

Docket Number: 2928

CONSOLIDATED CLAIMS OF GENESIS HEALTH VENTURES, INC., et al.

~~---Crozer-Genesis ElderCare Limited Partnership, d/b/a Belveder Nursing and Convalescent Center, Chapel Manor Nursing and Convalescent Center, Harston Hall Nursing and Convalescent Center, and Pennsburg Manor; Brinton Manor, Inc., d/b/a Brinton Manor; Edella Street Associates, d/b/a Abington Manor; Crestview Convalescent Home, Inc., d/b/a Hillcrest Center; Norristown Nursing and Rehabilitation Center Associates, L.P., d/b/a Rittenhouse Pine Center; River Street Associates d/b/a Riverstreet Manor;~~

Stephen A. Miller, Esquire

Louis J. Capozzi, Jr., Esquire

~~Philadelphia Avenue Associates, d/b/a Mifflin Center; AGE Institute, Inc., d/b/a Dorrance Manor, Towne Manor East, and Towne Manor West; Methodist Hospital Nursing Center d/b/a Methodist Hospital and Nursing Center; Delaware Valley Convalescent Homes, Inc., d/b/a Silver Lake Center; JHS Extended Care d/b/a Wayne Center; Highland Health System, Inc., d/b/a Highlands Center, Genesis Eldercare Network; and~~

*Kimber L. Latsha, Esquire

The Susquehanna Center, Inc., d/b/a Susquehanna Center

* Mary P. Patterson, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

Leonard W. Crumb, Assistant Counsel

June 21, 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 19, 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.

***November 20, 2000**

Entry of Appearance of Mary P. Patterson, Esquire, on behalf of Plaintiff, Susquehanna Center, Inc., filed by attorney for Plaintiff Susquehanna Center, Inc. Copy forwarded to all attorneys of record by attorney for Plaintiff, Susquehanna Center, Inc.

January 19, 2001

Withdrawal of Appearance of Stephen A. Miller, Esquire, on behalf of the Susquehanna Center, Inc. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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

February 1, 2001

The Board made the following Order: **AND NOW**, this 1st day of February, 2001, upon receipt of a Praecipe For Discontinuance As To Some Named Plaintiffs, advising that A. . . 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. . .@ executed by Stephen A. Miller, Esquire, on behalf of Plaintiff herein, and docketed with this Board under date of January 25, 2001, it is **ORDERED** and **DIRECTED** that this matter be marked **Aclosed**, 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 the following named plaintiffs only: Crozer-Genesis ElderCare, et al, Chapel Manor Nursing, et al., Harston Hall Nursing, et al., and Pennsburg Manor; Brinton Manor, Inc., et al.; Edella Street Associates, et al.; Crestview Convalescent Home, et al.; Norristown Nursing, et al. Philadelphia Avenue Associates, et al.; JHS Extended Care, et al; and Highland Health System, Inc., et al.=.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 5, 2001

Acceptance of Service of Order dated February 1, 2001 received from attorney for Plaintiff (The Susquehanna Center). Receipt

of same acknowledged by attorney for Plaintiff February 2, 2001.

February 7, 2001

Acceptance of Service of Order dated February 1, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 2, 2001.

February 16, 2001

The Board rendered an Opinion and made the following Order: **AND NOW**, this 16th day of February, 2001, it is **ORDERED** and **DECREED** that the Orders of the Board of Claims, dated February 1, 2001, are hereby amended to reflect the caption of the cases as: CONSOLIDATED CLAIMS OF GENESIS HEALTH VENTURES, INC., et al. vs. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE; DOCKET NOS. 2928 AND 3051.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

***February 22, 2001**

Withdrawal of Appearance of Capozzi & Associates, P.C. on behalf of Dorrance Manor, Silver Lake Center, Towne Manor East and Towne Manor West ONLY filed by attorney for Louis J. Capozzi, Jr., Esquire.

February 23, 2001

Acceptance of Service of Opinion and Order dated February 16, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 21, 2001.

February 27, 2001

Entry of Appearance of Kimber Latsha, Esquire, on behalf of Dorrance Manor, Towne Manor East Center, towne Manor West Center and Silver Lake Center, filed by Kimber L. Latsha, Esquire.

February 27, 2001

Praecipe for Discontinuance as to Some Named Plaintiffs (Dorrance Manor, Towne Manor East Center, Towne Manor West Center and Silver Lake Center, filed by Kimber L. Latsha, Esquire. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**.

March 8, 2001

The Board made the following Order: **AND NOW**, this 8th day of March, 2001, upon receipt of Praecipes For Discontinuance as to Some Named Plaintiffs, advising that this matter may be withdrawn, discontinued and ended as to the following named plaintiffs only: Dorrance Manor, Towne Manor East Center, Towne Manor west Center and Silver Lake Center, executed by Kimber L. Latsha, Esquire, on behalf of the above-mentioned nursing facilities, and docketed with this Board under date of February 27, 2001, it is **ORDERED** and **DIRECTED** that Dorrance Manor, Towne Manor East Center, Towne Manor West Center and Silver Lake center are hereby withdrawn as parties to the above-captioned matters. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 12, 2001

Acceptance of Service of Order dated March 8, 2001 received from attorney for Plaintiff (Capozzi). Receipt of same acknowledged by attorney for Plaintiff March 9, 2001.

March 15, 2001

Acceptance of Service of Order dated March 8, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 12, 2001.

March 19, 2001

Acceptance of Service of Order dated March 8, 2001 received from attorney for Plaintiff (Latsha). Receipt of same acknowledged by attorney for Plaintiff March 13, 2001.

March 26, 2001

Acceptance of Service of Order dated March 8, 2001 received from attorney for Plaintiff (Patterson). Receipt of same acknowledged by attorney for Plaintiff (undated).

March 27, 2001

Acceptance of Service of Opinion and Order dated February 16, 2001 received from attorney for Plaintiff (Patterson). Receipt of same acknowledged by attorney for Plaintiff March 17, 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 28, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 28th 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 3, 2005

Defendant filed Acceptance of Service of Opinion and Order dated October 28, 2005. Receipt of same acknowledged November 1, 2005.

November 22, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated October 28, 2005. Receipt of same acknowledged November 21, 2005.
