

SYLVIA LIPSCHULTZ and
LIPSCHULTZ PHARMACY

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

Arthur J. Marion, Esq.

Bruce G. Baron, Esq.

Docket No. 767-P

CLOSED

(PROVIDEE AGREEMENT)

September 28, 1981

Notice of Claim and request for supersedeas filed by attorney for plaintiff (letter form)

September 30, 1981

Acknowledgement of notice of claim, request for copies of claim and filing fee made to attorney for plaintiff,
Copy forwarded to attorney for defendant.

October 9, 1981

Statement of Claim; Proposed Order (Supersedeas) and filing fee filed by attorney for plaintiff. Amount of
claim - \$50.00 +

October 13, 1981

The Board made the following Order: "AND NOW, this 13th day of October, 1981, the Board of Claims, sua sponte, amends the Caption of the above matter by deleting the Board of Claims as a party defendant and adding thereto the Commonwealth of Pennsylvania, Department of Public Welfare, as the party defendant. Hereafter the Caption shall read as follows: SYLVIA LIPSCHULTZ and LIPSCHULTZ PHARMACY VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE. Locket No. 767-P." Copy of Order hand delivered to attorney for defendant. Copy forwarded to attorney for plaintiff.

October 13, 1981

Copy of Claim hand delivered to attorney for defendant.

October 13, 1981

The Board made the following Order: "AND NOW, this 13th day of October, 1981, the Board of Claims issues a Rule upon the Commonwealth of Pennsylvania, Department of Public Welfare, to Show Cause why a Supersedeas should not be granted in the above captioned matter. The Rule is returnable on or before October 19, 1981. A hearing on the issue of the Supersedeas shall be held on October 30, 1981 at the the Transportation and Safety Building, Harrisburg, Pennsylvania, Room 707 at 10 a.m. P. S. T. It is so ORDERED." Copy of Order hand delivered to attorney for defendant. Copy forwarded to attorney for plaintiff.

October 14, 1981

Copy of claim forwarded to Deputy Attorney General.

October 15, 1981

Motion to Quash filed by attorney for defendant. Copy forwarded to attorney for plaintiff
by attorney for defendant.

October 21, 1981

The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of October, 1981, the Board of Claims, having reviewed Defendant's Motion to Quash, receives the same as an Answer to the Rule to Show Cause and will dispose of all relevant issues after the scheduled hearing on the matter." Copies forwarded to attorney for plaintiff and attorney for defendant.

-OVER-

SYLVIA LIPSCHULTZ and
LIPSCHULTZ PHARMACY

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

Arthur J. Marion, Esq.

Bruce G. Baron, Esq.

Docket No. 767-P

-continued-

CLOSED

PROVIDER AGREEMENT



December 8, 1981 Copy of order received from Commonwealth Court. Order as follows: "NOW, December 3, 1981, upon consideration of petitioner's application for relief, it is hereby ordered as follows:
1. To the extent that said application seeks a declaration by this Court that the petition for review herein acts as an automatic supersedeas pursuant to Pa. R.A.P. 1736(b), said application is denied.
2. To the extent that said application seeks, on a preliminary and peremptory basis, to have this Court "vacate and declare void" the order appealed herein, said application is hereby denied.
3. To the extent that said application seeks a stay of the order of the Board of Claims pending review by this Court, hearing thereon is hereby fixed for December 22, 1981 at 10:00 A.M., in Courtroom Number Two, Fifth Floor, South Office Building, Harrisburg, Pennsylvania."

December 8, 1981 Petition for Review filed by Commonwealth Court (No. C. D. 2792 1981)

December 15, 1981 File transmitted to Commonwealth Court.

December 17, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 17th day of December, 1981, upon due consideration of the pleadings, submissions and briefs of the Plaintiff and Defendant, the request of the Defendant is hereby DENIED. The Defendant is given thirty (30) days from the date of this Order to file a responsive pleading." Copies forwarded to attorney for plaintiff and attorney for defendant.

December 17, 1981 Copy of Answer to Motion to Quash and New Matter as filed in Commonwealth Court by DPW received.

December 17, 1981 Petition for Adjudication of Civil Contempt, Memorandum in support, proposed Rule and proposed Order filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

December 21, 1981 Motion to Quash Petition for Adjudication of Civil Contempt filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 23, 1981 Answer to Amended Claim and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

-OVER-

SYLVIA LIPSCHULTZ and
LIPSCHULTZ PHARMACY
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

Arthur J. Marion, Esquire

Bruce G. Baron, Esquire

Docket No. 767-P

-continued-

CLOSED

December 28, 1981 Copy of Order dated December 16, 1981, as rendered by Commonwealth Court cancelling briefing, Copy of Motion to Quash Application for Relief, Copy of Petitioner's Brief in Opposition to Respondent's Motion to Quash, Copy of Opposition to Petition for Continuance and Copy of Answer to Opposition to Petition for Continuance as filed in Commonwealth Court received from attorney for plaintiff.

January 6, 1982 Answer to Respondent's Motion to Quash Claimant's Petition for Adjudication of Civil Contempt filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

January 6, 1982 Preliminary Objections to Respondent's Answer to Amended Claim and New Matter as well as Brief in support filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

January 8, 1982 Answer to Claimant's Preliminary Objections to Respondent's Answer to the Amended Claim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 14, 1982 Motion to Vacate Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 11, 1982 Copy of Respondent's Brief in Support of its Motion to Quash as filed in Commonwealth Court by attorney for plaintiff.

January 25, 1982 Answer to Respondent's Motion to Vacate Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

February 5, 1982 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, February 3, 1982, (1) the order of the Board of Claims dated October 30, 1980, at docket number 767-P, is stayed pending final disposition by this Court of the above captioned matter, and (2) the respondent's motion to quash the petitioner's petition for review is denied."

February 16, 1982 Hearing scheduled for April 13 through April 16, 1982, if necessary, in Board's Court Room at 10 a.m.

EVER-

SYLVIA LIPSCHULTZ and
LIPSCHULTZ PHARMACY

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

Arthur J. Marior, Esquire

-continued-

Bruce G. Baron, Esquire

Docket No. 767-P

CLOSED

REGISTERED



FORM 30-FR

February 17, 1982

The Board rendered an Opinion and made the following Order: "AND NOW, this 17th day of February, 1982, after due consideration of the Preliminary Objections propounded by the Claimant, it is hereby ORDERED that said Preliminary Objections are DENIED and the Claimant is directed to file its response to the Respondent's New Matter within twenty (20) days of the date hereof." Copies forwarded to attorney for plaintiff and attorney for defendant.

April 13, 1982

Hearing held in Board's Court Room at 10:00 a.m. Case completed.

April 16, 1982

Stipulation of Settlement filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 8, 1982

The Board made the following Order: "AND NOW this 8th day of June, 1982, under date of April 13, 1982, this Board received of record over the signature of Gail L. Kopin, Counsel for Sylvia Lipschultz, a Stipulation of Settlement, which has been properly executed by Bruce G. Baron, Esquire, on behalf of the Department of Public Welfare. Said Stipulation is docketed and made part of the record herein. It is ORDERED and DIRECTED, therefore, that said claim be marked settled and discontinued of record with prejudice, pursuant to all the terms and conditions of the Stipulation of Settlement dated April 13, 1982."

June 9, 1982

Copies of Order dated June 3, 1982 forwarded to attorney for plaintiff and attorney for defendant.

June 23, 1982

Notice of Settlement dated April 16, 1982, received from Commonwealth Court. File returned from Commonwealth Court.

July 6, 1982

Testimony of hearing held April 13, 1982 filed.

July 8, 1982

Copies of testimony of hearing held April 13, 1982 forwarded to attorney for defendant.