

Docket Number: 2650

BRIARCLIFF NURSING CENTER ASSOCIATES,
d/b/a NIPPLE CONVALESCENT HOME

~~Louis J. Capozzi, Jr., Esquire~~
~~Stephen A. Miller, Esquire~~
Donald Reavey, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Kathleen Grogan, Assistant Counsel

February 13, 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.

April 30, 1998

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

June 1, 1998

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

December 8, 1998

Letter forwarded to parties requesting a Status Report. Status Report due on or before January 7, 1999.

December 22, 1998

Status Letter received from attorney for Plaintiff advising that discovery has been combined with discovery in Docket No. 2270 and after a review of the permanent file has been completed, a decision will be made as to how to proceed in this matter.

August 23, 1999

Letter forwarded to parties requesting a status report. Status Report due on or before **September 22, 1999.**

September 14, 1999

Letter/Status Report received from Plaintiff advising that the discovery received is still being reviewed by their expert consultant and that once the review is complete, a decision will be made as to how to proceed in this matter.

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.

June 20, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **July 20, 2000**.

July 25, 2000

Letter/Status Report received from attorney for Plaintiff advising that the parties are involved in negotiations to resolve this appeal and when same is settled, they will notify the Board.

March 19, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 18, 2001**.

April 18, 2001

Letter received from attorney for Plaintiff advising that the parties are involved in negotiations to resolve this appeal and if the matter is settled, Plaintiff will notify the Board.

October 19, 2001

Letter forwarded to parties requesting a Status Report. Same due on or before **November 19, 2001**.

November 21, 2001

Letter received from attorney for Plaintiff advising that the parties are involved in negotiations to resolve this appeal and if the matter is settled, they will notify the Board of same.

April 9, 2002

Notice of Service of the First Set of Interrogatories of

Claimant filed by attorney for Plaintiff.

April 10, 2002

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

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.

May 28, 2002

Respondent's Motion for General Continuance and Stay as well as Respondent's Brief in Support of Motion for General Continuance and Stay filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Response/Brief due on or before June 27, 2002.**

June 14, 2002

The Answer of Claimant, Briarcliff Nursing Center Associates d/b/a Nipple Convalescent Home, to the Respondent's Motion for General Continuance and Stay, as well as the Brief in Support thereof, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 16, 2002

Motion to Compel Discovery and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 25, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th 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, Briarcliff Nursing Center Associates, d/b/a Nipple Convalescent 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.

September 30, 2002

Acceptance of Service of Opinion and Order dated September 25, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 2002.

October 3, 2002

Acceptance of Service of Opinion and Order dated September 25, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 30, 2002.

January 22, 2003

Motion of Claimant, Briarcliff Nursing Center Associates, d/b/a Nipple Convalescent Home, for Discovery Sanctions Against Respondent as well as Brief in Support thereof, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 24, 2003

DPW's Answer and New Matter in Opposition to Claimant's Motion for Discovery Sanctions Against DPW as well as DPW's Brief in Support of its Answer and New Matter in Opposition to Claimant's Motion for Discovery Sanctions Against DPW filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Reply to New Matter due on or before March 26, 2003.**

April 2, 2003

The Answer of the Claimant, Briarcliff Nursing Center Associates, d/b/a Nipple Convalescent Home, to the New Matter in Opposition to its Motion for Discovery Sanctions Against the Respondent, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 3, 2003

Notice of Service of the Department's Response to Claimant's First Set of Interrogatories filed by attorney for Defendant.

June 3, 2003

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 3rd day of June, 2003, after consideration of the Motion and Answer thereto and the Briefs filed by the respective parties, it is **ORDERED** and **DECREED** that the Motion of the Claimant for Discovery Sanctions against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED** and Defendant is **ORDERED** to provide full and complete Answers to any outstanding Interrogatories and Requests for Production of Documents within twenty (20) days of the exit date of this Order.@ Copy forwarded to Plaintiff and Defendant.

June 6, 2003

Defendant filed Acceptance of Service of Opinion and Order dated June 3, 2003. Receipt of same acknowledged by Defendant June 4, 2003.

June 9, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated June 3, 2003. Receipt of same acknowledged by Plaintiff June 4, 2003.

June 13, 2003

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

September 16, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 16th 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.

September 29, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 16, 2005. Receipt of same acknowledged September 26, 2005.

October 3, 2005

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

