

Docket Number: 2678

COUNTY OF ALLEGHENY, on behalf of the John J. Kane Regional
Centers, its county homes

Louis J. Capozzi, Jr., Esquire
~~Katherine E. Stine, Esquire~~
~~Randy J. Riley, Esquire~~
Michael A. Hynum, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

May 5, 1998

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim:\$2,312,292.90

May 6, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT JUNE 8, 1998.

May 15, 1998

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 1998.

May 25, 1998

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

June 11, 1998

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

July 8, 1998

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

July 9, 1998

Letter forwarded to parties directing parties to commence with discovery.

January 27, 1999

Certificate of Service of Plaintiff's Request for Production of Documents filed by attorney for Plaintiff.

March 8, 1999

Motion to Compel Responses to Discovery filed by attorney for Plaintiff.

March 9, 1999

Letter forwarded to Defendant requesting response to Defendant's

Motion to Compel Responses to Discovery. Response due April 9, 1999.

March 17, 1999

Letter filed by attorney for Defendant requesting an extension of time until April 19, 1999 in which to file Defendant's Response to Plaintiff's Claim.

March 19, 1999

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until April 19, 1999 in which to file Defendant's Response to Plaintiff's Claim.

March 29, 1999

DPW's Memorandum in Opposition to Motion to Compel Responses to Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 21, 1999

Notice of Service of Claimant's Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery filed by attorney for Plaintiff.

April 23, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 22nd day of April, 1999, upon consideration of Claimant's motion to compel production of documents and Respondent's opposition thereto, the motion is **GRANTED** and **IT IS HEREBY ORDERED** that the Respondent produce the entire permanent file for each of the John J. Kane Regional Centers within twenty (20) days of the exit date of this order in Pittsburgh, Pennsylvania.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 27, 1999

Acceptance of Service of Opinion and Order dated April 23, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 27, 1999.

October 8, 1999

Notice of Service of Plaintiff's Second Request for Production of Documents filed by attorney for Plaintiff.

February 11, 2000

Certificate of Service of Claimant's Letter-request for Specific Documents filed by attorney for Plaintiff.

May 18, 2000

Letter forwarded to parties requesting status. Response due from parties June 19, 2000.

June 24, 2000

Status letter received from attorney for Plaintiff advising that discovery is ongoing.

June 30, 2000

Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant August 7, 2000.

July 10, 2000

Response to Motion to Compel Discovery Requesting an Extension of Time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 12, 2000

Letter forwarded to Defendant granting Defendant a 90-day extension of time until October 13, 2000 in which to respond to Plaintiff's Motion to Compel Discovery.

July 25, 2000

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of July, 2000, it is **ORDERED** and **DECREED** that all proceedings in this matter be stayed pending resolution of similar issues presently before the Board.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 31, 2000

Acceptance of Service of Opinion and Order dated July 25, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 27, 2000.

July 27, 2000

Status letter received from attorney for Plaintiff advising that the July 25, 2000 Order was rendered in the wrong case.

August 10, 2000

The Board rendered an Opinion and made the following Order: "AND NOW, this 10th day of August, it is **ORDERED** and **DECREED** that the stay Order of July 25, 2000, is hereby rescinded. It is further **ORDERED** and **DECREED** that the parties shall continue with discovery." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 16, 2000

Acceptance of Service of Opinion and Order dated August 10, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff 8/14/00.

March 23, 2001

Letter forwarded to parties requesting a status. Response due from parties 4/23/01.

April 13, 2001

Status letter received from attorney for Plaintiff advising that Plaintiff is in the process of negotiating settlement of these matters with the Department.

October 22, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before November 11, 2001.

November 26, 2001

Status letter received (via fax) from attorney for Plaintiff advising that they are in the process of preparing an offer to settle this matter with the Defendant.

November 26, 2001

Status letter received (via U.S. mail) from attorney for Plaintiff advising that they are in the process of preparing an offer to settle this matter with the Defendant.

June 7, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **July 8, 2002.**

June 25, 2002

Status letter received (via fax) from attorney for Plaintiff advising that the Plaintiff is in the process of preparing a settlement offer.

June 27, 2002

Status letter received (via U.S. mail) from attorney for Plaintiff advising that the Plaintiff is in the process of preparing a settlement offer.

November 7, 2003

Plaintiff filed letter requesting a pre-hearing conference be scheduled.

November 12, 2003

Defendant filed letter responding to Plaintiff's letter requesting a pre-hearing conference advising that Defendant feels this case is similar to the ones upon which the Board has recently declined jurisdiction and therefore, Defendant suggests that a pre-hearing conference would not be useful.

November 19, 2003

Defendant filed Motion for Judgment on the Pleadings and Brief in Support. Copy forwarded to Plaintiff.

November 25, 2003

Board issued an Opinion and Order. Order as follows: **AAND NOW,** this 25th day of November, 2003, a status conference shall be held in the office of the Chief Administrative Law Judge on December 19, 2003, at 10:00 a.m. The parties shall assure representation at this conference.@ Copy forwarded to Plaintiff and Defendant.

December 1, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated November 25, 2003. Receipt of same acknowledged November 26, 2003.

December 19, 2003

Plaintiff filed Motion for Leave to File Amended Claim and, in the Alternative, for Extension of Time to Respond to Defendant's Motion for Judgment on the Pleadings, Memorandum of Law in Support and proposed orders.

December 29, 2003

Plaintiff filed Claimant's Answer to Defendant's Motion for Judgment on the Pleadings and Brief in Opposition. Copy forwarded to Defendant.

August 31, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 31st day of August, 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 13, 2005

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

October 18, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated August 31, 2005. Receipt of same acknowledged October 7, 2005.
