

AID HEALTH CARE CENTERS, INC., d/b/a, et al,
LEADER NURSING CENTERS, INC., d/b/a, et al,
LUTHERAN HOME AT GERMAINTOWN,
* WILMAG CORPORATION, d/b/a, et al

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE
34FR

Joel M. Hamme, Esquire and
Charles O. Barto, Esquire (Pa. counsel)

John A. Kane, Esquire
Bruce G. Byron, Assistant Counsel
(Co-counsel)

Docket No. 725

CLOSED

MADE IN U.S.A.

December 8, 1980 By Order of Commonwealth Court, case filed, ORDER as follows: "AND NOW, December 8, 1980, the respondents' third preliminary objection raising the issue of this Court's appellate jurisdiction is sustained and the petition for review of Aid Health Care Centers, Inc., et al., with respect to it is dismissed. As to respondents' first preliminary Objection raising the question of this Court's original jurisdiction, the preliminary Objection is sustained and having concluded that original jurisdiction properly lies with the Board of Arbitration of Claims, said action is hereby transferred to the Board where it shall be considered filed as of the date the same was filed in this Court. The Chief Clerk shall certify to the Board of Arbitration of Claims photocopied of the docket entries of the above-captioned matter and transfer to the Board the record of this proceeding."

THE FOLLOWING FILED IN COMMONWEALTH COURT:

- June 12, 1980 Petition for Review or Alternatively for Assertion of Original Jurisdiction filed.
- July 7, 1980 Preamble for Appearance filed by John A. Kane, Assistant Attorney General on behalf of Department of Public Welfare, filed.
- July 25, 1980 Motion for Leave to File an Amended Petition, Certificate of Service and proposed Order filed by plaintiff.
- August 8, 1980 Order granting Motion rendered by Judge Rogers.
- August 25, 1980 Application for Extension of Time to File Answer to Amended Petition for Review or Alternatively for Assertion of Original Jurisdiction filed by defendant.
- August 27, 1980 Order granting Application for Extension of Time rendered by Judge Craig.
- September 29, 1980 Preliminary Objections filed by defendant.
- September 30, 1980 Order scheduling argument rendered by Judge Craig.
- October 17, 1980 Amended Preliminary Objections filed by defendant.
- October 17, 1980 Application for Leave to File Amended Preliminary Objections filed by defendant.
- October 21, 1980 Brief in Support of Preliminary Objections filed by defendant.

CLOSED

Joel M. Hamme, Esquire
Charles O. Barto, Jr., Esquire
(Pa. counsel)

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AID HEALTH CARE CENTERS, INC., d/b/a, et al,
LEADER NURSING CENTERS, INC., d/b/a, et al,
LUTHERAN HOME AT GERMANTOWN,
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-vs-

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Esquire

- November 7, 1980 Brief in Opposition to Preliminary Objections and Notice of Depositions filed by plaintiff.
- November 3, 1980 Order granting Application for Leave to File Amended Preliminary Objections rendered by Judge Blatt.
- November 13, 1980 Stipulation of parties filed.
- November 14, 1980 Order approving Stipulation rendered by Judge Blatt.
- November 20, 1980 Settlement Progress Report filed.
- November 24, 1980 Order rescheduling argument rendered by Judge Williams.
- December 3, 1980 Copies of letters filed.
- December 5, 1980 Application for Leave to File Supplemental Brief and Supplemental Brief filed by defendant.
- December 8, 1980 Opinion and Order rendered by Commonwealth Court. (See previous December 8, 1980 entry)
- December 22, 1980 Stipulation to immediate Transfer filed and approval of Court given.
- December 31, 1980 File received from Commonwealth Court. Complaint, original, remanded with record by Commonwealth Court to Board.
- December 31, 1980 Petitioner's 1st Set of Interrogatories, Petitioner's 1st Request for Production of Documents and Petitioner's 2nd Notice of Depositions filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.
- January 5, 1981 Request made for additional copies of Complaint and filing fees.
- January 5, 1981 Additional copies of Complaint and filing fee filed. Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

-OVER-

CLOSED

Joel M. Hamme, Esquire and
Charles O. Barto, Jr., Esquire
(Pa. counsel)

AID HEALTH CARE CENTERS, INC., d/b/a, et al,
LEADER NURSING CENTERS INC., d/b/a, et al,
LUTHERAN HOME AT GERMANTOWN,
et al

John A. Kane, Esquire
Bruce G. Baron, Assistant Counsel
(Co-counsel)

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

January 6, 1981 Motion for Stay and Motion for Protective Order filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

January 7, 1981 The Board rendered the following Order: "AND NOW, this 7th day of January, 1981, premised on written Motion for Protective Order and Motion to Stay filed pursuant to F. R. C. P. 4013 concerning an impending deposition of the Secretary of the Department of Public Welfare, Helen B. O'Hannon, a RULE is issued to show cause why said Stay should not be granted. Aid Health Care Centers, Inc., et al, are obligated to establish, to the satisfaction of the Board of Claims, that the deposition of Secretary Helen B. O'Hannon, is essential to prevent prejudice or injustice to them, elsewise, the Affidavit of said Secretary shall be sufficient cause for this Board to make said RULE absolute. Deposition of Deputy Secretary for Medical Assistance, Gerald F. Radle, scheduled for January 16, 1981, is not interfered with by this RULE. RULE returnable January 23, 1981."

January 8, 1981 Copies of Order dated January 7, 1981, forwarded to attorneys for plaintiff and attorney for defendant

January 23, 1981 Stipulation and proposed Order filed by parties.

January 28, 1981 Order executed by Indgt. Panel. Order as follows: "AND NOW, this 23th day of January, 1981, pursuant to the attached Stipulation of Counsel, it is hereby ordered that the Rule to Show Cause issued against Petitioners be suspended and held in abeyance until this Board is notified by one of the parties hereto that further action on the Rule is necessary." Copies of Order forwarded to attorneys for plaintiff and attorney for defendant.

January 28, 1981 Motion for Extension of Time to Answer Petitioners' 1st Set of Interrogatories & to Comply with Petitioners' 1st Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 4, 1981 The Board rendered the following Order: "AND NOW, this 4th day of February, 1981, upon consideration of Defendant's Motion for Extension of Time to Answer Petitioners' First Set of Interrogatories and to Comply with Petitioners' First Request for Production of Documents, and upon consent of Charles O. Barto, Esquire, attorney for Plaintiffs, to this request, it is ORDERED and DECREED that said Motion is hereby granted and Defendant shall have until March 3, 1981, in which to file its responses to Plaintiffs' Interrogatories and Request for Production of Documents. Copies forwarded to attorneys for plaintiffs and attorney for defendant.

- OVER -

AID HEALTH CARE CENTERS, INC., d/b/a, et al,
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LUTHERAN HOME AT GERMANTOWN,
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Joel M. Harome, Esquire and
Charles O. Parto, Jr., Esquire
(Pa. counsel)

Docket No. 725

CLOSED

- continued -

v.s.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE.

~~BRUCE~~ John A. Kane, Esquire
Bruce C. Baron, Assistant Counsel
~~CO-COUNSEL~~

February 6, 1981 Answer to Complaint as well as Preliminary Objections to Complaint filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

March 6, 1981 Notice of Partial Discontinuance and 3rd Notice of Depositions filed by attorneys for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

March 17, 1981 Petitioners' Fourth Notice of Depositions filed by attorneys for plaintiffs. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 18, 1981 The Board rendered the following Order: "The Board of Claims, feeling that it is appropriate for the parties to establish of record the list of issues which may be encountered at the hearing of the matter on the merits, the Board is directing that a pre-trial conference be held on Thursday, June 25, 1981 at 10 a.m. in the Board's Court Room, 707 Transportation and Safety Building, Harrisburg, Pennsylvania. In the event that meaningful settlement negotiations are in being, or that a settlement is consummated, then in that event, the Board will rescind this Order for a pre-trial conference." Copies of Order forwarded to attorneys for plaintiffs and attorney for defendant.

June 25, 1981 Pre-trial Conference held in Board's Court Room at 10 a.m.

June 25, 1981 Petitioners' Pre-Trial Conference Listing of Substantive Issues for Hearing filed by attorney for plaintiffs at time of hearing. Copies given to all parties at time of hearing.

June 25, 1981 Proposed Order filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

June 25, 1981 The Board rendered an Opinion and made the following Order: "In accordance with an understanding arrived at during the June 25, 1981 prehearing conference in this matter and by agreement of the parties, it is ordered that the Department of Public Welfare Respondent in this action, will answer Petitioners' First Set of Interrogatories and First Request for Production of Documents on or before Tuesday, August 25, 1981. Copies of ~~Opinion and~~ Order dated June 25, 1981 forwarded to attorney for plaintiff and attorney for defendant.

- DRB -

AID HEALTH CARE CENTERS, INC., d/b/a,
et al., LEADER NURSING CENTERS, INC., d/b/a,
et al., LUTHERAN HOME AT GERMANTOWN, and
* WITAC CORPORATION, d/b/a - et al.

Joel M. Hamme, Esquire and
Charles O. Barto, Jr., Esquire - (pa. Counsel)

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DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Esquire
Bruce G. Baron, Assistant Counsel
(Co-counsel)

July 2, 1981 Deposition of Douglas E. Skinner filed by the parties.

July 9, 1981 Testimony of hearing held June 25, 1981 filed. Copy forwarded to attorney for defendant.

August 21, 1981 Joint Motion for Extension of Time to Respond to Plaintiffs' First Set of Interrogatories and First Request for Production of Documents filed by attorney for defendant and attorney for plaintiff.

August 26, 1981 The Board made the following Order: "AND NOW, this 26th day of August, 1981, after due consideration of the Joint Motion for Extension of Time, which was filed with this Board on August 21, 1981, the Motion is hereby granted and the time in which Defendant is required to respond to Plaintiff's Interrogatories and Request for Production of Documents is extended until October 26, 1981." Copies forwarded to attorney for plaintiff and attorney for defendant.

November 29, 1984 Petitioners' Motion to Compel Answers to Petitioners' First Set of Interrogatories, to Compel Compliance with Petitioners' First Request for Production of Documents, and for Sanctions filed by attorneys for plaintiff. Copy forwarded to attorney for defendant by attorneys for plaintiff. Proposed Order attached. Copy forwarded to attorney for defendant by attorneys for plaintiff.

December 7, 1984 Respondent's Reply to Petitioners' Motion to Compel Answers to Petitioners' First Set of Interrogatories, to Compel Compliance with Petitioners' First Request for Production of Documents, and for Sanctions filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 14, 1984 The Board made the following Order: "The Board, upon reviewing the record herein and all legal documents filed therein, particularly the Motion to Compel Answers to Petitioner's First Set of Interrogatories and to Compel Compliance with Petitioner's First Request for Production of Documents and for Sanctions, the Board determines and Orders as follows: that the Commonwealth of Pennsylvania, Department of Public Welfare shall have until January 31, 1985 in which to respond to the Plaintiff's request for discovery."

[Handwritten signature]

CLOSED

Joel M. Hamme, Esquire and Charles O. Barto, Jr., Esquire - (Pa. Counsel)

AID HEALTH CARE CENTERS, INC., d/b/a, et al., LEADER NURSING CENTERS, INC., d/b/a, et al., LUTHERN HOME AT GERMANTOWN, and ~~WITAC CORPORATION, d/b/a, et al.~~

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE

John A. Kane, Esquire
Bruce G. Baron, Assistant Counsel
(Co-Counsel)

- December 17, 1984 Copies of Order dated December 14, 1984 forwarded to attorneys for plaintiff and attorney for defendant.
- February 4, 1985 Respondent's Answers to Claimant's First set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- February 25, 1985 Petitioner's Motion to Dismiss Respondent's Objections to Petitioners' First Set of Interrogatories and to Compel Answers to Petitioners' First Set of Interrogatories, and to Compel Compliance with Petitioners' First Request for Production of Documents, and for Sanctions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- February 26, 1985 Respondent's Answer to Claimants' Motion on Discovery filed by attorney for defendant. Copy forwarded to all counsel of record by attorney for defendant.
- June 20, 1986 Proposed Order filed by attorneys for plaintiff. Copy forwarded to attorney for defendant by attorneys for plaintiff.
- June 20, 1986 Petitioners' Motion for Partial Summary Judgment filed by attorneys for plaintiff. Copy forwarded to attorney for defendant by attorneys for plaintiff.
- June 20, 1986 Petitioners' Memorandum of Points and Authorities in Support of Petitioners' Motion for Partial Summary Judgment filed by attorneys for plaintiff. Copy forwarded to attorney for defendant by attorneys for plaintiff.
- June 20, 1986 Petitioners' Statement of Material Facts Not in Dispute in Support of Petitioners' Motion for Partial Summary Judgment filed by attorneys for plaintiff. Copy forwarded to attorney for defendant by attorneys for plaintiff.
- June 20, 1986 Exhibits to Petitioners' Motion for Partial Summary Judgment filed by attorneys for plaintiff. Copy forwarded to attorney for defendant by attorneys for plaintiff.

OVER

AID HEALTH CARE CENTERS, INC., d/b/a,
et al., LEADER NURSING CENTERS, INC., d/b/a,
et al., LUTHERN HOME AT GERMANTOWN, and
*WILMAC CORPORATION, d/b/a, et al.

Joel M. Hamme, Esquire and
Charles O. Bartc, Jr., Esquire - (Pa. Counsel)

Docket No. 725

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Esquire~~
Bruce G. Baron, Assistant Counsel
(Co-counsel)



3/FR

August 8, 1986

Request for a Stay filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 24, 1986

The Board rendered an Opinion and made the following Order: "AND NOW, THIS 24th day of September, 1986, it is ORDERED and DIRECTED by the Board of Claims that a Stay issues concerning all proceedings in these matters until October 31, 1986, that the parties furnish to the Board a status of the discussions currently underway between the parties and if a settlement is reached, within a reasonable period of time thereafter." Copies forwarded to attorneys for plaintiff and attorney for defendant.

September 29, 1986

Acceptance of Service of Opinion and Order dated September 24, 1986 received from plaintiff (Hamme). Receipt of same acknowledged by plaintiff (Hamme) September 26, 1986.

September 30, 1986

Acceptance of Service of Opinion and Order dated September 24, 1986 received from defendant. Receipt of same acknowledged by defendant September 25, 1986.

February 19, 1987

Application for Extension of Stay filed by attorney for defendant. Copy forwarded to attorneys for plaintiff by attorney for defendant.

February 25, 1987

Praecipe for Discontinuance of Wilmac Corporation, One of Three Claimants, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 27, 1987

Opposition to Application for Extension of Stay filed by attorneys for plaintiffs. Copy forwarded to attorney for defendant (Baron) by attorney for plaintiff (Barto).

* March 2, 1987

The Board rendered an Opinion and made the following order: "AND NOW, this 2nd day of March, 1987, upon consideration of the Praecipe for Discontinuance of Wilmac Corporation, One of Three named Claimants in the above two Claims, Docket No. 971 and Docket No. 725, it is ORDERED and DECREED that the Wilmac Corporation is permitted to withdraw, discontinue and end all of its claims with respect to these matters with prejudice." Copies forwarded to attorneys for Plaintiffs and attorney for Defendant (Kane).

-- OVER --

AID HEALTH CARE CENTERS, INC., d/t/a, et al., LEADER NURSING CENTERS, INC., d/b/a, et al., LUTHERAN HOME AT GERMANTOWN, and WELFARE CORPORATION, d/b/a, et al.

Joel M. Hamme, Esquire and Charles O. Barto, Jr., Esquire - (Pa. Counsel)

CLOSED

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE

John A. Fane, Chief Counsel
Bruce G. Baron, Assistant Counsel (Co-Counsel)

March 4, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 4th day of March, 1987, upon request of Bruce G. Baron, Esquire, Department of Public Welfare, relative to an Application for Extension of Stay, the Board hereby GRANTS a Stay of all proceedings in the matter through April 30, 1987 and seeks from counsel on or before May 15, 1987, a status report." Copies forwarded to attorneys for Plaintiffs and attorney for Defendant.

March 6, 1987 Acceptance of Service of Opinion and Order dated March 4, 1987, received from Defendant. Receipt of same acknowledged by Defendant March 3 1987.

March 9, 1987 Acceptance of Service of Opinion and Order dated March 7, 1987, received from Plaintiff (Hamme). Receipt of same acknowledged by Plaintiff (Hamme) March 5, 1987.

March 10, 1987 Acceptance of Service of Opinion and Order dated March 4, 1987, received from Defendant (Baron). Receipt of same acknowledged by Defendant (Baron) March 5, 1987.

March 20, 1987 Acceptance of Service of Opinion and Order dated March 4, 1987, received from Plaintiff (Hamme). Receipt of same acknowledged by Plaintiff (Hamme) March 6, 1987.

July 23, 1987 Praecipe of Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 31, 1987 The Board made the following Order: "AND NOW, this 31st day of July, 1987, upon receipt of Praecipe of Discontinuance to mark the above-captioned matter "withdrawn, ended and discontinued with prejudice", executed by Charles O. Barto, Jr., Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of July 23, 1987, it is ORDERED and DIRECTED that said case be marked settled, discontinued and ended with prejudice."

August 3, 1987 Copies of Order dated July 31, 1987 forwarded to attorney for Plaintiff and attorney for Defendant.

August 7, 1987 Acceptance of Service of Order dated July 31, 1987 received from Defendant. Receipt of same acknowledged by Defendant August 4, 1987.

FILED

Joel M. Hamme, Esquire and Charles O. Barto, Jr., Esquire - (PA Counsel)

AID HEALTH CARE CENTERS, INC. d/b/a, et al., LEADER NURSING CENTERS, INC., d/b/a, et al., LUTHERAN HOME AT GERMANTOWN VS.

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE

CLOSED

Bruce G. Baron, Assistant Counsel



August 14, 1987 Proposed Order relative to Praecipe of Discontinuance filed July 23, 1987. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 9, 1988 Praecipe of Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 23, 1989 The Board made the following Order: "AND NOW, this 23rd day of February, 1989, upon receipt of Praecipe of Discontinuance to mark the above-captioned matter "withdrawn, ended and discontinued with prejudice", executed by Charles O. Barto, Jr., Esquire, on behalf of Plaintiff, same of which is docketed with the Board under date of December 9, 1988, it is ORDERED AND DIRECTED that said case be marked withdrawn, discontinued and ended with prejudice." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 1, 1989 Acceptance of Service of Order dated February 23, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 27, 1989

March 2, 1989 Acceptance of Service of Order dated February 23, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 24, 1989.