

Docket Number: 2716

**LANCASTER NURSING CENTER ASSOCIATES T/A,  
PALMYRA NURSING HOME**

~~Samuel B. Fineman, Esquire~~  
~~Louis J. Capozzi, Jr., Esquire~~  
Donald R. Reavey, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Chief Counsel~~  
~~Leonard W. Crumb, Assistant Counsel~~  
Kathleen Grogan, Assistant Counsel

**July 22, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: In excess of \$300.00.

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**July 23, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 8/24/98.

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**July 29, 1998**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 24, 1998.

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**July 31, 1998**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 27, 1998.

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**August 19, 1998**

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

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**September 8, 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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**September 15, 1998**

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

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**July 8, 1999**

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

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**August 9, 1999**

Letter/Status Report received from attorney for Plaintiff advising that after review of the permanent file by Plaintiff's consultant, a position paper for the prior years will be prepared and submitted to Defendant and once that is complete, any additional discovery for this matter will be conducted.

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**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.

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**March 17, 2000**

Letter forwarded to parties requesting a status. NOW DUE 4/17/00.

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**March 29, 2000**

Letter received from attorney for Plaintiff advising that the parties are involved in a global settlement of claims in this matter as well as Docket numbers 2270 and 2498 allowing discovery to be held pending outcome of these negotiations.

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**April 27, 2001**

Letter forwarded to parties requesting a status. Due 5/29/01.

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**April 30, 2001**

Letter received from attorney for Plaintiff advising that the parties are involved in negotiations to resolve this appeal. If the parties are unable to reach a settlement Claimant will request a hearing before the Board.

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**October 30, 2001**

Letter forwarded to parties requesting a status. Response due 11/30/01.

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**November 26, 2001**

Letter received from attorney for Plaintiff advising that the parties are involved in negotiations to resolve this appeal. If the parties are unable to reach a settlement they will request a hearing.

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**May 10, 2002**

Notice of Service of The First Set of Interrogatories of Claimant, Penn Med Consultants, Inc., et al., and Request for Production of Documents of Claimant filed by attorney for

Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff

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**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.

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**June 14, 2002**

The Answer of Claimant, Lancaster Nursing Center Associates t/a Palmyra Nursing Home, to the Respondent's Motion for General Continuance and Stay and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 9, 2002**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of October, 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, Lancaster Nursing Center Associates, t/a, Palmyra Nursing Home, outstanding Request 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.

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**October 18, 2002**

Acceptance of Service of Opinion and Order dated October 9, 2002, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 16, 2002.

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**January 22, 2003**

The Motion of the Claimant, Lancaster Nursing Center Associates, t/a Palmyra Nursing Home, For Discovery Sanctions Against the Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 22, 2003**

The Brief in Support of the Motion of the Claimant, Lancaster Nursing Center Associates, t/a Palmyra Nursing Home, for Discovery Sanctions Against the Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**Defendant's Response and Brief in Opposition due 2-24-03.**

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**February 24, 2003**

DPW's 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.

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**February 24, 2003**

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 Plaintiff by attorney for Defendant.

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**April 2, 2003**

The Answer of the Claimant, Lancaster Nursing Center Associates, T/A Palmyra Nursing 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.

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**April 9, 2003**

Notice of Service of Department's Response to Claimant's First Set of Interrogatories served upon Plaintiff by attorney Defendant.

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**June 3, 2003**

Board issued Opinion and Order. Order as follows: **AND 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.@ Copies forwarded to Plaintiff and Defendant.

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**June 6, 2003**

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

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**June 9, 2003**

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

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**June 13, 2003**

Defendant filed Notice of Service of Department's Response to Claimant's Request for Production of Documents. Copy forwarded to Plaintiff.

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**November 29, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 29<sup>th</sup> 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."

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