

Docket Number: 3818

CAPOZZI & ASSOCIATES, P.C.

~~Joseph F. Murphy, Esquire~~
Michael B. Volk, Esquire
Brian K. Zellner, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HEALTH CARE COST CONTAINMENT COUNCIL

Irwin W. Aronson, Esquire

CLOSED

January 12, 2006

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$2,910.00+.

January 17, 2006

Board issued Acknowledgment letter and forwarded a copy of the Claim to Attorney General.

January 20, 2006

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged January 18, 2006.

February 17, 2006

Plaintiff filed Notice of Entry of Appearance. Copy forwarded to all parties of record.

February 17, 2006

Plaintiff filed Notice of Intent to Enter Default Judgment. Copy forwarded to all parties of record.

February 17, 2006

Defendant filed Answer to Statement of Claim. Copy forwarded to Plaintiff and Chief Deputy Attorney General.

March 23, 2006

Plaintiff filed Notice of Service for First Request for Production of Documents Directed to Respondent. Copy forward to Defendant.

May 31, 2006

Plaintiff filed Motion to Compel Responses to Discovery. Copy forwarded to Defendant.

June 2, 2006

Board issued letter to Defendant directing them to file a

response to Plaintiff's Motion within thirty days. Copy forwarded to Plaintiff.

July 10, 2006

Plaintiff filed Proposed Order and Praecipe to Enter Order on Claimant's Motion to Compel Responses to Discovery as unopposed for lack of timely response. Copy forwarded to Defendant.

July 12, 2006

Plaintiff filed a letter advising that both parties concur to the entry of an Order compelling responses to Plaintiff's written discovery on or before July 29, 2006. Therefore, Plaintiff has attached a Revised Order to be entered by consent. Copy of letter forwarded to Defendant.

July 14, 2006

Board issued Opinion and Order. Order as follows: **AND NOW**, this 14th day of July, 2006, upon consideration of Plaintiff's motion to compel responses to discovery it is hereby **ORDERED** and **DIRECTED** that said motion is **GRANTED**. It is **ORDERED** that Defendant is directed to produce its response to Plaintiff's First request for production of documents and first set of interrogatories on or before July 28, 2006. Copies forwarded to all parties of record.

July 20, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated July 14, 2006. Receipt of same acknowledged by Plaintiff July 19, 2006.

July 27, 2006

Defendant filed Acceptance of Service for Opinion and Order dated July 14, 2006. Receipt of same acknowledged by Defendant July 26, 2006.

August 4, 2006

Plaintiff filed letter advising that parties have reached a settlement agreement and are currently in the process of

finalizing. They've asked the Board to hold any and all motions, etc. in abeyance pending completion of the settlement.

November 28, 2006

Plaintiff filed letter advising of new counsel and requests the matter be listed for a hearing. Copy forwarded to Defendant.

November 30, 2006

Board issued letter to parties requesting them to submit a proposed scheduling order.

December 13, 2006

Plaintiff filed Proposed Scheduling Order. Copy forwarded to Defendant.

January 5, 2007

Board issued Order. Scheduling Order as follows: **"AND NOW,** this 5th day of January, 2007, it is hereby **ORDERED** and **DECREED** as follows: 1. Last day for Plaintiff to provide expert report, if any, to Defendant is January 31, 2007. 2. All discovery, including provision of Defendant's expert report to Plaintiff, if any, shall be completed by February 28, 2007; 3. The last day for filing pre-trial motions is March 9, 2007; 4. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than April 16, 2007 (Please note BOC R.P. 501(b) and (c)(3)); 5. A pre-trial conference is scheduled for Tuesday, May 1, 2007 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 6. This matter is set for hearing beginning on Tuesday, June 12, 2007 and running through Wednesday, June 13, 2007, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 commencing at 9:30 a.m." Copies forwarded to all parties of record.

January 10, 2007

Plaintiff filed Acceptance of Service of Scheduling Order dated

January 5, 2007. Receipt of same acknowledged by attorney for Plaintiff January 8, 2007.

January 12, 2007

Board issued letter to Panel Members (Swartz & Kambic) for hearing scheduled June 12-13, 2007.

April 16, 2007

Plaintiff filed Claimant's PreHearing Memorandum. Copy forwarded to Defendant.

April 19, 2007

Defendant filed letter via fax requesting an extension of time until April 27, 2007, in which to file Defendant's Pre-Trial Statement. Copy forwarded to Plaintiff.

April 19, 2007

Board issued letter to Defendant, with copy to Plaintiff granting extension of time until April 27, 2007, for Defendant to file Pre-Trial Statement.

April 20, 2007

Defendant filed letter via U.S. Mail requesting an extension of time until April 27, 2007, in which to file Defendant's Pre-Trial Statement. Copy forwarded to Plaintiff.

April 20, 2007

Board issued letter to Defendant granting an extension of time until April 27, 2007, in which to file Defendant's Pre-Trial Statement. Copy forwarded to Plaintiff.

April 27, 2007

Defendant filed Pre-Trial Statement of Respondent, Commonwealth of Pennsylvania, Pennsylvania Health Care Cost Containment Council.

May 7, 2007

Plaintiff filed Proposed Order, Stipulation and Agreement for Entry of an Order with signature.

May 16, 2007

Defendant filed Proposed Order, Stipulation and Agreement for Entry of an Order with signature.

May 18, 2007

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 18th day of May, 2007, upon agreement and stipulation of the parties, it is hereby **ORDERED**: 1. Judgment is entered in favor of the Plaintiff, Capozzi & Associates, P.C. and against the Defendant, Commonwealth of Pennsylvania, Pennsylvania Health Care Cost Containment Council, in the amount of \$2,800.00. The Defendant transmitted this amount to the Plaintiff on September 1, 2006; 2. Judgment is entered in favor of the Defendant and against the Plaintiff in the amount of \$1,192.25 with interest from November 2005. This amount shall be paid to Defendant within ten days of the date of this Order; 3. Any and all claims that the Plaintiff may have against the Defendant and the Defendant may have against the Plaintiff with respect to claims for funds between the parties are hereby ended by this Order; and 4. The Plaintiff will turn over any files it may have in its possession related to its representation of the Defendant within thirty days of the date of this Order. 5. The hearing scheduled in this matter is cancelled. Copies forwarded to all parties or record.

May 23, 2007

Defendant filed an Acceptance of Service of Opinion and Order dated May 18, 2007. Receipt of same acknowledge by Defendant May 22, 2007.

May 24, 2007

Plaintiff filed an Acceptance of Service of Opinion and Order dated May 18, 2007. Receipt of same acknowledged by Plaintiff May 21, 2007.
