

Docket Number: 2796

ACCORD HEALTH SERVICE, INC., KUTZTOWN MANOR, INC.

~~Samuel Fineman, Esquire~~
~~Randy Riley, Esquire~~
~~Louis J. Capozzi, Jr., Esquire~~

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

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.

October 8, 1999

Claimant's Motion for Expedited Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 5, 1999

Letter received from attorney for Plaintiff requesting to remove Plaintiff's Motion for Expedited Hearing.

November 15, 1999

Claimant's Renewed Motion for an Expedited Hearing and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 19, 1999

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff December 29, 1999.

November 19, 1999

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

November 29, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW, this 29th day of November, 1999, it is ORDERED and DECREED** that the Plaintiff's, Accord Health Services, Inc., Kutztown Manor, Inc., Renewed Motion for an Expedited Hearing as well as Plaintiff's original Motion for Expedited Hearing filed under docket date of October 8, 1999, are hereby **DENIED**. Should counsel for Plaintiff file a proper motion at this state of the pleadings, the Board may be inclined to grant same." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 1, 1999

Acceptance of Service of Opinion and Order dated November 29, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 30, 1999.

December 6, 1999

Acceptance of Service of Opinion and Order dated November 29, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 2, 1999.

December 10, 1999

Third Motion for Expedited Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 10, 2000

Letter received from attorney for Defendant requesting an extension of time to file the Defendant's Answer to Plaintiff's Third Motion for Expedited Hearing until February 10, 2000.

January 12, 2000

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time to file the Defendant's Answer to Plaintiff's Third Motion for Expedited Hearing until February 10, 2000.

February 14, 2000

Defendant's Response to Motion for Expedited Hearing and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 2000

Certificate of Service of Plaintiff's Responses to Defendant's Request for Production of Documents and Answer to Interrogatories filed by attorney for Plaintiff.

February 22, 2000

Plaintiff's Reply Brief in Support of the Third Motion for Expedited Hearing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 3, 2000

Status letter received from attorney for Plaintiff advising that Plaintiff does not agree with Defendant and further that Plaintiff feels this case is ready for hearing.

March 17, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of March, 2000, it is **ORDERED** and **DECREED** that the Plaintiff's, Accord Health Services, Inc., Kutztown Manor, Inc., Third Motion for an Expedited Hearing is **GRANTED**. Discovery by both parties shall be concluded within forty-five (45) days from the date of this Order. The hearing shall be scheduled as soon as possible subsequent to the discovery deadline." Copy forwarded to attorney for Plaintiff and attorney for Defendant. (May 1, 2000)

June 7, 2000

Letter received from attorney for Plaintiff advising that the parties are in discovery.

June 21, 2000

Letter received from attorney for Plaintiff requesting a hearing be set due to Defendant's failure to comply with the Board's Order of March 17, 2000.

July 13, 2000

Hearing scheduled for September 12-14, 2000, before Frederick D. Giles, Esquire and Charles A. Kline, P.E. in Board's Courtroom No. 2, Harrisburg, PA 17101 commencing at 9:30 a.m.

July 19, 2000

Acceptance of Service of Order dated July 13, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 17, 2000.

July 27, 2000

Acceptance of Service of Order dated July 13, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 18, 2000.

July 31, 2000

Plaintiff's Pre-Hearing Statement filed by attorney for Plaintiff.

August 2, 2000

Withdrawal of Appearance of Catherine Stewart, Assistant Counsel and Entry of Appearance of Edward Cherry, Assistant Counsel filed on behalf of Defendant.

August 11, 2000

Defendant's Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 8, 2000

Motion to Quash and Request for Expedited Review filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 8, 2000

Amended Motion to Quash and Request for Expedited Review filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 8, 2000

Claimant's Answer to DPW's Amended Motion to Quash and Request for Expedited Review filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 11, 2000

The Board rendered the following Order: "**AND NOW**, this 11th day of September, 2000, upon consideration of Defendant's Amended Motion to Quash and Claimants' Answer thereto, it appearing that the Witnesses whose subpoenas are at issue have relevant, non-cumulative testimony required by Claimants, it is hereby **ORDERED** that Defendant's Motion to Quash the subpoenas issued by the Board for the testimony of Harold D. Mann, Sami B. Samash, and Robert Magill is hereby **DENIED**." Copy faxed to attorney for Plaintiff and attorney for Defendant.

September 11, 2000

Second Motion to Quash and Request for Expedited Review filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 11, 2000

The Board rendered the following Order: "**AND NOW**, this 11th day of September, 2000, upon consideration of Defendant's Second Motion to Quash and Request for Expedited Review thereto, it appearing that the Witnesses whose subpoenas are at issue have relevant, non-cumulative testimony requested by Claimants, it is hereby **ORDERED** that Defendant's Motion to Quash the subpoenas issued by the Board for the testimony of Andrew Burnette and Karen Sibert is hereby **DENIED**." Copy faxed to attorney for Plaintiff and attorney for Defendant.

September 11, 2000

Entry of Appearance of Louis J. Capozzi, Esquire, filed on behalf of Plaintiff.

September 12, 2000

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Harrisburg, Pennsylvania commencing at 9:30 a.m.

September 13, 2000

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Harrisburg, Pennsylvania commencing at 9:30 a.m.

September 14, 2000

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Harrisburg, Pennsylvania commencing at 9:30 a.m. Case Completed/Settled.

October 6, 2000

Testimony of panel hearing held September 12, 13 & 14, 2000 filed.

October 12, 2000

Copy of testimony of panel hearing held September 12, 13 & 14, 2000 forwarded to attorney for Defendant.

October 18, 2000

Acceptance of Service of Testimony of hearing held September 12, 13 & 14, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 17, 2000.

November 7, 2000

Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 9, 2000

The Board rendered the following Order: "**AND NOW**, this 9th day of November, 2000, upon receipt of a Praecipe to Settled, Discontinue and End, advising the Board that "this matter be SETTLED, DISCONTINUED and ENDED.", executed by Daniel K. Natirboff, Esquire, attorney for Plaintiff, and docketed with this Board under date of November 7, 2000, it is **ORDERED** and **DIRECTED** that said case be marked "settled, discontinued and ended." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 16, 2000

Acceptance of Service of Order dated November 9, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 14, 2000.

November 17, 2000

Acceptance of Service of Order dated November 9, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 15, 2000.

CLOSED