

Docket Number: 3978

ST. JOSEPH'S HOSPITAL SCHOOL OF NURSING, INC.

John D. Kutzler, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

~~Jason L. Swartz, Chief Counsel~~
Daniel B. Huyett, Esquire

CLOSED

***December 1, 2009**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: Unknown

December 2, 2009

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

December 9, 2009

Attorney General filed Acknowledgement of Claim dated December 2, 2009. Receipt of same acknowledged on December 8, 2009.

December 30, 2009

Defendant filed Preliminary Objections, Brief in Support and a Proposed Order.

December 30, 2009

Board forwarded letter to Plaintiff requesting response to Defendant's Preliminary Objections.

January 22, 2010

Defendant filed a Stipulation for Extension of Time on behalf of Plaintiff until January 25, 2010 to file its response to Defendant's Preliminary Objections.

***January 28, 2010**

Plaintiff filed an Amended Statement of Claim and proof of mailing. Amount of Claim: Unchanged.

February 1, 2010

Board issued Acknowledgement letter and forwarded copy of Amended Claim to Attorney General.

February 1, 2010

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 1st day of February, 2010, the Preliminary Objections filed by the Defendant on December 30, 2009, are hereby **DENIED as MOOT."** Copy forwarded to Plaintiff and Defendant.

February 3, 2010

Attorney General filed Acknowledgement of Amended Claim dated February 1, 2010. Receipt of same acknowledged on February 2, 2010.

February 4, 2010

Defendant filed Acceptance of Service of Opinion and Order dated February 1, 2010. Receipt of same acknowledged on February 2, 2010.

February 9, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated February 1, 2010. Receipt of same acknowledged on February 3, 2010.

March 1, 2010

Defendant filed Agency's Response with New Matter to Plaintiff's Amended Statement of claim.

March 2, 2010

Board forwarded letter to Plaintiff requesting response to Defendant's New Matter.

March 11, 2010

Defendant filed Notice of Service of Responses and Objections to Plaintiff-Claimant's Demand for the Production of Documents and other Things.

March 22, 2010

Plaintiff filed Reply to New Matter.

April 6, 2010

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 6th day of April, 2010, upon concluding that this Board lacks subject matter jurisdiction, the case of St. Joseph's Hospital School of Nursing, Inc. against the Pennsylvania Higher Education Assistance Agency, filed with the Board of Claims on December 1, 2009, is hereby transferred to the Commonwealth Court of Pennsylvania." Copy forwarded to Plaintiff and Defendant.

April 9, 2010

Defendant filed Acceptance of Service of Opinion and Order dated April 6, 2010. Receipt of same acknowledged on April 8, 2010.

April 12, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated April 6, 2010. Receipt of same acknowledged on April 9, 2010.

May 7, 2010

Board transferred case to Commonwealth Court per Board's Order of April 6, 2010.

July 16, 2010

Order received from Commonwealth Court. Order as follows: "NOW, this 14th day of July, 2010, upon consideration of the parties' joint case management plan submitted following a case management conference, and pursuant to Section 313 of the Court's Internal Operating Procedures, it is hereby ORDERED as follows: 1. The Court issues this Order pursuant to Section 313 of the Court's Internal Operating Procedures. 2. **Discovery**: (a) All discovery in this matter shall be completed by **November 15, 2010**. 3. **Dispositive Motions**: (a) Dispositive motions and supporting briefs shall be filed on or before **December 15, 2010**. (b) Responsive briefs shall be filed on or before **January 15, 2011**. (c) The Chief Clerk is directed to assign dispositive motions, if any, to a panel of judges for February argument list in Philadelphia. 4. **Status Report**: In the event that dispositive motions are not filed, the parties shall file a joint status report by December 30, 2010, informing the Court of the readiness of this matter for trial."

September 14, 2010

Parties jointly filed an Amended Stipulated Confidentiality Agreement as filed in Commonwealth Court.

November 5, 2010

Board received copy of Scheduling Order as filed in Commonwealth Court.

March 11, 2011

Board received Notice of Discontinuance of Action as filed in Commonwealth Court.
