

Docket Number: 2605

ATRIUM I NURSING AND REHABILITATION CENTER

~~Louis J. Capezzi, Esquire~~
Stephen A. Miller, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
~~Kathleen Grogan, Assistant Counsel~~
Jeffrey P. Schmoyer, Assistant Counsel

January 26, 1998

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

January 29, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT MARCH 3, 1998.

February 4, 1998

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 2, 1998.

CLOSED

Letter received from attorney for Defendant requesting a 30-day extension of time in which to file Defendant's Response to Plaintiff's Claim.

April 2, 1998

Letter forwarded to Defendant granting Defendant's request for a 30-day extension of time in which to file Defendant's Response to Plaintiff's Claim. Response due May 4, 1998.

April 30, 1998

Letter received from attorney for Defendant requesting a 30-day extension of time in which to file Defendant's Response to Plaintiff's Claim.

May 1, 1998

Letter forwarded to Defendant granting Defendant's request for a 30-day extension of time in which to file Defendant's Response to Plaintiff's Claim. Response due June 4, 1998.

June 4, 1998

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

June 9, 1998

Letter forwarded to Plaintiff requesting response to Defendant's New Matter. Response due July 9, 1998.

July 6, 1998

Certificate of Service of Plaintiff's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 6, 1998

Certificate of Service of Plaintiff's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 10, 1998

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

July 10, 1998

Letter forwarded to parties directing parties to commence with discovery.

November 16, 1999

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

November 23, 1999

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

December 15, 1999

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

December 29, 1999

Letter received from attorney for Plaintiff requesting a third extension of time until March 31, 2000 in which to respond to Defendant's discovery requests.

December 30, 1999

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for a third extension of time until March 31, 2000 in which to respond to Defendant's discovery requests. Plaintiff's response due **March 31, 2000**.

February 15, 2000

DPW's Motion for a Protective Order Compelling Claimants to Share in the Costs of Compliance with Claimant's Discovery and Brief in Support of its Motion for a Protective Order Compelling Claimants to Share in the Costs of Compliance with Claimant's Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 7, 2000

Claimant's Response to DPW's Motion for a Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 23, 2000

Defendant's Reply Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 6, 2000

Claimants' Response to DPW's Reply Brief Opposing DPW's Motion for a Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 20, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of April, 2000, it is **ORDERED** and **DECREED** that the Defendant's Motion for a Protective Order Compelling Claimants to Share in the Costs of Compliance with Claimant's Discovery is **GRANTED** subject to the following terms and conditions:(a) The Defendant shall bear fifty percent (50%) of the cost incurred to digitize the requested documents. (b) Plaintiff shall pay its pro-rata share of the other fifty percent (50%) of the cost of the digitized documents which have been prepared by the Defendant pursuant to discovery requests. The remaining pro-rata share of the 50% of the costs shall be paid by the other Plaintiffs who requested the same discovery.(c) The Defendant shall make the discovery available to the Plaintiff within thirty (30) days of receipt of payment from the Plaintiff. (d) Since the parties agreed

that it is best to use a common digital medium to comply with the discovery requests, Defendant shall not be required to produce all of the discovery in hard copy form.

April 27, 2000

Plaintiff's Motion for Clarification, Brief in Support and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **Response due from Defendant May 30, 2000.**

April 28, 2000

Acceptance of Service of Opinion and Order dated April 20, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 28, 2000.

May 2, 2000

Notice of Appeal as well as Petition for Review as filed in Commonwealth Court by attorney for Plaintiff.

May 23, 2000

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

May 23, 2000

Letter received from attorney for Plaintiff requesting an extension of time until August 31, 2000 in which to respond to Defendant's discovery requests.

May 24, 2000

Letter received from attorney for Defendant advising that although they do not object to Plaintiff's request, they do not agree that an extension is warranted for the reasons cited in Plaintiff's letter.

May 31, 2000

Letter forwarded to attorney for Plaintiff granting extension of time until August 31, 2000 to respond to Defendant's discovery requests.

May 30, 2000

Order rendered in Commonwealth Court as follows: "NOW, May 22, 2000, upon consideration of the above petition for review, and it appearing that the Board of Claims' decision was entered April 12, 2000, that the last day to petition for review thereof was May 12, 2000, and that petitioner's petition for review was filed May 18, 2000, the petition for review is hereby dismissed as untimely filed. See Pa. R.A.P. 1512(a)(1)."

June 5, 2000

Motion to Vacate an Order rendered in Commonwealth Court filed by attorney for Plaintiff.

June 5, 2000

Plaintiff's Reply to Defendant's response to Plaintiff's Motion for Clarification filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 24, 2000

Letter received from attorney for Plaintiff requesting an extension of time until October 31, 2000 to respond to discovery.

September 1, 2000

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until October 31, 2000 in which to respond to discovery. Response due 10/31/00.

October 2, 2000

Letter received from attorney for Defendant requesting an extension of time until January 19, 2001, in which to respond to all discovery requests and/or Motions to Compel Discovery.

October 3, 2000

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until January 19, 2001, in which to respond to all discovery requests and/or Motions to Compel Discovery.

February 27, 2001

Praecipe for Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 2, 2001

The Board rendered the following Order: "**AND NOW**, this 2nd day of March, 2001, upon receipt of a Praecipe for Discontinuance advising "Pursuant to a separate settlement agreement between the parties, this matter may be closed, ended and discontinued with prejudice.", executed by Daniel K. Natirboff, Esquire, attorney for Plaintiff and docketed with this Board under date of February 27, 2001, it is **ORDERED** and **DIRECTED** that said case be marked "closed, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Plaintiff.

March 7, 2001

Acceptance of Service of Order dated March 2, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 5, 2001.

March 12, 2001

Acceptance of Service of Order dated March 2, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 6, 2001.