

Docket Number: 2733

LANCASTER NURSING CENTER ASSOCIATES T/A,
DENVER NURSING CENTER

Donald R. Reavey, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Kathleen Grogan, Assistant Counsel

August 6, 1998

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

August 17, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 9/17/98.

August 24, 1998

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 19, 1998.

August 24, 1998

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 19, 1998.

September 14, 1998

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

October 5, 1998

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

October 14, 1998

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

September 1, 1999

Letter forwarded to parties requesting a status report. Now Due 10/1/99.

September 30, 1999

Letter received from attorney for Plaintiff advising that they have requested the permanent files from the Defendant. Upon receipt and review of said files, Plaintiff will determine the best method to proceed in this matter.

September 30, 1999

Notice of Service of Claimant's First Request for Production of
Documents served upon Defendant.

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.

December 3, 1999

Letter received from attorney for Plaintiff advising that the parties are currently negotiating a global settlement of claims between the parties in this and related matters of Docket No. 2270. The parties have agreed that formal discovery will be put on hold pending these negotiations and documents will be exchanged in an informal manner.

June 21, 2000

Letter forwarded to parties directing them to file a status report. Due 7/21/00.

July 25, 2000

Letter received from attorney for Plaintiff advising that the parties are involved in negotiations to resolve the matter. Plaintiff will notify the Board if and when the matter is settled.

April 30, 2001

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

May 31, 2001

Letter received from attorney for Plaintiff advising that the parties are currently negotiating a settlement in this matter. The parties have agreed that formal discovery will be put on hold pending these negotiations and documents will be exchanged in an informal manner. The Board will be notified if settlement is reached.

June 4, 2001

Letter received from attorney for Plaintiff advising that the parties continue to explore a global settlement and are hopeful that these matters can be resolved without a hearing.

January 3, 2002

Letter forwarded to parties requesting a status. **Response due**

2/4/02.

February 6, 2002

Letter received from attorney for Plaintiff advising that the parties negotiations to explore a global settlement of this and related matters have not led to a settlement. The parties have met to discuss the proposal and continue efforts to resolve these matters before hearing.

May 10, 2002

Notice of Service of the First Set of Interrogatories of Claimant, Propounded Upon the Respondent and Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for 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.

June 17, 2002

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

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, Denver Nursing Center, 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.

October 18, 2002

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

October 16, 2002.

January 22, 2003

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

January 22, 2003

The Brief in Support of the Motion of the Claimant, Lancaster Nursing Center Associates, t/a/ Denver Nursing Center, for Discovery Sanctions against the Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **DEF.-S RESPONSE AND BRIEF IN OPPOSITION DUE 2-24-03.**

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.

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 for Plaintiff by attorney for Defendant.

April 2, 2003

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

April 9, 2003

Notice of Service of Department=s Response to Claimant=s First Set of Interrogatories served upon Plaintiff 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 hereby **ORDERED** and **DECREED** that the Motion of the Claimant, for Discovery Sanctions against the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED** and Respondent 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

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

June 13, 2003

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

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.

October 14, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 14th day of October, 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."

October 17, 2005

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

November 21, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated
October 14, 2005. Receipt of same acknowledged October 27,
2005.
