

Docket Number: 2652

OVERLOOK NURSING CENTER ASSOCIATES, d/b/a SILVER OAKS NURSING
HOME

Louis J. Capozzi, Jr., 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 20, 1998.

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

June 4, 1998

Letter forwarded to parties directing parties to commence with discovery.

November 15, 1999

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

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.

November 30, 1999

Status letter received from attorney for Plaintiff advising that the parties are negotiating a global settlement and further that the parties have agreed that formal discovery will be put on hold pending these negotiations.

June 2, 2000

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

July 11, 2000

Status letter received from attorney for Plaintiff advising that the parties are still negotiating a global settlement of claims between the parties in this matter and related matters.

January 10, 2001

Letter forwarded to parties requesting status. Response due from parties February 12, 2001.

February 14, 2001

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

August 16, 2001

Letter forwarded to parties requesting status. Response due from parties September 16, 2001.

September 24, 2001

Status letter received from attorney for Plaintiff advising that the parties have agreed that formal discovery be put on hold pending settlement negotiations.

March 27, 2002

Letter forwarded to parties requesting status. Response due from parties April 29, 2002.

April 3, 2002

Status letter received from attorney for Plaintiff advising that the parties are proceeding with discovery as settlement negotiations did not prove fruitful.

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.

April 23, 2002

Notice of Service of Plaintiff's First Set of Interrogatories as well as Request for Production of Documents filed by Plaintiff.

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 17, 2002

The Answer of Claimant, Overlook Nursing Center Associates, d/b/a Silver Oaks Nursing Home, to the Respondent's Motion for General Continuance and Stay as well as Brief in Support filed by attorney for Plaintiff.

July 26, 2002

Motion to Compel Discovery filed by attorney for Plaintiff. 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 Silver Oaks 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., Silver Oaks 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 16, 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."
