

Docket Number: 4078

ADARA HEALTHCARE STAFFING, INC.

~~Owen J. McGrann, Esquire~~
~~Stacy Mikelonis, Esquire~~
~~Christopher E. Fisher, Esquire~~
~~Michael A. Cassidy, Esquire~~
~~Scott R. Leah, Esquire~~
~~Neil J. Gregorio, Esquire~~
Laura O'Farrell (Adara Healthcare Staffing)
Dennis J. Kusturiss, Esquire
William H. Stewart, III, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF MILITARY & VETERANS AFFAIRS**

~~Dennis T. Guise, Chief Counsel~~
~~John J. Cantwell, Jr., Assistant Counsel~~
~~Michael Barrett, Chief Counsel~~
~~Marsha Mills Davis, Sr. Assistant Chief Counsel~~
Leonard Cowitch, Assistant Counsel
Thomas M. Davis, Assistant Counsel

April 3, 2013

Plaintiff filed Claim and filing fee. Amount of Claim: UNSPECIFIED.

April 4, 2013

Board issued deficiency notice to Plaintiff. Claim lacks proof of mailing.

April 10, 2013

Plaintiff filed proof of mailing Claim to Defendant. ACCEPTED FOR FURTHER PROCESSING.

April 11, 2013

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

April 19, 2013

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged April 16, 2013.

May 1, 2013

Defendant filed Preliminary Objections as well as Brief in Support.

May 2, 2013

Board forwarded letter to Plaintiff requesting response to Preliminary Objections.

May 30, 2013

Plaintiff transmitted via facsimile a letter requesting a 30 day extension of time in which to file its Response to Preliminary Objections and also advising that Owen J. McGrann, Esquire has left Tucker Arensberg, P.C. and that Neil J. Gregorio, Esquire will now be lead counsel for Plaintiff.

May 31, 2013

Board forwarded letter to Plaintiff granting extension of time request.

June 3, 2013

Plaintiff filed via U.S Mail a letter requesting a 30 day extension of time in which to file its Response to Preliminary Objections and also advising that Owen J. McGrann, Esquire has left Tucker Arensberg, P.C. and that Neil J. Gregorio, Esquire will now be lead counsel for Plaintiff.

June 10, 2013

Plaintiff filed Praecipe for Substitution of Appearance requesting the Board substitute the appearances of Michael A. Cassidy, Esquire, Scott R. Leah, Esquire and Neil J. Gregorio, Esquire and Tucker Arensberg, P.C. for that of Owen J. McGrann, Esquire on behalf of Plaintiff.

June 27, 2013

Plaintiff transmitted (via fax) a letter requesting that this case be consolidated with Docket No. 4081 and advising that Defendant has no objection to this request.

July 1, 2013

Plaintiff filed (via U.S. mail) a letter requesting that this case be consolidated with Docket No. 4081 and advising that Defendant has no objection to this request.

***July 2, 2013**

Plaintiff filed Amended Statement of Claim and proof of mailing. Amount of claim: UNSPECIFIED.

July 2, 2013

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

July 5, 2013

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 5th day of July, 2013, the Preliminary Objections filed by the Defendant on May 1, 2013, are hereby **DISMISSED** as **MOOT.**" Copy forwarded to Plaintiff and Defendant.

July 10, 2013

Attorney General filed Acknowledgment of Amended Claim form. Receipt of same acknowledged July 8, 2013.

July 10, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated July 5, 2013. Receipt of same acknowledged on July 8, 2013.

July 12, 2013

Defendant filed Acceptance of Service of Opinion and Order dated July 5, 2013. Receipt of same acknowledged on July 10, 2013.

August 1, 2013

Defendant filed Preliminary Objections to Amended Statement of Claim as well as Brief in Support.

August 2, 2013

Board forwarded letter to Plaintiff requesting response to Preliminary Objections.

****August 19, 2013**

Plaintiff filed Second Amended Statement of Claim and proof of mailing. Amount of claim: UNSPECIFIED.

August 21, 2013

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

August 27, 2013

Attorney General filed Acknowledgment of Second Amended Claim form. Receipt of same acknowledged August 23, 2013.

September 16, 2013

Defendant filed Preliminary Objections to Second Amended Statement of Claim as well as Brief in Support.

September 17, 2013

Board forwarded letter to Plaintiff requesting response to Preliminary Objections.

September 27, 2013

Plaintiff filed Brief in Opposition to Preliminary Objections.

October 11, 2013

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 11th day of October, 2013, upon consideration of the preliminary objection to Count II of the Second Amended Claim filed by the Defendant and the response thereto filed by Plaintiff, IT IS **ORDERED** that the preliminary objection to Count II is **OVERRULED**. Defendant shall file its Answer to the Second Amended Claim within 30 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

October 17, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated October 11, 2013. Receipt of same acknowledged October 15, 2013.

October 18, 2013

Defendant filed Acceptance of Service of Opinion and Order dated October 11, 2013. Receipt of same acknowledged October 17, 2013.

November 8, 2013

Defendant filed Answer to Second Amended Statement of Claim.

November 12, 2013

Board forwarded letter directing parties to proceed with discovery.

May 1, 2014

Defendant filed a Withdrawal of Appearance of John J. Cantwell, Jr., Assistant Counsel and an Entry of Appearance of Michael Barrett, Chief Counsel and Marsha Mills Davis, Sr. Assistant Chief Counsel on behalf of Defendant.

May 22, 2014

Defendant filed Motion to Amend the Answer to Second Amended Statement of Claim as well as proposed order.

May 22, 2014

Board rendered Order. Order as follows: "**AND NOW**, this 22nd day of May, 2014, upon consideration of the motion by the attorney for the Defendant, and a showing of no objection by counsel for Plaintiff, it is hereby **ORDERED** and **DECREED** that the Motion of the Defendant to file an Amended Answer to the Second Amended Statement of Claim is **GRANTED** and the Amended Answer to the Second Statement of Claim attached to the Motion (Ex. B), shall NOW be considered filed as the Defendant's Amended Answer." Copy forwarded to Plaintiff and Defendant.

May 28, 2014

Defendant filed Acceptance of Service of Order dated May 22, 2014. Receipt of same acknowledged May 23, 2014.

June 2, 2014

Plaintiff filed Acceptance of Service of Order dated May 22, 2014. Receipt of same acknowledged May 27, 2014.

June 11, 2014

Defendant filed a Motion for Protective Order as well as a proposed order.

June 12, 2014

Board rendered Order. Order as follows: "**AND NOW**, this 12th day of June, 2014, by agreement of counsel, the resident medical records that are part of the discovery in this matter (and may possibly be introduced into evidence in this case) will be redacted to comply with HIPAA requirements.

In order to assist counsel in preparation and presentation of their cases, the names of the residents will be redacted and they will be referred to by number only. However, subject to this protective Order, a list of the names of the residents and their corresponding identification number will be provided to counsel. This list will not be copied or provided to anyone other than counsel and its client for the sole purpose of preparation of their case and will be otherwise protected in all manner from review or referral by any other persons or agencies.

During hearings and trial and any other court proceedings or written responses in this matter, the use of numbers in lieu of resident name will be made to protect the privacy and confidentiality of the resident." Copy forwarded to Plaintiff and Defendant.

June 20, 2014

Plaintiff filed Acceptance of Service of Order dated June 12, 2014. Receipt of same acknowledged June 17, 2014.

January 5, 2015

Plaintiff filed Notice of Service for Plaintiff's First Set of Discovery Requests.

January 5, 2015

Plaintiff filed Notice of Service for Plaintiff's Second Set of Discovery Requests.

January 5, 2015

Plaintiff filed Notice of Service for Plaintiff's Third Set of Discovery Requests.

January 29, 2015

Defendant filed Certificate of Service of Defendant's First Set of Discovery Requests (dated July 8, 2014).

February 2, 2015

Defendant filed Certificate of Service of Defendant's response to first set of interrogatories (dated July 3, 2014).

February 2, 2015

Defendant filed Certificate of Service of Defendant's response to second set of discovery requests (dated July 8, 2014).

February 2, 2015

Defendant filed Certificate of Service of Defendant's response to first documents request (dated September 15, 2014).

February 2, 2015

Defendant filed Certificate of Service of Defendant's answers to Plaintiff's third set of discovery requests (dated December 23, 2014).

February 23, 2015

Defendant filed Certificate of Service of Additional Responses to First Set of Discovery Requests.

June 3, 2015

Defendant filed Withdrawal of Appearance of Marsha Mills Davis, Sr. Assistant Chief Counsel and Entry of Appearance of Leonard Cowitch, Assistant Counsel, on behalf of Defendant.

August 3, 2015

Plaintiff filed withdrawal of Appearance of Michael A. Cassidy, Esquire, Scott R. Leah, Esquire and Neil J. Gregorio, Esquire on behalf of Plaintiff.

August 5, 2015

Plaintiff transmitted via facsimile a letter advising that Adara does not have new counsel and that all communications can be sent to Laura O'Farrell at Adara Healthcare Staffing.

October 19, 2015

Plaintiff filed Praecipe for Entry of Appearance entering the appearance of Dennis J. Kusturiss, Esquire and William H. Stewart, III, Esquire of Vuono & Gray, LLC on behalf of Plaintiff.

November 9, 2015

Defendant filed Entry of Appearance of Thomas M. Davis, Assistant Counsel, on behalf of Defendant.

March 28, 2017

Defendant filed Notice of Service, Response to Plaintiff's Second Discovery Requests Directed To Department Of Military & Veterans Affairs.

February 15, 2019

Plaintiff filed letter advising that the parties have reached a settlement and requests that the case be marked "Settled".

February 19, 2019

Board rendered Order. Order as follows: "**AND NOW**, this 19th day of February, 2019, upon receipt of a Praecipe executed by Dennis J. Kusturiss, Esquire, on behalf of Plaintiff, Adara Healthcare Staffing, Inc., requesting that the record of the case be marked "Settled", docketed with this Board under date of February 15, 2019, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

March 6, 2019

Plaintiff filed Acceptance of Service of Order dated February 19, 2019. Receipt of same acknowledged March 4, 2019.

March 11, 2019

Defendant filed Acceptance of Service of Order dated February 19, 2019. Receipt of same acknowledged March 5, 2019.
