

Docket Number: 2794

ACCORD HEALTH SERVICES, INC., BRIARCLIFF NURSING & CONVALESCENT
CENTER, INC.

~~Samuel Fineman, Esquire~~
~~Randy J. Riley, Esquire~~
Daniel K. Natirboff, Esquire

~~U.S.~~
CLOSED
~~COMMONWEALTH OF PENNSYLVANIA~~
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~
Catherine Stewart, Assistant Counsel

September 23, 1998

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

October 1, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT November 2, 1998.

October 6, 1998

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 2, 1998.

CLOSED

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by Defendant October 2, 1998.

October 28, 1998

Letter received via facimile and U.S. Mail requesting a 30-day extension of time in which to file Defendant's response to Plaintiff's Claim.

November 2, 1998

Letter forwarded to Defendant granting Defendant's request for a 30-day extension of time in which to file Defendant's response to Plaintiff's Claim. Defendant's Response due December 2, 1998.

December 1, 1999

Status letter received from attorney for Plaintiff advising that the parties are in settlement negotiations.

December 10, 1999

Praecipe for Entry of Judgment by Default for Failure to Plead filed by attorney for Plaintiff.

December 13, 1999

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

December 16, 1999

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

December 22, 1999

Letter forwarded to parties directing parties to commence with discovery.

April 20, 2000

Certificate of Service of Claimant's First Request for Production of Documents and First Request for Answers to Interrogatories filed by attorney for Plaintiff.

June 12, 2000

Certificate of Service of Claimant's Response to DPW's Request for Production of Documents filed by attorney for Plaintiff.

July 1, 2000

Letter received from attorney for Defendant requesting an extension of time until September 29, 2000, to file response to requests for production of documents and/or interrogatories.

July 6, 2000

Letter forwarded to attorney for Defendant granting extension of time until September 29, 2000, to file response to requests for production of documents and/or interrogatories. Copy forwarded to attorney for Plaintiff.

July 5, 2000

Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant August 10, 2000.

July 21, 2000

Plaintiff's Letter-Brief to serve as Claimant's Reply to Defendant's Response to Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 2, 2000

Defendant's Response to Motion to Compel Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 9, 2000

Claimant's Reply to Defendant's Response to Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 5, 2000

Entry/Withdraw of Appearance withdrawing Catherine Stewart, Assistant Counsel and Entering the Appearance of Edward Cherry, Assistant Counsel filed on behalf of Defendant.

September 7, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW, this 7th day of September, 2000, it is ORDERED and DECREED** that the Plaintiff's, Accord Health Service, Inc., Plaintiff Nursing and Convalescent Center, Inc., Motion to Compel Discovery, specifically the request for "DW's redacted audit workpapers, permanent file documents, other documentation and schedules that relate to Adjustments 1, 2, 4, 6, 8, and 10 of DW's audit of Greenleaf' TYPE: 12/31/95 cost report" be provided by Defendant, Commonwealth of Pennsylvania, Department of Public Welfare. The Defendant is required to provide copies of, or make available for copying, requested pertinent information as opposed to allowing mere "inspection". Plaintiff and Defendant shall meet at the Office of the Bureau of Long-Term Programs in Harrisburg within thirty (30) days of the date of this Order for the purpose of complying with this Order. This Order supersedes the due date of September 29, 2000 set by the Board's July 6, 2000 correspondence." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 13, 2000

Acceptance of Service of Opinion and Order dated September 7, 2000 received attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 11, 2000.

October 3, 2000

Acceptance of Service of Opinion and Order dated September 7, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 2, 2000.

December 18, 2000

Letter forwarded to parties requesting a status report. Status report due 1/17/01.

January 17, 2001

Status letter received (via fax) from attorney for Plaintiff advising that Claimant is in the process of determining whether this matter should be resolved as a result of settlement of all issues related to the facility's Case-Mix rates for years 3 through 6. Claimant will immediately notify the Board once it's determined whether or not this matter should be continued.

February 8, 2001

Praeipice For Discontinuance in Part filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 7, 2001

Praeipice for Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 9, 2001

The Board rendered the following Order: "**AND NOW**, this 9th day of March, 2001, upon receipt of a Praeipice for Discontinuance advising "Pursuant to a separate settlement agreement between the parties, this matter may be closed, ended and discontinued with prejudice as to all periods from July 1, 1997 through June 30, 2001, but without prejudice to any periods thereafter.", executed by Daniel K. Natirboff, Esquire, attorney for Plaintiff and docketed with this Board under date of March 7, 2001, it is **ORDERED** and **DIRECTED** that said case be marked "closed, discontinued and ended without prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 15, 2001

Acceptance of Service of Order dated March 9, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 15, 2001.

March 19, 2001

Acceptance of Service of Order dated March 9, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 15, 2001.