

Docket Number: 3538

ALPHA HOUSING & HEALTH CARE, INC., A PENNSYLVANIA CORPORATION d/b/a
MAIN LINE NURSING AND REHABILITATION CENTER

Daniel K. Natirboff, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

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

***September 10, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$300.00+.

September 11, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT October 11, 2002.

September 17, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 12, 2002.

CLOSED

Preliminary Objections and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Response due from Plaintiff 11/18/02.**

November 13, 2002

Claimant's Answer to Preliminary Objections and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 10, 2003

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 10th day of April, 2003, it is **ORDERED** and **DECREED** that Defendant's Preliminary Objections as to the Board's subject-matter jurisdiction are **SUSTAINED**. Plaintiff is **GRANTED** thirty (30) days leave to amend its claim to correct the jurisdictional defects noted above." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 15, 2003

Acceptance of Service of Opinion and Order dated April 10, 2003 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 11, 2003.

April 16, 2003

Acceptance of Service of Opinion and Order dated April 10, 2003 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 14, 2003.

***May 12, 2003**

Plaintiff filed Amended Claim. Amount of Claim: unchanged.

May 14, 2003

Board forwarded copy of Amended Claim to Defendant and Chief Deputy Attorney General. **Response due from Defendant 6/9/03.**

May 20, 2003

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 14, 2003.

May 27, 2003

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 22, 2003.

May 27, 2003

Defendant filed (via fax) a Motion for Extension of Time to file a response to Plaintiff's Amended Complaint. Copy forwarded to Plaintiff.

May 29, 2003

Defendant filed (via U.S. mail) a Motion for Extension of Time to file a response to Plaintiff's Amended Complaint. Copy forwarded to Plaintiff.

May 30, 2003

Board issued letter to Defendant, with copy to Plaintiff granting extension of for Defendant to file a response to Plaintiff's Amended Complaint. **Response to Plaintiff's Amended Complaint is due 7/9/03.**

July 9, 2003

Defendant filed Preliminary Objections and Brief. Copy forwarded to Plaintiff. **Plaintiff's Response & Brief in Opposition due 8/13/03.**

August 8, 2003

Plaintiff filed (via fax) a letter requesting a two week extension of time in which to file a response to Defendant's Preliminary Objections.

August 14, 2003

Plaintiff filed Claimant's Answer to Preliminary Objections and Brief in Opposition. Copy forwarded to Defendant.

November 5, 2003

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 5th day of November, 2003, it is **ORDERED** and **DECREED** that Defendant's Preliminary Objections to the Amended Statement of Claim, as to the Board's subject matter jurisdiction, are **SUSTAINED**. Accordingly, pursuant to 42 Pa. S.A. §103(a) and Pa. R.C.P. 21, this matter will be **TRANSFERRED** to the Department of Public Welfare, Bureau of Hearings and Appeals. Copy forwarded to Plaintiff and Defendant.

November 6, 2003

Board transferred case to Department of Public Welfare, Bureau of Hearings and Appeals per Board's Order of November 5, 2003.

November 14, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated November 5, 2003. Receipt of same acknowledged November 10, 2003.
