

Docket Number: 2498

PENN MED CONSULTANTS, INC., PALMYRA NURSING HOME

Louis J. Capozzi, Esquire
~~Samuel B. Fineman, Esquire~~
Stephen A. Miller, 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: \$300.00+

September 11, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT OCTOBER 13, 1997.**

September 18, 1997

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

September 23, 1997

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General 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.

May 4, 1998

Letter forwarded to parties requesting status. Response due from parties June 4, 1998.

May 14, 1998

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

May 14, 1998

Status Report filed by attorney for Plaintiff advising that the parties are in discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 22, 1998

Letter forwarded to parties directing parties to commence with discovery.

November 23, 1998

Letter forwarded to parties requesting status. Response due from parties December 23, 1998.

November 16, 1999

Letter forwarded to parties requesting status. Response due from parties December 16, 1999.

November 22, 1999

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.

June 30, 2000

Status letter received from attorney for Plaintiff advising that the parties are currently involved in negotiations to resolve this appeal.

January 10, 2001

Letter forwarded to parties requesting status. Response due from parties February 12, 2001.

February 14, 2001

Status letter received from attorney for Plaintiff advising that the parties are currently involved in negotiations to resolve this appeal and if the matter is settled, they will notify the Board.

August 16, 2001

Letter forwarded to parties requesting status. Response due from parties September 16, 2001

September 20, 2001

Status letter received from attorney for Plaintiff advising that the parties are currently negotiating settlement in this matter.

March 27, 2002

Letter forwarded to parties requesting status. Response due from parties April 29, 2002.

April 3, 2002

Status letter received from attorney for Plaintiff advising that the parties are proceedings with discovery as settlement negotiations did not prove fruitful.

April 4, 2002

Notice of Service of Plaintiff's First Set of Interrogatories propounded upon Defendant.

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.

May 20, 2002

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant June 21, 2002.

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 25, 2002

The Answer of Claimant, Penn Med Consultants, Inc., Palmyra Nursing Home, 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.

September 27, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 27th 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., Palmyra Nursing Home, 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., Palmyra Nursing Home, 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 17, 2003

Board rendered an Opinion and Order. Order as follows: **"AND**

NOW, this 17th 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." Copy forwarded to Plaintiff and Defendant.

June 23, 2003

Defendant filed Acceptance of Service of Opinion and Order dated June 17, 2003. Receipt of same acknowledged by Defendant June 18, 2003.

June 26, 2003

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

July 11, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated June 17, 2003. Receipt of same acknowledged July 8, 2003.

November 17, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 17th 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 21, 2005

Defendant filed Acceptance of Service of Opinion and Order dated November 17, 2005. Receipt of same acknowledged November 21, 2005.
