

Docket Number: 2612

ERIE COUNTY AND PLEASANT RIDGE MANOR, a not for profit corporation

Louis J. Capozzi, Jr., Esquire
Stephen A. Miller, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Jason W. Manne, Esquire

January 26, 1998

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

January 30, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT MARCH 2, 1998.

February 6, 1998

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant 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 12, 1998

Letter forwarded to Plaintiff directing a response to New Matter. Response due July 10, 1998.

July 6, 1998

Notice of Service of a Request for Production of Documents filed by attorney for Plaintiff served upon Defendant.

July 10, 1998

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 directing them to proceed with discovery.

June 29, 1999

Letter received from attorney for Plaintiff requesting an extension of time in which to respond to Defendant's discovery requests until October 1, 1999.

July 8, 1999

Letter forwarded to Plaintiff granting extension until October 1, 1999 to respond to Defendant's discovery request.

July 14, 1999

Letter/Status report received from attorney for Plaintiff advising that they are in discovery and Plaintiff will attempt to settle the matter. If unable to settle, hearing will be requested.

December 6, 1999

Notice of Service of Claimant's Second Set of Interrogatories and Claimant's First Request for Production of Documents filed by attorney for Plaintiff, served upon Defendant.

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 29, 1999

Entry of Appearance of Stephen A. Miller, Esquire, as co-counsel on behalf of Plaintiff filed by attorney for Plaintiff.

December 31, 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**.

January 10, 2000

Letter received from attorney for Defendant requesting an extension of time to respond to Claimant's document requests until Feb. 7, 2000.

January 12, 2000

Letter forwarded to attorney for Defendant granting their extension of time until February 7, 2000, in order to respond to Claimant's document requests.

January 14, 2000

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
Response due February 8, 2000.

January 19, 2000

Letter received from attorney for Defendant advising that Plaintiff's Motion to Compel Discovery is premature and inappropriate. The Board has granted an extension of time until Feb. 7, 2000 to respond to Plaintiff's discovery. The Motion should be denied without prejudice. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 20, 2000

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

January 24, 2000

Letter received from attorney for Defendant advising that Plaintiff's Motion to compel discovery should be denied.

February 11, 2000

The Board rendered an Opinion and made the following Order: **AND NOW**, this 11th day of February 2000, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel is hereby **DISMISSED** as being **MOOT**. Copies forwarded to attorney for Plaintiff and Defendant.

February 11, 2000

Letter received from Plaintiff requesting the Board order Defendant to produce Plaintiff with the discovery documents - electronic files - that had been requested by Plaintiff and/or further that the Board rule on Claimant's pending Motion to Compel, or in the alternative, schedule a discovery conference and order Defendant and Claimant to attend.

February 15, 2000

Acceptance of Service of Opinion and Order dated February 11, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 14, 2000. **Pltf.'s Response and Brief in Opposition due April 3, 2000.**

February 15, 2000

DPW's 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.

February 15, 2000

DPW's 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 17, 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

DPW's Reply Brief in Support of Motion for a Protective Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 30, 2000

Letter received from attorney for Plaintiff requesting an extension of time to produce requested documentation or file objections to Defendant's requests.

April 4, 2000

Letter forwarded to Plaintiff granting extension of time for Plaintiff to produce requested documentation or file objections to Defendant's requests. Due May 31, 2000.

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.

CLOSED

April 12, 2000

The Board rendered an Opinion and made the following Order: **AND NOW**, this 12th 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 (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 Plaintiff's who requested the same discovery. (c) The Defendant shall make the discovery available to the Plaintiff within thirty (30) days of the receipt of payment from the Plaintiff. (4) Since the parties agree that it is best to use a common digital medium to comply with the discovery requests, Defendant shall not be requested to produce all of the discovery in hard copy form. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 14, 2000

Acceptance of Service of Opinion and Order dated April 12, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 14, 2000.

April 27, 2000

Plaintiffs' Motion for Clarification and Plaintiff's Brief in Support of its Motion for Clarification filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendant by attorney for Plaintiff. Defendants' Response due 6/5/00.

May 16, 2000

Claimant's Notice of Appeal to the Commonwealth Court of Pennsylvania from the Order entered 4/12/00 served upon the Defendant and attorney General.

May 16, 2000

Petition for Review filed by attorney for Plaintiff. Served upon Defendant and Attorney General's Office.

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 23, 2000

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

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 25, 2000

Petition for Review as filed in Commonwealth Court. No. 1115 C.D. 2000.

May 31, 2000

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

June 1, 2000

Claimants' Reply to Defendant's Response to Claimants' 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.

August 31, 2000

Order: **AND NOW**, this 27th day of June 2000, the above-captioned appeal, being filed from an interlocutory order, is hereby quashed.

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.

October 31, 2000

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

October 31, 2000

Letter received from attorney for Plaintiff requesting an extension of time until November 30, 2000 in which to either produce the information requested or to file objections to the Defendant's Interr. Ext. granted until November 30, 2000.

March 30, 2001

Letter forwarded to parties requesting a status report. Dkt 4/30/01.

May 2, 2001

Receipt for Discontinuance filed by attorney for Plaintiff.

May 2, 2001

The Board made the following Order **AND NOW**, this 4th day of May 2001, upon receipt of a Receipt For Discontinuance advising that "Pursuant to a separate settlement agreement between the parties this matter may be closed, ended and discontinued with prejudice", executed by Michael A. Hynum, Esquire, on behalf of Plaintiff, herein, Erie County & Pleasant Ridge Manor and docketed with this Board under date of May 1, 2001, it is **ORDERED** and **DIRECTED** that said case be marked "closed, ended and discontinued with prejudice. Copy forwarded to attorney for Plaintiff and Defendant.

May 7, 2001

Acceptance of Service of Order dated May 4, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 7, 2001.

May 15, 2001

Acceptance of Service of Order dated May 4, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 2001.
