

Docket Number: 2624

HUMBERT LANE HEALTH CARE CENTER

Louis J. Capozzi, Jr., Esquire  
~~Jeffrey B. Miller, Esquire~~  
Stephen A. Miller, Esquire

VS.  
**CLOSED**  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John Kane, Chief Counsel~~  
~~Jeffrey P. Schmoyer, Esquire~~  
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 to file its responsive pleading to Plaintiff's Claim. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**February 27, 1998**

Letter forwarded to attorney for Defendant, with copy to Plaintiff, granting 30-day request for an extension of time. Defendant's responsive pleading to Plaintiff's Complaint now due March 30, 1998.

---

**March 31, 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.

---

**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.

---

**May 29, 1998**

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

---

**June 11, 1998**

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

---

**July 1, 1998**

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 directing them to proceed with discovery.

---

**August 18, 1998**

Notice of Service of Claimant's Request for Production of Documents filed by attorney for Plaintiff. Copy served upon Defendant by Plaintiff.

---

**July 7, 1999**

Letter/Status Report forwarded to parties requesting a status. Status Due August 9, 1999.

---

**July 13, 1999**

Letter/Status Report received from attorney for Plaintiff advising that are in discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 21, 1999**

Letter received from attorney for Plaintiff requesting a ninety (90) day extension of time in which to respond to Defendant's First Request for Production of Documents. NOW DUE - 10/21/99.

---

**October 21, 1999**

Second letter received from attorney for Plaintiff requesting a ninety (90) day extension of time in which to respond to Defendant's First Request for Production of Documents. NOW DUE - 12/31/99.

---

**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 response due **March 31, 2000**.

---

**February 15, 2000**

DPW's Motion for a Protective Order compelling Claimant to share in the costs of compliance with Claimant's discovery and DPW's Brief in Support 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 until May 31, 2000 in which to produce requested documentation of file objections to Defendant's requests.

---

**April 5, 2000**

Letter forwarded to attorney for Plaintiff granting their request until 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.

---

**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 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 the 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 medium to comply with the discovery requests, Defendant shall not be required to produce all of the discovery in hard copy form. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

---

**April 13, 2000**

Acceptance of Service of Opinion and Order dated April 12, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 13, 2000.

---

**April 14, 2000**

Acceptance of Service of Opinion and Order dated April 12, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 16, 2000.

---

**April 27, 2000**

Proposed Order, Plaintiff's Motion for Clarification and Plaintiff's Brief in Support of its Motion for Clarification filed by attorney for Plaintiff. Response from Defendant 6/5/00.

---

**May 18, 2000**

Notice of Appeal filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and Attorney General's Office by attorney for Plaintiff.

---

**May 22, 2000**

Notice of Appeal filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and Attorney General's Office by attorney for Plaintiff.

---

**May 22, 2000**

Petition for Review filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and Attorney General's Office by attorney for Plaintiff.

---

**May 24, 2000**

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

---

**May 24, 2000**

Letter received from attorney for Defendant advising that they filed their response to Plaintiff's Motion for Clarification and also the Board lacks jurisdiction over the motion to clarify for two facilities that filed appeals to Commonwealth Court.

---

**May 30, 2000**

Order from Commonwealth court dismissing appeals from the Board's discovery cost-sharing orders in five cases.

---

**June 5, 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.

---

**June 27, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of June, 2000, it is **ORDERED** and **DECREED** that the Plaintiff's Motion for Clarification is **GRANTED** and the April 12, 2000 Order of the Board of Claims shall be clarified as follows:

(a) The Defendant shall bear fifty percent (50%) of the cost incurred to digitize the documents that had been requested by Plaintiff in reference to the case-mix rate litigation which is presently before the Board of Claims. (b) Plaintiff shall pay its pro-rata

share of the remaining fifty percent (50%) of the cost of the digitized documents which have been prepared by the Defendant pursuant to Plaintiff's discovery requests in the case-mix rate litigation pending before the Board of Claims. The remaining pro-rata share of the 50% of the cost shall be paid by other Plaintiffs who are presently before the Board of Claims in the case-mix rate litigation and have requested the same discovery.

(c) The pro-rata share to be borne by Plaintiff, and all Plaintiffs presently involved in this litigation, shall not include costs associated with locating or removing the documents which needed to be digitized. (d) The Defendant shall provide to Plaintiff, and to each Plaintiff who has requested the discovery in the case-mix rate litigation pending before the Board of Claims, with a statement detailing the calculation of their pro-rata share within thirty (30) days from the date of this Order. In addition to the calculation of the pro-rata share, the statement shall include a list of all Plaintiffs involved in the case-mix rate litigation before the Board of Claims who have requested this discovery, an accounting and explanation of the costs incurred by Defendant in creation of the digital document compilation and a listing of the actual contents of the digital document compilation. (e) The Defendant shall make the discovery available to the Plaintiff within thirty (30) days of receipt of full payment of Plaintiff's pro-rata share. (f) Since the parties agree 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. This Order supersedes the April 12, 2000 Order and controls in all aspects." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

---

**June 30, 2000**

Acceptance of Service of Opinion and Order dated June 27, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 28, 2000.

---

**July 26, 2000**

Request for Extension of time filed by attorney for Defendant.

---

**August 2, 2000**

Extension of time granted for Defendant. DUE 9/4/00.

---

**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.

---

**December 18, 2000**

Praeipe for Discontinuance filed by attorney for Plaintiff.

---

**January 2, 2001**

The Board rendered the following Order: "**AND NOW**, this 2nd day of January, 2001, upon receipt of a Praeipe for Discontinuance advising the Board that 'Pursuant to a separate settlement agreement between the parties, this matter may be closed, ended and discontinued with prejudice.', executed by Michael A. Wynum, Esquire, attorney for Plaintiff, and docketed with this Board under date of December 18, 2000, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice.'" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

---

**January 9, 2001**

Acceptance of Service of Order dated January 2, 2001 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant January 3, 2001.

---

**January 10, 2001**

Acceptance of Service of Order dated January 2, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff January 10, 2001.

---