

Docket Number: 3429

THE CHILDREN'S HOSPITAL OF PHILADELPHIA

Robert B. Hoffman, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~  
~~Larry T. Brandenburg, Assistant Counsel~~  
~~Peter J. Garcia, Assistant Counsel~~  
Gene K. Cuccarese, Esquire

**October 2, 2001**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$53,551.09+

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**October 3, 2001**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT NOVEMBER 2, 2001.

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**October 12, 2001**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 9, 2001.

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**October 12, 2001**

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General October 9, 2001.

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**November 2, 2001**

Preliminary Objections and Brief in Support of the Department of Public Welfare's Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 2, 2001**

Notice of Service of Defendant's First Request for Production of Documents filed by attorney for Defendant.

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**November 28, 2001**

Plaintiff's Motion for Extension of Time to Respond to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 29, 2001**

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting Plaintiff's request for a 30-day extension of time to respond to Defendant's Preliminary Objections pending possible settlement. **Plaintiff's Response to Defendant's Preliminary Objections now due on or before January 2, 2002.**

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**January 2, 2002**

Plaintiff's Motion for Extension of Time to Respond to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **Plaintiff's Response to Defendant's Preliminary Objections now due on or before February 4, 2002.**

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**February 4, 2002**

Joint Motion for Extension of Time for Plaintiff to respond to Defendant's Preliminary Objections, executed and filed by attorney for Plaintiff and attorney for Defendant.

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**February 6, 2002**

The Board made the following Order: **AND NOW**, this 5th day of February, 2002, upon review of the parties' Joint Motion for Extension of Time For Plaintiff to Respond to Preliminary Objections, requesting that ACHOP be provided an open-ended extension in the date by which it must respond to defendant's Preliminary Objections. . . ., executed by Robert B. Hoffman, Esquire, on behalf of Plaintiff, The Children's Hospital of Philadelphia, and Lawrence Brandenburg, Assistant Counsel, on behalf of Defendant, Department of Public Welfare, and docketed with this Board under date of February 4, 2002, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED** and the Plaintiff is given an open-ended extension of time in which to file its response to Defendant's Preliminary Objections, pending discussions between the parties herein to resolve this matter. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 21, 2002**

Acceptance of Service of Order dated February 6, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 15, 2002.

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**August 28, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **September 27, 2002.**

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**October 25, 2002**

The Board rendered an Opinion and made the following Order: ~~AND~~ **NOW**, this 25th day of October, 2002, a Rule to Show Cause is issued Plaintiff, The Children's Hospital of Philadelphia, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue this matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked ~~settled, discontinued and ended with prejudice.~~ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 31, 2002**

Acceptance of Service of Opinion and Order dated October 25, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 30 2002.

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**November 25, 2002**

Response to Board's Rule to Show Cause filed by attorney for Plaintiff advising they feel it appropriate to continue the current open-ended extension of time previously granted pending settlement.

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**December 4, 2002**

Acceptance of Service of Opinion and Order dated October 25, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 15, 2002.

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**December 4, 2002**

Letter-type Entry of Appearance of Peter J. Garcia, Assistant Counsel and Withdraw of Appearance of Larry T. Brandenburg, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.

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**January 8, 2003**

Notice of Appearance of Gene K. Cuccarese, Assistant Counsel, as well as Withdrawal of Appearance of Peter Garcia, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 16, 2005**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 16<sup>th</sup> day of September, 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 3, 2005**

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

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