

Letter forwarded to parties requesting status. Response due from parties April 2, 2001.

April 2, 2001

Letter received from attorney for Plaintiff advising that the parties are conducting negotiations relative to settlement and if same does not materialize, Plaintiff will notify the Board to set for hearing.

October 4, 2001

Letter forwarded to parties requesting status. Response due from parties November 5, 2001.

November 6, 2001

Letter forwarded to parties requesting status. Response due December 6, 2001.

November 8, 2001

Status letter received from attorney for Plaintiff advising that the parties are conducting settlement discussions.

December 5, 2001

Status letter received from attorney for Plaintiff advising that the parties are currently negotiating settlement and if settlement is not reached, plaintiff will notify the Board.

April 19, 2002

Status letter received from attorney for Defendant advising that they do not feel this case is in a position to set for hearing as well as notifying that the Defendant will be requesting a general continuance pending a similar decision in Commonwealth Court.

April 23, 2002

Notice of Service of Plaintiff's First Set of Interrogatories as well as Request for Production of Documents filed by Plaintiff.

May 28, 2002

Respondent's Motion for General Continuance and Stay 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 July 1, 2002.

June 14, 2002

The Answer of Claimant, Penn Med Consultants, Easton Nursing Center, to the Respondent's Motion for General Continuance and Stay as well as Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 26, 2002

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

September 26, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th day of September, 2002, it is **ORDERED** and **DECREED** that the Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Motion for General Continuance and Stay is **DENIED**.

It is further **ORDERED** and **DECREED** that the Defendant shall respond to Plaintiff's, Penn Med Consultants, Inc., Klingerman Nursing Center, outstanding requests for production of documents and interrogatories within thirty (30) days from the exit date

of this Order. It is so **ORDERED.**@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 3, 2002

Acceptance of Service of Opinion and Order dated September 26, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 30, 2002.

October 4, 2002

Acceptance of Service of Opinion and Order dated September 26, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 2002.

January 22, 2003

Motion of the Claimant for Discovery Sanctions Against the Respondent as well as Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant February 24, 2003.

February 24, 2003

Defendant's Answer and New Matter in Opposition to Claimant's Motion for Discovery Sanctions Against Defendant and Brief in Support filed. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff March 17, 2003.

April 2, 2003

The Answer of the Claimant, Penn Med Consultants, Inc., Klingerman Nursing Center, to the New Matter in Opposition to its Motion for Discovery Sanctions Against the Respondent filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 3, 2003

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

June 10, 2003

Board issued Opinion and Order. Order as follows: **AND NOW**, this 10th day of June, 2003, after consideration of the Motion and

Answer thereto and the Briefs filed by the respective parties, it is hereby **ORDERED** and **DECREED** that the Motion of the Claimant, for Discovery Sanctions against the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED** and Respondent is **ORDERED to provide full and complete Answers to any outstanding Interrogatories and Requests for Production of Documents within twenty (20) days of the exit date of this Order.**@ Copies forwarded to Plaintiff and Defendant.

June 13, 2003

Defendant filed Notice of Service of Response to Claimant's Request for Production of Documents filed.

June 13, 2003

Plaintiff filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged by Plaintiff June 12, 2003.

June 16, 2003

Defendant filed Acceptance of Service of Opinion and Order dated June 10, 2003. Receipt of same acknowledged by Defendant June 11, 2003.

November 8, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 8th 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."

November 8, 2005

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

November 15, 2005

Defendant filed Acceptance of Service of Opinion and Order dated November 8, 2005. Receipt of same acknowledged November 10, 2005.

