

Docket Number: 2902

GERIATRIC AND MEDICAL SERVICES, INC.,

d/b/a Brandywine Hall

~~Fairview Center of Bethlehem Pike, Fairview Center of Paper
Mill Road, Hamilton Arms Center, Mayo Center, Rittenhouse Care
Center, and Silver Stream Center, and CRESTVIEW NORTH, INC.~~

~~d/b/a Crestview Center~~

~~Stephen A. Miller, Esquire~~

Michael A. Hynum, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Leonard W. Crumb, Assistant Counsel

June 18, 1999

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$1,000.00

June 24, 1999

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT JULY 26, 1999.

July 1, 1999

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 25, 1999.

July 1, 1999

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 28, 1999.

July 22, 1999

Letter/Request for an Extension of Time received from attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 26, 1999

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting request for an extension of time to file Defendant's response to Claim. DEFENDANT'S RESPONSE TO CLAIM DUE AUGUST 23, 1999.

August 23, 1999

Letter/Request for an Extension of Time received from attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 25, 1999

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting request for an extension of time to file Defendant's response to Claim. DEFENDANT'S RESPONSE TO CLAIM DUE SEPTEMBER 22, 1999.

August 25, 1999

Notice of Service of Claimant's First Request for Answers to Interrogatories filed by attorney for Plaintiff.

September 22, 1999

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

October 14, 1999

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

May 22, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before June 19, 2000.

June 30, 2000

Status letter received from attorney for Plaintiff advising that the parties are currently involved in negotiations to resolve this appeal.

September 21, 2000

Letter received from attorney for Defendant requesting an extension of time until January 19, 2001, in which to respond to all discovery requests and/or Motions to Compel Discovery.

September 21, 2000

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until January 19, 2001, in which to respond to all discovery requests and/or Motions to Compel Discovery.

January 19, 2001

Letter received from attorney for Defendant requesting an extension of time until March 5, 2001, in which to respond to pending discovery requests, pending the settlement negotiations currently on-going.

January 22, 2001

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an

extension of time to respond to discovery requests pending the on-going settlement negotiations. Responses due on or before **March 5, 2001.**

January 25, 2001

Praecipe For Discontinuance As to Some Named Plaintiffs filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 26, 2001

The Board made the following Order: **AAND NOW**, this 26th day of January, 2001, upon receipt of Praecipis For Discontinuances, advising that **A...**this matter may be closed, ended and discontinued with prejudice@, executed by Daniel K. Natirboff, Esquire, Jonathan C. James, Esquire and Stephen A. Miller, Esquire, attorneys for Plaintiffs, and docketed with this Board under date of January 25, 2001, it is **ORDERED** and **DIRECTED** that the cases, mentioned on the attached list, be marked >closed, ended and discontinued with prejudice=.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 30, 2001

Request for Correction of Clerical Error in Order entered January 26, 2001, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 5, 2001

The Board made the following Amended Order: **AAND NOW**, this 5th day of February, 2001, upon receipt of a Praecipe for Discontinuance as to Some Named Plaintiffs, advising that >...this matter may be closed, ended and discontinued with prejudice as to all claims related to services during July 1, 1997 through June 30, 2001, but without prejudice as to any period thereafter as to all named plaintiffs except BRANDYWINE HALL...=, executed by Stephen A. Miller, Esquire, on behalf of the Plaintiff herein, and docketed with this Board under date of January 25, 2001, it is **ORDERED** and **DIRECTED** that this matter be marked >closed, ended and discontinued with prejudice as to all claims related to services during July 1, 1997 through June 30, 2001, but without prejudice as to any period thereafter as to all named plaintiffs except BRANDYWINE HALL=.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 9, 2001

Acceptance of Service of Amended Order dated February 5, 2001 received from attorney for Plaintiff. Receipt of same

acknowledged by attorney for Plaintiff February 8, 2001.

February 9, 2001

Acceptance of Service of Amended Order dated February 5, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 6, 2001.

March 5, 2001

Letter received from attorney for Defendant requesting until April 4, 2001 in which to respond to discovery requests filed by Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 7, 2001

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an extension of time to respond to Plaintiff's discovery requests until **April 4, 2001**.

April 6, 2001

Letter received from attorney for Defendant requesting an extension of time until May 5, 2001 in which to respond to Plaintiff's discovery requests. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 10, 2001

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an extension of time to respond to Plaintiff's discovery requests until **May 5, 2001**.

May 18, 2001

Letter received from attorney for Defendant requesting an extension of time until May 30, 2001 in which to respond to Plaintiff's discovery requests. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 21, 2001

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an extension of time to respond to Plaintiff's discovery requests until **May 30, 2001**.

November 21, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **December 21, 2001**.

December 21, 2001

Status letter received from attorney for Plaintiff advising that this Claim is part of the matter currently before Commonwealth Court, and upon disposition of that matter, the Plaintiff will pursue the Claim.

October 25, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th 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 31, 2005

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

November 1, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 25, 2005. Receipt of same acknowledged October 27, 2005.

November 8, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 25, 2005. Receipt of same acknowledged October 31, 2005.