

Docket Number: 2651

OVERLOOK NURSING CENTER ASSOCIATES, d/b/a EVERGREEN NURSING
HOME

Louis J. Capozzi, Jr., Esquire
~~Samuel B. Fineman, Esquire~~
~~Katherine E. Stine, Esquire~~
~~Stephen A. Miller, 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: \$300.00+

February 19, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT MARCH 19, 1998.**

February 26, 1998

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

February 26, 1998

Acceptance of Service of Claim received from attorney for 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.

May 1, 1998

Letter forwarded to attorney for Plaintiff requesting response to Defendant's New Matter. Response due from Plaintiff June 1, 1998.

June 1, 1998

Plaintiff's Response to Defendant's New Matter filed by attorney for Plaintiff.

June 4, 1998

Letter forwarded directing parties to commence with discovery.

December 15, 1998

Letter forwarded to parties requesting status. Response due from parties January 15, 1999.

December 22, 1998

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

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.

April 3, 2000

Letter forwarded to parties requesting status. Response due from parties May 3, 2000.

April 5, 2000

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

October 19, 2000

Letter forwarded to parties requesting status. Response due from parties November 20, 2000.

November 20, 2000

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

May 23, 2001

Letter forwarded to parties requesting status. Response due from parties June 25, 2001.

May 29, 2001

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

February 7, 2002

Letter forwarded to parties requesting status. Response due from parties March 7, 2002.

February 25, 2002

Status letter received from attorney for Plaintiff advising that settlement discussions did not prove fruitful and therefore Plaintiff will proceed with discovery as quickly as possible.

April 11, 2002

Notice of Service of Plaintiff's First Set of Interrogatories of Claimant as well as Request for Production of Documents of Claimant 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 20, 2002

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant June 21, 2002.

May 28, 2002

Respondent's Motion for General Continuance and Stay as well as Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff July 1, 2002.

June 18, 2002

The Answer of Claimant, Overlook Nursing Center Associates, d/b/a Evergreen Nursing Home, to the Respondent's Motion for General Continuance and Stay filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 26, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th 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, Overlook Nursing Center Associates, d/b/a Evergreen Nursing 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.

October 3, 2002

Acceptance of Service of Opinion and Order dated September 26, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 30, 2002.

October 4, 2002

Acceptance of Service of Opinion and Order dated September 26, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 2002.

January 22, 2003

Motion of the Claimant for Discovery Sanctions Against the Respondent as well as Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant February 24, 2003.

February 24, 2003

Defendant's Answer and New Matter in Opposition to Claimant's Motion for Discovery Sanctions Against Defendant and Brief in Support filed. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff March 17, 2003.

April 2, 2003

The Answer of the Claimant, Penn Med Consultants, Inc., Evergreen Nursing Home, to the New Matter in Opposition to its Motion for Discovery Sanctions Against the Respondent filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 9, 2003

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

June 10, 2003

Board issued Opinion and Order. Order as follows: **AND NOW**, this 10th 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 Plaintiff 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.@ Copies forwarded to Plaintiff and Defendant.

June 13, 2003

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

June 13, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated June 10, 2003. Receipt of same acknowledged by Plaintiff June 12, 2003.

June 23, 2003

Defendant filed Acceptance of Service of Opinion and Order dated June 10, 2003. Receipt of same acknowledged by Defendant June 11, 2003.

November 30, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 30th day of November, 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."
