

Docket Number: 2677

\*\*\*\*\*CONSOLIDATED WITH DOCKET NOS. 1894, 1974, 2065 & 2110 \*\*\*\*\*

THE MULTICARE COMPANIES, INC., d/b/a  
QUAKERTOWN MANOR CONVALESCENT AND REHABILITATION CENTER

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
~~Cynthia White Williams, Assistant Counsel~~  
Leonard Crumb, Assistant Counsel

**May 1, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: Not stated.

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**May 8, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 6/8/98.

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**May 15, 1998**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 12, 1998.

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**May 15, 1998**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 11, 1998.

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**June 8, 1998**

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

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**June 12, 1998**

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

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**June 17, 1998**

Letter forwarded to the parties directing them to proceed with discovery.

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**July 7, 1999**

Letter forwarded to parties requesting a status report. Status report due August 9, 1999.

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**July 13, 1999**

Letter/Status Report received from attorney for Plaintiff advising that they filed a Request for Production of Documents which no response was received. They are engaged in the discovery process. Plaintiff will attempt to settle the claim if unable to settle they will request a hearing.

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**March 28, 2000**

Letter forwarded to parties requesting a status report. NOW due 4/28/00.

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**April 12, 2000**

Entry/Withdrawal of Appearance filed by attorney for Plaintiff.

**April 28, 2000**

Letter received from attorney for Plaintiff advising that the parties are negotiating a resolution of this matter without trial. If the parties reach an agreement the Board will be notified.

**May 8, 2000**

Letter received from attorney for Plaintiff advising that the parties are engaged in negotiations which may resolve a number of Plaintiff's issues before the Board. If these issues are resolved the Board will be notified.

**November 29, 2000**

Letter forwarded to parties requesting a status. DUE 12/29/00.

**December 20, 2000**

Letter received from attorney for Plaintiff advising that the parties are continuing with discovery and are currently negotiating a settlement in this matter.

**January 8, 2001**

Entry of Appearance of Leonard Crumb as counsel for Defendant and withdraw appearance of Cynthia White Williams as counsel for Defendant.

**January 26, 2001**

Entry of Appearance of Capozzi and Associates as Counsel for Plaintiff.

**August 6, 2001**

Letter forwarded to parties requesting a status report. Due 9/6/01.

**August 15, 2001**

Letter received from attorney for Plaintiff advising that the parties are continuing discovery and are currently negotiating a settlement in this matter.

**March 1, 2002**

Letter forwarded to parties requesting a status. Due 4/1/02.

**April 3, 2002**

Letter received from attorney for Plaintiff advising that they are engaged in settlement discussions with Defendant. If the parties cannot reach a settlement agreement a hearing will be requested.

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**October 10, 2002**

Letter received from attorney for Defendant, via facsimile, objecting to Plaintiff's letter requesting this matter be scheduled for hearing (for several mentioned reasons) and requesting that the Board, per Board Rule 899.402(b), enter an order compelling Plaintiff to respond to the presently unanswered discovery requests served on them by Defendant.

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**October 11, 2002**

Letter received from attorney for Defendant, via facsimile, objecting to Plaintiff's request for a hearing and advising that if the Board does decide to schedule the matter, he would request that it be scheduled for May, 2003.

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**October 11, 2002**

Letter received from attorney for Defendant, vis U.S. Mail, objecting to Plaintiff's letter requesting this matter be scheduled for hearing (for several mentioned reasons) and requesting that the Board, per Board Rule 899.402(b), enter an order compelling Plaintiff to respond to the presently unanswered discovery requests served on them by Defendant.

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**November 8, 2002**

Letter received from attorney for Plaintiff in response to Defendant's letter, advising that Plaintiff requests a hearing be scheduled at the Board's earliest convenience in 2003 and they will respond to Defendant's outstanding discovery by the end of November 2002.

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**November 13, 2002**

Letter received from attorney for Defendant in response to Plaintiff's request for a consolidation/hearing for the above-captioned matters, wherein Defendant requests that a hearing be scheduled for June of 2003 - not January 2003, for reasons outlined in the letter.

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**November 19, 2002**

Unopposed Motion to Sever and Consolidate Claims filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 22, 2002**

Notice of Service of Respondent's First Consolidated Request for Production of Documents filed by attorney for Defendant.

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**December 3, 2002**

Letter received from Defendant, via facsimile, in response to Plaintiff's November 19, 2002 letter (relative to scheduling these matters for trial) advising that Plaintiff has not yet produced discovery documents and disagreeing with Plaintiff's request that a hearing be scheduled for February, 2003.

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**January 15, 2003**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of January, 2003, upon the Unopposed Motion to Sever and Consolidate Claims filed by the Claimants, finding that the relief requested is consistent with principles of judicial economy and a party's right to control the litigation of its own claims, and is without prejudice to Respondent or the other Claimants, it is hereby **ORDERED** that the Motion is **GRANTED**. The claims of Hopkins House are severed from the matters at Docket Nos. 1894 and 2110-P and are consolidated with the related pending claims of Hopkins House at Docket Nos. 1975- P and 2063-P, while the claims of Laurel Nursing & Rehabilitation (Laurel) are severed from the matter at Docket No. 2110-P and are consolidated with the related pending claims of Laurel at Docket No. 2043-P. The claims of Quakertown Manor in Docket Nos. 1894 and 2110-P shall be consolidated for hearing on such dates as may hereafter be scheduled by the Board of Claims with the related claims of Quakertown Manor at Docket Nos. 1974, 2065-P and 2677. A copy of this Order shall be entered onto the docket for each of the docket matters involved: Docket Nos. 1894, 1974, 1975-P, 2043-P, 2063-P, 2065-P, 2110-P and 2677." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 22, 2003**

Acceptance of Service of Opinion and Order dated January 15, 2003, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 20, 2003.

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**May 12, 2003**

Plaintiff filed letter requesting that the consolidated matters of Docket Nos. 1894, 1974, 2065, 2110 & 2677 be scheduled for hearing at the Board's earliest dates. Copy forwarded to Defendant.

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**May 16, 2003**

Defendant filed letter, via facsimile, in response to Plaintiff's letter of May 12, 2003, advising that Plaintiff has not provided Defendant with requested discovery and further advises that Defendant intends to file a Motion to Dismiss Plaintiff's claims based on a recent Commonwealth Court decision (dated May 15, 2003) in Presbyterian Medical Center of Oakmont v. DPW. Copy forwarded to Plaintiff.

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**May 28, 2003**

Defendant filed Motion to Dismiss Claims for Lack of Subject Matter Jurisdiction as well as Brief in Support of DPW's Motion to Dismiss Consolidated Claims for Lack of Subject Matter Jurisdiction. Copy forwarded to Plaintiff.

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**June 26, 2003**

Plaintiff filed Answer to Defendant's Motion to Dismiss Consolidated Claims for Lack of Subject Matter Jurisdiction. Copy forwarded to Defendant.

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**August 13, 2004**

Plaintiff filed Praecipe of Discontinuance of Claims of Quakertown Manor. Copy forwarded to Defendant.

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**August 18, 2004**

Board issued Order. Order as follows: "**AND NOW**, this 18th day of August, 2004, upon receipt of a Praecipe of Discontinuance of Claims of Quakertown Manor, executed by Louis J. Capozzi, Jr., Esquire, on behalf of Plaintiff, The Multicare Companies, Inc., d/b/a Quakertown Manor Convalescent and Rehabilitation Center, advising the Board that '. . . the remaining claims of Quakertown Manor, are discontinued and ended and may be closed as to Quakertown Manor's claims', and docketed with this Board under date of August 13, 2004, it is **ORDERED** and **DIRECTED** that the above-captioned matters be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

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