

Docket Number: 3051

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

~~- CROZER-GENESIS ELDERCARE LIMITED PARTNERSHIP, d/b/a  
BELVEDERE 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 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; PHILADELPHIA AVENUE  
ASSOCIATES, d/b/a MIFFLIN CENTER; JHS EXTENDED CARE d/b/a  
WAYNE CENTER; HIGHLAND HEALTH SYSTEM, INC., d/b/a HIGHLANDS  
CENTER, GENESIS ELDERCARE NETWORK;~~

Stephen A. Miller, Esquire  
Louis J. Capozzi, Jr., Esquire

~~AGE INSTITUTE, INC., d/b/a DORRANCE MANOR, TOWNE MANOR EAST,  
AND TOWNE MANOR WEST; METHODIST HOSPITAL NURSING CENTER,  
DELAWARE VALLEY CONVALESCENT HOMES, INC., d/b/a SILVER LAKE  
CENTER;~~

~~\*Kimber L. Latsha, Esquire~~

AND 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

**January 31, 2000**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$1000+.

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**February 8, 2000**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 3/9/00.

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**February 14, 2000**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 11, 2000.

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**February 15, 2000**

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General February 9, 2000.

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**February 28, 2000**

Letter received from Defendant requesting an extension of time until April 28, 2000 to file Answer to Claim.

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**February 29, 2000**

Letter forwarded to Defendant granting extension of time for Defendant to file Answer to Claim. **Answer due from Defendant 4/28/00.**

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**April 28, 2000**

Letter received from attorney for Defendant requesting an extension of time until June 30, 2000 to file its response to the Claim. Copy forwarded to attorney Louis J. Capozzi, Esquire and attorney Kimber Latsha, Esquire.

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**May 3, 2000**

Letter forwarded to attorney for Defendant granting extension of time until June 30, 2000 to file its response to New Claim. Copy forwarded to attorney Louis J. Capozzi, Jr., Esquire and Kimber L. Latsha, Esquire. RESPONSE DUE FROM DEFENDANT 6/30/00.

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**June 30, 2000**

Preliminary Objections as well as Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff=s Response/Brief due July 31, 2000.**

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**July 25, 2000**

Letter/Request for a 30-day extension of time in which to file Claimant=s responses to Defendant=s Preliminary Objections filed by attorney for Plaintiff.

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**July 28, 2000**

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting Plaintiff=s request for an extension of time, until **August 31, 2000**, in which to file Plaintiff=s response to Defendant=s Preliminary Objections.

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**August 30, 2000**

Claimant=s Response to Respondent=s Preliminary Objections and Brief in Support thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 27, 2000**

Letter received via facsimile from attorney for Defendant requesting an extension of time until January 19, 2001, for the Board to make a determination on Defendant's Preliminary Objections.

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**October 2, 2000**

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until January 19, 2001, for the Board to make a determination on Defendant's Preliminary Objections.

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**\*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.

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**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.

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**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.**

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**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.

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**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 > . . . 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 >closed, ended and discontinued with prejudice as to all claims related to services during July 1, 1997 through June 30, 2001, but without prejudice to any periods 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.

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**February 6, 2001**

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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 5, 2001.

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**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.

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**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.

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**\*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.

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**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.

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**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.

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**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.

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**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, 201, it is **ORDERED** and **DIRECTED** that Dorrance Manor, Towne Manor East Center, Towne Manor West Center and Silver Lake enter are hereby withdrawn as parties to the above-captioned matters.@. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**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.

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**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.

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**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.

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**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).

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**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.

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**October 23, 2001**

Letter forwarded to parties requesting a Status Report. Status

Report due on or before November 26, 2001.



**November 26, 2001**

Status letter received from attorney for Plaintiff (Susquehanna Center) advising that the parties continue towards a settlement.

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**November 26, 2001**

Status letter received from attorney for Plaintiff advising that this matter is affected by the case pending before Commonwealth Court and they are awaiting that decision.

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**October 8, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before November 7, 2002.

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**November 6, 2002**

Status letter received from attorney for Plaintiff advising that the Plaintiff is awaiting disposition of the matter pending in Commonwealth Court.

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**October 28, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 28<sup>th</sup> 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.

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**October 31, 2005**

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

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**November 3, 2005**

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

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**November 22, 2005**

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

