

Docket Number: 2646

BRIARCLIFF NURSING CENTER ASSOCIATES,
d/b/a BRIARCLIFF PAVILION

Louis J. Capozzi, Jr., Esquire
Donald Reavey, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

February 12, 1998

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

February 19, 1998

Copies of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT: March 23, 1998.**

February 26, 1998

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 20, 1998.

February 26, 1998

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 20, 1998.

May 11, 1998

Letter received from attorney for Defendant requesting an extension of time until June 15, 1998 to file its responsive pleading to claim.

May 12, 1998

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an extension of time to file its responsive pleading. **RESPONSE TO CLAIM DUE ON OR BEFORE JUNE 15, 1998.**

June 24, 1998

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. *Plaintiff's Reply due on or before July 24, 1998.*

July 27, 1998

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

March 16, 1999

Letter forwarded to parties requesting a Status Report. **Status**

Report due April 15, 1999.

March 22, 1999

Status Report filed by attorney for Defendant advising that neither party has initiated discovery due to the tremendous volume of Medicaid claims; however advises that discovery is necessary and this matter is not ready for trial. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 9, 1999

Letter/Status Report received from attorney for Plaintiff advising that they are reviewing the discovery materials and working with its expert to determine if a settlement of this matter is possible. If no settlement can be reached, Plaintiff will request a hearing.

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. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 18, 2000

Letter forwarded to parties requesting a status report. Status Report due on or before **September 18, 2000**.

September 20, 2000

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

April 23, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **May 23, 2001**.

May 23, 2001

Letter/Status Report filed by attorney for Plaintiff advising that the parties are currently negotiating a settlement and have agreed that formal discovery will be put on hold pending these negotiations.

June 4, 2001

Letter received from attorney for Plaintiff advising that the parties continue to explore a global settlement and are hopeful that these matters can be resolved without a hearing.

January 17, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before February 19, 2002.

January 23, 2002

Letter received from Plaintiff advising that the parties' negotiations to explore a global settlement of this and related matters has not led to settlement as of this date and further advises that their client intends to continue its efforts to resolve these matters prior to a hearing.

April 4, 2002

Notice of Service of First Set of Interrogatories of Claimant filed by attorney for Plaintiff.

July 26, 2002

Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. DEFENDANT'S RESPONSE DUE ON OR BEFORE AUGUST 19, 2002.

August 14, 2002

Letter received from attorney for Defendant requesting a thirty (30) day extension of time to respond to Plaintiff's Motion to Compel. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 15, 2002

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for a thirty (30) day extension of time to respond to Plaintiff's Motion to Compel. DEFENDANT'S RESPONSE DUE ON OR BEFORE SEPTEMBER 19, 2002.

October 24, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before November 25, 2002.

October 31, 2002

Letter received from attorney for Defendant requesting until December 5, 2002 in which to respond to Plaintiff's pending Motion in the above matter. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 1, 2002

Notice of Service of Defendant's Response to Plaintiff's First Request for Production of Documents and First Set of Interrogatories filed by attorney for Defendant.

December 19, 2002

Letter received from Plaintiff requesting that their Motion to Compel be withdrawn as it is now moot. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 5, 2003

The Board rendered an Opinion and made the following Order: **AND NOW**, this 5th day of February, 2003, based upon the Defendant's response to Plaintiff's discovery requests, the Plaintiff's request to withdraw the Motion to Compel is **GRANTED** because the issue is now **MOOT**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 10, 2003

Acceptance of Service of Opinion and Order dated February 5, 2003 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 7, 2003.

September 27, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 27th day of September, 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.

October 3, 2005

Board transferred file to Department of Public Welfare, Bureau of Hearing and Appeals.

October 6, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 27, 2005. Receipt of same acknowledged September 30, 2005.
