

Docket Number: 2797

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

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

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

CLOSED

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.

October 8, 1998

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 facsimile 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, 1999.

October 5, 1999

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

October 6, 1999

Claimant's Preliminary Objections to Respondent's Answer and New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant November 29, 1999.

January 13, 2000

Letter forwarded to Defendant requesting status. Response due **FEBRUARY 14, 2000.**

January 12, 2000

Status letter received from Plaintiff advising that Plaintiff has never received a reply from Defendant to Plaintiff's Preliminary Objections to Defendant's Answer and New Matter nor has there been any form of communication, therefore, Plaintiff feels the Board should rule in their favor.

February 3, 2000

The Board rendered an Opinion and made the following Order: ~~AND~~ **NOW**, this 3rd day of February, 2000, upon consideration of the preliminary objections filed by plaintiff to the defendant's answer and new matter, **IT IS HEREBY ORDERED** that the preliminary objections are sustained because the defendant's verification is defective. Defendant is **ORDERED** to refile the answer and new matter with a proper verification within thirty (30) days of the exit date of this order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 10, 2000

Acceptance of Service of Opinion and Order dated February 3, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 8, 2000.

February 17, 2000

Acceptance of Service of Opinion and Order dated February 3, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 10, 2000.

March 7, 2000

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

March 10, 2000

Claimant's Preliminary Objections to Respondent's Second Answer and New Matter and Claimant's Motion for Attorney's Fees and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 13, 2000

Letter forwarded to attorney for Defendant requesting response to Plaintiff's Preliminary Objections to Respondent's Second Answer and New Matter and Claimant's Motion for Attorney's Fees and Brief in Support. **Response due April 13, 2000.**

March 27, 2000

Letter-type withdrawal of Plaintiff's Preliminary Objections to Defendant's Second Answer and New Matter and Claimant's Motion for Attorney's Fees filed by attorney for Plaintiff.

March 29, 2000

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

April 3, 2000

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.

May 11, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of May, 2000, it is **ORDERED** and **DECREED** that Plaintiff's, Accord Health Services, Inc., Greenleaf Nursing & Convalescent Center, Inc., Preliminary Objections to Defendant's, Commonwealth of Pennsylvania, Department of Public Welfare, Second Answer and New Matter are **DISMISSED** as being moot. It is further **ORDERED** and **DECREED** that Plaintiff has until June 6, 2000, in which to respond to the Defendant's Second Answer and New Matter. It is further **ORDERED** and **DECREED** that Plaintiff's request for attorneys' fees is **DISMISSED** without prejudice, in light of the accord between the Plaintiff and Defendant." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 15, 2000

Acceptance of Service of Opinion and Order dated May 11, 2000

received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 15, 2000.

May 17, 2000

Acceptance of Service of Opinion and Order dated May 11, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 15, 2000.

June 6, 2000

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

June 16, 2000

Letter received from attorney for Defendant (via fax) requesting an extension of time until August 21, 2000 in which to file Defendant's response to Plaintiff's First Request for Answers to Interrogatories.

June 19, 2000

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until August 21, 2000 in which to file Defendant's response to Plaintiff's First Request for Answers to Interrogatories. Response due August 21, 2000.

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 28, 2000

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

July 31, 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 (via U.S. mail) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 30, 2000

Letter received from attorney for Defendant requesting an extension of time until December 1, 2000 in which to respond to Plaintiff's discovery requests.

September 1, 2000

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until December 1, 2000 in which to respond to Plaintiff's discovery requests.

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 rendered the following Order:
"AND NOW, this 7th day of September, 2000, it is **ORDERED** and **DECREED** that the Plaintiff's, Accord Health Services, Inc., Greenleaf Nursing and Convalescent Center, Inc., Motion to Compel Discovery, specifically the request for ADPW's unredacted audit workpapers, permanent file documents, other documentation, and schedules that relate to Adjustments 1, 2, 4, 5, 6, 8, 9, and 10 of DPW's audit of Greenleaf's FYE: 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 Ainspection@. 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." 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 2, 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 September 11, 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) advising that the hearing scheduled for 1/23/01 - 1/25/01 (Docket No. 2423) may resolve some of the issues raised in this case, they will notify the Board immediately if a settlement is reached, if not, they will request a hearing.

August 1, 2001

Letter forwarded to parties requesting a status report. Status report due 8/31/01.

August 20, 2001

Status letter received from attorney for Plaintiff advising that Plaintiff is reviewing documentation to prepare a settlement offer.

February 22, 2002

Letter forwarded to parties requesting a status report. Status report due on or before **March 25, 2002.**

March 8, 2002

Letter received from attorney for Plaintiff advising that Plaintiff is reviewing documentation to prepare a settlement offer.

September 10, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **October 10, 2002.**

October 17, 2002

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 17th day of October, 2002, a Rule to Show Cause is issued upon Plaintiff, Accord Health Services, Inc., Greenleaf Nursing & Convalescent Center, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked "closed, discontinued and ended with prejudice".@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 22, 2002

Acceptance of Service of Opinion and Order dated October 17, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 18, 2002.

November 5, 2002

Letter received from attorney Plaintiff responding to the Rule to Show Cause advising that the parties are engaged in discovery.

November 14, 2002

Acceptance of Service of Opinion and Order dated October 17, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 23, 2002.

December 14, 2004

Plaintiff filed a Praecipe to Settle, Discontinue and End. Copy forwarded to Defendant.

December 22, 2004

Board rendered an Order. Order as follows: "**AND NOW**, this 22nd day of December, 2004, upon receipt of a Praecipe to Settle, Discontinue and End, requesting the Board to "Kindly, discontinue, close and end the above captioned matter with prejudice.", executed by Daniel K. Natirboff, Esquire, attorney for Plaintiff, and docketed with this Board under date of December 14, 2004, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'."

December 29, 2004

Defendant filed Acceptance of Service of Order dated December 21, 2004. Receipt of same acknowledged December 27, 2004.

December 30, 2004

Plaintiff filed Acceptance of Service of Order dated December 22, 2004. Receipt of same acknowledged December 23, 2004.
