

Docket Number: 2499

PENN MED CONSULTANTS, INC., EASTON NURSING HOME

Louis J. Capozzi, Esquire
Daniel Natirboff, 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 Opinion and Order dated September 19, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 22, 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.

May 26, 1998

Letter forwarded to parties requesting status. Response due from parties June 26, 1998.

June 9, 1998

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

November 23, 1998

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

December 4, 1998

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.

July 24, 2000

Letter forwarded to parties requesting status. Response due from parties August 24, 2000.

August 9, 2000

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

March 9, 2001

Letter forwarded to parties requesting status. Response due from parties April 9, 2001.

March 12, 2001

Status Report filed by attorney for Plaintiff advising that the parties are in settlement negotiations.

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.

November 26, 2001

Letter received from Plaintiff advising that the parties are involved in negotiations to resolve this appeal and when same is settled, they 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 Request for Production of Documents propounded upon Defendant filed by attorney for 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.

May 29, 2002

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant July 1, 2002.

June 5, 2002

Motion to Consolidate docket nos. 2499, 2706, 2496, 2707, 2668 & 2303 as well as Brief in Support filed by attorney for Plaintiff.

Response due from Defendant July 8, 2002.

June 12, 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.

June 18, 2002

Brief in Reply to the Brief in Opposition to Consolidation and Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 24, 2002

Correction to Opposition to Consolidation and Hearing filed by attorney for Defendant. Copy forwarded to attorney for

Plaintiff by attorney for Defendant.

July 3, 2002

Response to Claimant's Motion to Consolidate filed by attorney
for Defendant. Copy forwarded to attorney for Plaintiff by
attorney for Defendant.

July 11, 2002

Letter received from attorney for Plaintiff requesting a hearing be set.

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., Easton 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.

February 3, 2003

The Motion of the Claimant, Penn Med Consultants, Inc., Easton Nursing Center, for Discovery Sanctions Against the Respondent, and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation as well as Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant March 4, 2003.

March 3, 2003

Letter received from attorney for Plaintiff via fax requesting a formal pre-hearing conference be scheduled relative to the case management of all cases involved in the motion to consolidate (2303, 2496, 2499, 2668, 2706, 2707).

March 4, 2003

Letter received from attorney for Plaintiff via U.S. Mail requesting a formal pre-hearing conference be scheduled relative to the case management of all cases involved in the motion to consolidate (2303, 2496, 2499, 2668, 2706, 2707).

March 6, 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 26, 2003.

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.

April 14, 2003

The Answer of the Claimant, Easton Nursing Home, to the New Matter of the Respondent in Opposition to the Claimant's Motion for Discovery Sanctions Against the Respondent, and Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 2003

Board issued Opinion and Order. Order as follows: ~~AND NOW~~, this 8th day of June, 2003, upon consideration of Claimant's Motion to Consolidate and the Respondent's Objection to the Motion, it is hereby **ORDERED** and **DECREED** that the Motion to Consolidate the Claims at Docket Nos. 2303, 2496, 2499, 2668, 2706 and 2707 is hereby **DENIED**.@ Copy forwarded to Plaintiff and Defendant.

July 9, 2003

Board issued Opinion and Order. Order as follows: **AND NOW**, this 9th day of July, 2003, after consideration of the Motion and Answers, thereto, and the Briefs filed by the respective parties; it is hereby **ORDERED** and **DECREED** that the Motion of the Claimant for Discovery Sanctions, Renewed Request to Set Discovery Deadlines and a Definitive Hearing Date and for Consolidation against the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED**, in part, and **DENIED** in part. Respondent is **ORDERED** to provide full and complete answers to any outstanding Interrogatories and Request for Production of Documents within twenty (20) days of the exit date of this Order. The Renewed Request for a Definitive Hearing Date and Pre-hearing Conference are **DENIED** at this time, and the Renewed Request for Consolidation is deemed **MOOT** since the Board denied it in an earlier Order.@ Copy forwarded to Plaintiff and Defendant.

July 8, 2003

Defendant filed Acceptance of Service of Opinion and Order dated July 8, 2003. Receipt of same acknowledged July 9, 2003.

July 29, 2003

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

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.
