

**Docket Number: 3351**

**ASBURY HEALTH CENTER**

John DeLorenzo, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

~~John A. Kane, Chief Counsel~~  
Gene K. Cuccarese, Assistant Counsel

**December 8, 2000**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$25,336.54+.

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**December 15, 2000**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 1/15/01.

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**December 21, 2000**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 19, 2000.

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**December 22, 2000**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 20, 2000.

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**March 12, 2001**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff April 16, 2001.

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**April 17, 2001**

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

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**October 22, 2001**

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

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**November 21, 2001**

Status Report received from attorney for Defendant advising that Plaintiff will not give up documents that are needed by Defendant in order for Defendant to evaluate this matter.

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**November 27, 2001**

Letter received from attorney for Defendant requesting a hearing be scheduled.

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**December 17, 2001**

Courtesy copy of letter from attorney for Plaintiff directed to attorney for Defendant requesting dates available for hearing filed by attorney for Plaintiff.

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**February 12, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before 3/14/02.

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**March 15, 2002**

Letter/Status Report filed by attorney for Plaintiff advising that the parties are attempting to obtain a mutual convenient date for a hearing.

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**March 15, 2002**

Status Report filed by attorney for Defendant advising that on March 4, 2002 Defendant provided Plaintiff with at Request for Production of Documents to be responded to within 30 days.

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**March 26, 2002**

Letter received from attorney for Plaintiff advising the Board of dates the parties are available for hearing.

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**April 3, 2002**

The Board rendered the following Order: **AND NOW**, this 3rd day of April, 2002, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board's Panel, composed of Richard B. Swartz, Esquire, Panel Attorney, and Charles A. Kline, P.E., Engineer Member, beginning on May 22, 2002 through May 24, 2002, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 23, 2002**

Acceptance of Service of Order dated April 3, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 16, 2002.

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**April 29, 2002**

Motion to Compel Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff-s response due 5/21/02.**

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**May 16, 2002**

Consent Motion for Change of Hearing Venue filed (via fax) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 20, 2002**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 20th day of May, 2002, the Joint Motion for Change of Hearing Venue is hereby **GRANTED**. The hearing scheduled to start on May 22, 2002 in Courtroom No. 2 on the 6th Floor of the Fulton Building in Harrisburg is hereby canceled. A hearing in the matter shall be rescheduled before a Western District Hearing Panel at a location in western Pennsylvania, to be designated later.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 20, 2002**

Consent Motion for Change of Hearing Venue filed (via U.S. Mail) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 20, 2002**

Motion to Continue Hearing filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 20, 2002**

Motion to Dismiss and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff-s Response & Brief in Opposition due 6/19/02.**

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**May 24, 2002**

Acceptance of Service of Opinion and Order dated May 20, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 22, 2002.

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**July 3, 2002**

Letter received (via fax) from attorney for Plaintiff advising that Plaintiff does not wish to file a response to Defendant's Motion to Dismiss.

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**July 3, 2002**

Letter received (via U.S. Mail) from attorney for Plaintiff advising that Plaintiff does not wish to file a response to Defendant's Motion to Dismiss.

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**July 31, 2002**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 31st day of July, 2002, upon consideration of the motion to dismiss and the motion for a continuance filed by the defendant and the plaintiff's opposition thereto, **IT IS HEREBY ORDERED** that the motion to dismiss is **DENIED** and the motion for a continuance is **DENIED**. The Board will schedule the hearing date.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 14, 2002**

Letter received from attorney for Plaintiff advising that the parties are available for hearing the week of December 16, 2002 for a hearing to be held in Pittsburgh.

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**June 4, 2003**

Plaintiff filed a letter resubmitting their request for a western district panel hearing.

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**October 7, 2005**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 7<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 17, 2005**

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

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