

Docket Number: 2810

GEISINGER MEDICAL CENTER and
PENN STATE GEISINGER CLINIC

Matthew Chabal, III, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

~~Sarah B. Vandenbraak, Chief Counsel~~
~~Robert M. Wolff, Assistant Counsel~~
Raymond W. Dorian, Assistant Counsel

VS.

* ~~CORRECTIONAL PHYSICIAN SERVICES, INC.,~~

~~Timothy S. Kerr, Esquire~~

WEXFORD HEALTH SOURCES, INC., and

Jack M. Stover, Esquire
Pamela Walker, Esquire

~~PRISON HEALTH SERVICES, INC.~~

~~Robert B. Hoffman, Esquire~~

Third Party Defendants

CLOSED

*** ** November 10, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$482,741.18+

November 18, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **Answer Due from Defendant December 18, 1998.**

December 1, 1998

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

December 18, 1998

Respondent's Preliminary Objections as well as Respondent's Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant

December 18, 1998

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 18, 1998.

*** **January 7, 1999**

Amended Claim filed by attorney for Plaintiff. Amount of Claim = Unchanged.

January 26, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th day of January, 1999, it is **ORDERED** and **DECREED** that the Preliminary Objections filed by the aforementioned Defendant, Commonwealth of Pennsylvania, Pennsylvania Department of Corrections, are hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that the Defendant herein shall file their response to the Plaintiff's Amended Claim within thirty (30) days from the exit date of this Order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 26, 1999

Copy of Amended Claim forwarded to attorney for Defendant and

Chief Deputy Attorney General.

January 28, 1999

Acceptance of Service of Opinion and Order dated January 26, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 27, 1999.

February 8, 1999

Acceptance of Service of Opinion and Order dated January 26, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 1999.

February 8, 1999

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 1999.

February 17, 1999

Respondent's Preliminary Objections to Amended Claim as well as Brief in Support of Respondent's Preliminary Objections to Amended Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1999

Letter filed by attorney for Plaintiff, on behalf of both parties, requesting the Board rescind its Order of February 19, 1999 (actually a letter setting briefing schedule) directing Plaintiff to file a response and brief to Defendant's Preliminary Objections pending settlement discussions. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 18, 1999

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting parties' request that the Board rescind its Order of February 19, 1999 (actually a letter setting briefing schedule) directing Plaintiff to file a response and brief to Defendant's Preliminary Objections pending settlement discussions. Status Report due from parties on or before **April 30, 1999**.

June 30, 1999

Letter/Status Report received from attorney for Defendant wherein he requests the Board to continue to hold this case in abeyance and advises that they will file another status report

on or before September 10, 1999.

October 28, 1999

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 29, 1999**.

November 29, 1999

Letter/Status Report received from attorney for Plaintiff advising that negotiations involving the third parties has broke down; however, the parties have begun to explore between themselves settlement options not involving the third parties. The discussions may take longer than expected due to the relationship of Hershey Med. and Geisigner Med. and the busy trial schedules of counsel for both parties; accordingly, the parties request until February 29, 2000 to file a further status report.

December 8, 1999

Letter forwarded to attorney for Plaintiff and attorney for Defendant granting their request that the parties file a further status report on or before **February 29, 2000**.

February 28, 2000

Letter received from attorney for Plaintiff advising that negotiations involving the third parties has broke down; however, the parties are exploring between themselves settlement options not involving the third parties. Plaintiff requests, and Defendant agrees, that it be allowed to file an Amended Complaint which will render the Defendant's Preliminary Objections moot.

May 25, 2000

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of May, 2000, it is **ORDERED** and **DECREED** that the Preliminary Objections as filed by the Defendant are hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that counsel for Plaintiff shall file the Second Amended Complaint within ten (10) days from the exit date of this Order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 30, 2000

Acceptance of Service of Opinion and Order dated May 25, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 26, 2000.

June 1, 2000

Acceptance of Service of Opinion and Order dated May 25, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 31, 2000.

****June 1, 2000**

Second Amended Claim filed by attorney for Plaintiff. Amount of Claim: \$533,315.93 +.

June 6, 2000

Copy of Second Amended Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **Defendant=s response due July 6, 2000.**

June 12, 2000

Acceptance of Service of Second Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 7, 2000.

July 6, 2000

Respondent=s Preliminary Objections to Second Amended Claim and Brief in Support of Respondent=s Preliminary Objections to Second Amended Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 7, 2000

Acceptance of Service of Second Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 6, 2000.

August 3, 2000

Claimants= Answers to Respondent=s Preliminary Objections and Claimant=s Brief in Opposition to Respondent=s Preliminary Objections filed by attorney for Plaintiff.

August 25, 2000

Respondent=s Reply to Claimants= Brief in Opposition to Respondent=s Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 22, 2001

The Board rendered an Opinion and made the following Order: **AND NOW**, this 22nd day of January, 2001, upon consideration of the preliminary objections to the second amended complaint filed by defendant and plaintiffs= opposition thereto, **IT IS HEREBY ORDERED** and **DECREED** that the preliminary objections are **OVERRULED**. Defendant is **ORDERED** to respond to the second amended complaint within thirty (30) days from the exit date of this order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 26, 2001

Acceptance of Service of Opinion and Order dated January 22, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 24, 2001.

January 26, 2001

Acceptance of Service of Opinion and Order dated January 22, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 25, 2001.

February 22, 2001

Request for an extension of time for Defendant to file its Answer to Second Amended Complaint received, via e-mail, from attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant, via e-mail.

February 26, 2001

Defendant=s Request for an extension of time to file its Answer to Second Amended Complaint granted, via e-mail. Defendant=s Answer to Second Amended Complaint due on or before **March 9, 2001**.

March 9, 2001

Respondent=s Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Plaintiff=s Reply to New Matter due on or before **April 12, 2001**.

***March 23, 2001**

Commonwealth of Pennsylvania, Department of Corrections= Third-Party Complaint, filed by attorney for Defendant. Copy

forwarded to all parties of record by attorney for Defendant.
Additional Defendants= responses due on or before **April 30, 2001.**

April 9, 2001

Claimants= Reply to Respondent=s New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 23, 2001

Letter received from attorney for Additional Defendant (Correctional Physician Services) requesting an extension of time until May 21, 2001 in which to respond to Defendant=s Third Party Complaint.

April 24, 2001

Letter forwarded to attorney for Additional Defendant (Correctional Physician Services), with copy to all parties of record, granting its request for an extension of time to respond to Defendant=s Third Party Complaint. Add. Defendant=s (CPS), response to Third-Party Complaint now due on or before **May 21, 2001**.

April 30, 2001

Preliminary Objections of Third-Party Defendant Wexford Health Sources, Inc., Brief in Support of Preliminary Objections and Proposed Order filed by attorney for Additional Defendant (Wexford). Copy forwarded to all parties of record by attorney for Additional Defendant (Wexford). **Defendant=s response/brief due on or before May 30, 2001.**

May 11, 2001

Letter (via e-mail) received from attorney for Defendant requesting a 60-day enlargement of time for Additional Defendant, Prison Health Services), to respond to Defendant=s Third-Party Complaint, pending possible settlement between the parties. Copy forwarded to all parties of record by attorney for Defendant.

May 21, 2001

Letter forwarded to attorney for Defendant, with copy to all parties of record, granting Defendant=s request for a 60-day enlargement of time for Additional Defendant, Prison Health Services, to respond to Defendant=s Third-Party Complaint. Additional Defendant=s (Prison Health Services) response to Third-Party Complaint now due on or before **July 20, 2001**.

May 21, 2001

Third-Party Defendant Correctional Physician Services, Inc.'s Preliminary Objections to the Commonwealth of Pennsylvania, Department of Corrections Third Party Complaint as well as Brief in Support of Preliminary Objections, filed by attorney for Additional Defendant, Correctional Physician Services, Inc. Copy forwarded to all parties of record by attorney for Additional Defendant. **Defendant's response/brief due on or before June 20, 2001.**

May 30, 2001

Letter received from Defendant (via e-mail) requesting an extension of time of 7 days in which to respond to Third-Party Defendant's (Wexford) Preliminary Objections.

June 1, 2001

Letter forwarded to attorney for Defendant, with copy to all parties of record, granting its request for a 7-day extension of time to response to Third-Party Defendant's (Wexford) Preliminary Objections.

June 6, 2001

Commonwealth of Pennsylvania, Department of Corrections= Brief in Opposition to Preliminary Objections of Third-Party Defendant, Wexford Health Sources, Inc., filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

June 25, 2001

Reply Brief in Support of Preliminary Objections of Third-Party Defendant Wexford Health Sources, Inc. filed by attorney for Additional Defendant (Wexford). Copy forwarded to all parties of record by attorney for Additional Defendant (Wexford).

June 26, 2001

Commonwealth of Pennsylvania, Department of Corrections=, as Third-Party Plaintiff, Motion to Accept Late-Filing of Response to Preliminary Objections of Third-Party Defendant Correctional Physician Services, Inc. and Proposed Order filed by attorney for Third-Party Plaintiff (DOC). Copy forwarded to all parties of record by attorney for Third-Party Plaintiff (DOC).

June 26, 2001

Commonwealth of Pennsylvania, Department of Corrections= Brief in Opposition to Preliminary Objections of Third-Party Correctional Physician Services, Inc. filed by attorney for Third-Party Plaintiff (DOC). Copy forwarded to all parties of record by attorney for Third-Party Plaintiff (DOC).

June 28, 2001

The Board rendered the following Order: **AND NOW**, this 28th day of June, 2001, upon consideration of Commonwealth of Pennsylvania, Department of Corrections=, As Third-Party Plaintiff, Motion To Accept Late-Filing Of Response To Preliminary Objections Of Third-Party Defendant Correctional Physician Services, Inc., **IT IS HEREBY ORDERED** and **DECREED** that the Department's motion is **GRANTED**. The time in which the Department may response to the Preliminary Objections Of Third-Party Defendant Correctional Physician Services, Inc. is extended by six days and the Department's Brief In Opposition To Preliminary Objections Of Third-Party Correctional Physician Services, Inc. is treated as timely filed and served.® Copy forwarded to all parties of record.

July 13, 2001

Acceptance of Service of Order dated June 28, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 11, 2001.

July 23, 2001

Entry of Appearance of Robert B. Hoffman, Esquire, on behalf of Third Party Defendant, Prison Health Services, Inc., filed by attorney for Third Party Defendant (Prison Health Services). Copy forwarded to all parties of record by attorney for Third Party Defendant (Prison Health Services).

July 23, 2001

Answer of Third Party Defendant Prison Health Services, Inc. to Third Party Complaint filed by attorney for Third Party Defendant (Prison Health Services). Copy forwarded to all parties of record by attorney for Third Party Defendant (Prison Health Services).

October 9, 2001

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of October, 2001, upon consideration of the preliminary objections filed by third party defendants Wexford Health Services, Inc. (**AWexford@**) and Correctional Physician Services, Inc. (**ACPS@**) and the opposition thereto filed by defendant/third party plaintiff Commonwealth of Pennsylvania, Department of Corrections, **IT IS ORDERED** that the preliminary objections are **OVERRULED** and **DENIED**. **FURTHER, IT IS ORDERED** that Wexford and CPS shall each file its response to the third party complaint within thirty (30) days of the exit date of this order.@ Copy forwarded to all parties of record.

October 11, 2001

Acceptance of Service of Opinion and Order dated October 9, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 10, 2001.

October 11, 2001

Acceptance of Service of Opinion and Order dated October 9, 2001 received from attorney for Third Party Defendant, Wexford. Receipt of same acknowledged by attorney for Third Party Defendant, Wexford October 10, 2001.

October 15, 2001

Acceptance of Service of Opinion and Order dated October 9, 2001 received from attorney for Third Party Defendant, Correctional Physician Services. Receipt of same acknowledged by Third Party Defendant Correctional Physician Services October 11, 2001.

November 7, 2001

Letter received from attorney for Third Party Defendant, Wexford advising that the Department of Corrections has agreed to extend the time for Wexford to Answer its Third Party Complaint until November 21, 2001. Copy forwarded to all parties of record.

November 9, 2001

Third-Party Defendant Correctional Physician Services, Inc.'s Answer to the Commonwealth of Pennsylvania, Department of Corrections= Third-Party Complaint filed by attorney for Third-Party Defendant Correctional Physician Services. Copy forwarded to all parties of record by attorney for Third-Party Defendant

Correctional Physician Services.

November 21, 2001

Third-Party Defendant Wexford Health Services, Inc. Answer and New Matter to the Third-Party Complaint of the Department of Corrections filed by attorney for Third-Party Defendant (Wexford). Copy forwarded to all parties of record by attorney for Third-Party Defendant (Wexford). **Reply due from Third-Party Plaintiff (DOC) 12/27/01.**

December 20, 2001

Notice of Service of First Set of Interrogatories and First Request for Production of Documents of Third-Party Defendant Wexford Health Sources, Inc. Directed to Claimants, Geisinger Medical Center and Penn State Geisinger Clinic filed by attorney for Third-Party Defendant (Wexford).

December 20, 2001

Notice of Service of First Set of Interrogatories and First Request for Production of Documents of Third-Party Defendant Wexford Health Sources, Inc. Directed to Respondent, Commonwealth of Pennsylvania, Department of Corrections filed by attorney for Third-Party Defendant (Wexford).

December 26, 2001

Commonwealth of Pennsylvania, Department of Corrections= Reply to New Matter of Wexford Health Sources filed by Third-Party Plaintiff (DOC). Copy forwarded to all parties of record by attorney for Third-Party Plaintiff (DOC).

December 27, 2001

Claimant=s Reply to Third Party Defendant Wexford Health Sources, Inc.=s New Matter to the Third Party Complaint of the Department of Corrections with New Matter filed by attorney for Plaintiffs. Copy forwarded to all parties of record by attorney for Plaintiffs.

January 18, 2002

Notice of Name Change filed by attorney for Plaintiff advising that Duane, Morris & Heckscher LLP is now Duane Morris, LLP. Copy forwarded to all parties of record by attorney for Plaintiff.

January 22, 2002

Notice of Service of Objections to First Set of Interrogatories and First Request for Production of Documents of Third-Party Defendant, Wexford Health Sources, Inc., Directed to Claimants Geisinger Medical Center and Penn State Geisinger Clinic filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

January 22, 2002

Petition for Extension of Time for Responding to Discovery Requests and Brief in Support filed by attorney for Plaintiff. Copy forwarded to all parties of record.

January 29, 2002

Letter forwarded to parties granting Extension of Time for Responding to Discovery Requests. Response due 2/28/02.

February 4, 2002

Motion to Strike Objections and to Compel Answers to Compel Answers to Third-Party Defendant Wexford Health Sources, Inc.'s First Set of Interrogatories and First Request for Production of Documents Directed to Claimants, Memorandum in Support and Proposed Order filed by attorney for Third-Party Defendant, Wexford. Copy forwarded to all parties of record by attorney for Third-Party Defendant, Wexford.

February 28, 2002

Unopposed Motion to Approve Discovery Management and Confidentiality Order filed by attorney for Third-Party Defendant, Wexford. Copy forwarded to all parties of record by attorney for Third-Party Defendant, Wexford.

March 4, 2002

Petition for Extension of Time for Responding to Third Party Defendant Wexford Health Sources' Motion to Strike Objections and Compel Answers to Third Party Defendant's First Set of Interrogatories and First Request for Production of Documents, Brief in Support and Proposed Order filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

March 6, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 6th day of March, 2002, upon consideration of Claimant's Petition for Extension of Time for Responding to Third Party Defendant Wexford Health Sources' Motion to Strike Objections and Compel Answers to Third Party Defendant's First Set of Interrogatories and First Request for Production of Documents, IT IS ORDERED that the Petition is granted. Claimants shall respond to Wexford Health Sources, Inc.'s Motion to Strike Objections and Compel Answers to Third Party Defendant's First Set of Interrogatories and First Request for Production of Documents within 30 days of the date the Unopposed Motion to Approve Discovery Management and Confidentiality Order is ruled upon by this Board. @ Copy forwarded to all parties of record.

March 11, 2002

Acceptance of Service of Order dated March 6, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 8, 2002.

March 11, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 11th day of March, 2002, it is **ORDERED** and **DECREED** that: (1) Geisinger's General Objections to the production of Confidential Discovery Material, whether contained in medical and billing records or otherwise are overruled. Wexford has demonstrated a compelling need for the disclosure of documents and things constituting, containing or concerning Confidential Discovery Material which cannot be accommodated by any other means. The Board of Claims (ABoard@) directs Geisinger to produce in accordance with the Pennsylvania Rules of Civil Procedure the requested medical and billing records. The records directed and authorized to be released under and by virtue of this Order include any medical or billing records protected by either federal or state statute, specifically drug and alcohol, mental health and HIV records. (2) The remainder of Geisinger's general objections are deemed withdrawn without prejudice. (3) In light of the safeguards ordered below, no party to this litigation or witness shall assert confidentiality of medical and/or billing records as an objection to responding to a discovery request or during deposition. (4) All discovery in this matter (including depositions) containing or concerning

Confidential Discovery Material shall be produced and maintained in accordance with the following: (a) Except as otherwise provided herein, all Confidential Discovery Material shall be deemed to be confidential and may be used by the persons receiving it only for the purpose of preparing for and conducting pretrial and trial proceedings and appeals, if any, in this action and shall neither be disclosed nor used in connection with any other lawsuit or for any other purpose whatsoever. (b) If a party or non-party has a good-faith belief that any document or information contains or refers to confidential information, it may designate such document or information **CONFIDENTIAL** by stamping the cover or first page of such document containing Confidential Discovery Material **CONFIDENTIAL**. In the case of electronically-stored information, a party producing Confidential Discovery Material in an electronically-stored format shall stamp the physical medium by which the information is transmitted (e.g., computer tape, computer disk, CD-ROM, etc.) as **CONFIDENTIAL**. (c) Except as otherwise provided herein and except as may be required by law, Confidential Discovery Material may be disclosed by the parties or their attorneys only to the following persons and only after full compliance with paragraph (4)(c): i. the parties to this action; ii. attorneys appearing as counsel of record for the parties or attorneys retained in any capacity to assist in the litigation; iii. employees or agents of counsel of record for the parties to assist in the preparation of this litigation; iv. consultants or experts retained by the parties in connection with this litigation, to the extent deemed necessary by such counsel of record for the prosecution or defense of this litigation; v. stenographers or court reporters in connection with the recording of sworn testimony; vi. the Board; and vii. witnesses, including deponents. (d) Any person given access to Confidential Discovery Material (except for the parties and their counsel of record, who shall be deemed bound by this Order, and except for persons referred to in paragraphs 4(c)(iii), 4(c)(iv) and 4(c)(v) of this Order) shall, prior thereto, be provided with a copy of this Order. Said person shall execute an affidavit in the same form and with the same content as the affidavit annexed hereto as Exhibit A, shall be bound by this Order and shall be subject to the jurisdiction of the Board for any proceedings involving any alleged breach of this Order. (5) Any person from whom Confidential Discovery Material is sought (except for the parties and their counsel of record, who shall be deemed bound

by this Order, and except for persons referred to in paragraphs 4(c)(iii), 4(c)(iv) and 4(c)(v) of this Order) shall be provided with a copy of this Order. Said personnel shall be bound by this Order and shall be subject to the jurisdiction of the Board for any proceedings involving any alleged breach of this Order.(a)To the extent that any person authorized as set forth above may wish to permit any person not identified in this Order to take or retain custody of, view, or take notes related to any Confidential Discovery Material, counsel of record for such person shall, at least fifteen (15) days prior to permitting any such person to do so, obtain the written consent of all counsel for each such proposed disclosure. Consent shall not unreasonably be withheld provided that the person to whom disclosure is to be made executes an affidavit in the same form and with the same content as the affidavit annexed hereto as Exhibit A. In the event such written consent is declined, counsel may move the Board to permit the unauthorized person to review, retain custody of or take notes of Confidential Discovery Material, provided however, that counsel seeking such consent will bear the burden of demonstrating that: (1) such disclosure is necessary to permit the party to adequately prepare their case, and (2) such disclosure will not materially increase the danger of unauthorized disclosure of any materials protected by this Order.(6)The parties, their counsel and other persons given access to Confidential Discovery Material pursuant to this Order shall only make such copies of Confidential Discovery Material as may be reasonably necessary for preparation for pretrial proceedings, motions, court papers, trial or appeal. Any copies made shall be held as Confidential Discovery Material.(7) Nothing in this Order shall prevent a party from challenging the designation of documents or information as Confidential Discovery Material. In the event the designation of documents or information as Confidential Discovery Material is challenged, the burden shall be on the party or non-party designating the documents or information as confidential to demonstrate that the documents or information contain Confidential Discovery Material.(8)Nothing herein shall operate as a waiver of a party's right to claim in this lawsuit that the Confidential Discovery Material described herein is otherwise non-discoverable, irrelevant or non-admissible in whole or in part in this action. Further, a party's failure at any time to designate any particular document or thing as confidential shall not constitute a waiver of that party's assertion of confidentiality with respect to any document or

thing covered by this Order. Nothing contained in this Order shall be construed as a waiver of any objection which might be raised as to the admissibility at trial of any evidentiary matter.(9)All Confidential Discovery Material shall be maintained in accordance with this Order at all times, including after the conclusion of this matter.(10)Any person desiring relief from the provisions hereof or further protection with respect to discovery may seek appropriate relief from the Board. IT IS SO ORDERED.@ Copy forwarded to all parties of record.

March 11, 2002

Acceptance of Service of Order dated March 6, 2002 received from Robert B. Hoffman, Esquire. Receipt of same acknowledged by Robert B. Hoffman, Esquire March 8, 2002.

March 14, 2002

Acceptance of Service of Opinion and Order dated March 11, 2002 received from Robert B. Hoffman, Esquire. Receipt of same acknowledged by Robert B. Hoffman, Esquire March 13, 2002.

March 20, 2002

Acceptance of Service of Opinion and Order dated March 11, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 14, 2002.

March 25, 2002

Acceptance of Service of Opinion and Order dated March 13, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 19, 2002.

June 20, 2002

Second Amended Claim and Stipulation filed by attorney for Plaintiff and attorney for Defendant. Copy forwarded to all parties of record by attorney for Plaintiff and attorney for Defendant. Amount of Claim: \$318,756.65+.

January 16, 2003

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 18, 2003**.

February 19, 2003

Letter received from attorney for Plaintiff advising that as a result of a settlement, Geisinger's claims for medical services rendered to a large number of inmates were resolved and Third Party Defendants Correctional Physicians Services, Inc., and Prison Health Services, Inc. were dismissed from the case. The remaining parties are engaging in paper discovery.

March 6, 2003

Letter received from attorney for Additional Defendant, Wexford, advising that Wexford has engaged in discovery which is ongoing.

June 19, 2003

Plaintiff filed a Withdrawal of Appearance of the law firm of Duane Morris LLP and an Entry of Appearance of Matthew Chabal, III, Esquire as attorneys for Plaintiff. Copy forwarded to Defendant.

February 5, 2004

Board issued letter to parties requesting a status report.

February 19, 2004

Defendant filed a letter advising that Raymond Dorian is entering his appearance and Robert Wolff is withdrawing his appearance on behalf of Defendant and that Defendant intends to withdraw Defendant's Third Party Complaint against PHS and CPS.

February 19, 2004

Defendant filed Praecipe for Withdrawal/Entry of Appearance withdrawing appearance of Robert M. Wolff and entering appearance of Raymond W. Dorian on behalf of Defendant. Copy forwarded to Plaintiff.

February 20, 2004

Defendant filed Stipulation of Voluntary Dismissal (not signed). Copy forwarded to all parties of record.

February 25, 2004

Board returned Stipulation of Voluntary Dismissal to Defendant (not signed by any party).

March 8, 2004

Plaintiff and Third Party Defendant (Wexford) filed status report advising that the parties are in the process of working out the terms of a resolution of this matter subject to appropriate documentation approved by the parties.

May 27, 2004

Defendant filed Stipulation of Voluntary Dismissal of Department of Corrections Third Party Complaint against Prison Health Services, Inc. And Correctional Physician Services, Inc. Signed by all parties. Copy forwarded to all parties of record.

June 8, 2004

Board rendered an Opinion and Order. Order as follows: ~~AND NOW~~, this 8th day of June, 2004, Defendant, Pennsylvania Department of Corrections= Third-Party Complaints against Prison Health Services, Inc. and Correctional Physician Services, Inc. shall be dismissed with prejudice.@ Copy forwarded to all parties of record.

June 10, 2004

Wexford Health filed Acceptance of Service of Opinion and Order dated June 8, 2004. Receipt of same acknowledged June 9, 2004.

June 10, 2004

Prison Health filed Acceptance of Service of Opinion and Order dated June 8, 2004. Receipt of same acknowledged June 9, 2004.

June 16, 2004

Defendant filed Acceptance of Service of Opinion and Order dated June 8, 2004. Receipt of same acknowledged June 16, 2004.

June 18, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated June 8, 2004. Receipt of same acknowledged June 16, 2004.

March 10, 2005

Board issued letter to parties requesting a status report.

March 21, 2005

Plaintiff filed a letter advising that the matter has been resolved and upon completion of the settlement agreement, Plaintiff will discontinue this action.

March 23, 2005

Defendant filed a letter advising that the parties have reached a settlement and that settlement papers are being circulated for signature.

June 30, 2005

Stipulation to Discontinue with Prejudice filed by Plaintiff

Defendant and Additional Defendant.

July 7, 2005

Board rendered an Order. Order as follows: "**AND NOW**, this 7th day of July, 2005, upon receipt of a Stipulation to Discontinue with Prejudice, advising the Board that ". . . the parties, by and through their respective counsel, and pursuant to Rule 229 of the Rules of Civil Procedure, hereby stipulate and agree that the above captioned matter is hereby voluntarily discontinued and dismissed with prejudice, including any counterclaims and third-party claims.", executed by Matthew Chabal, III, Esquire, attorney for Plaintiff, Raymond W. Dorian, Assistant Counsel, attorney for Defendant and Stephen Moniak, Esquire, attorney for Additional Defendant and docketed with this Board under date of June 30, 2005, it is **ORDERED** and **DIRECTED** that said case be marked 'discontinued and dismissed with prejudice'." Copy forwarded to all parties of record.

July 11, 2005

Plaintiff filed Acceptance of Service of Order dated July 7, 2005. Receipt of same acknowledged July 8, 2005.

July 11, 2005

Defendant filed Acceptance of Service of Order dated July 7, 2005. Receipt of same acknowledged July 8, 2005.

July 13, 2005

Wexford filed Acceptance of Service of Order dated July 7, 2005. Receipt of same acknowledged July 9, 2005.
