

CLOSED

J. William Vanderlin, Esquire

DIVINE PROVIDENCE HOSPITAL
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

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Bruce G. Baron, Esquire

FILED IN 777



December 9, 1981	Complaint and filing fee filed	Amount of claim: \$3,448.84.
December 10, 1981	Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.	
December 16, 1981	Preliminary Objections and Brief filed by attorney for defendant. Copies forwarded to attorney for plaintiff by defendant.	
January 6, 1982	Claimant's Reply to Respondent's Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by plaintiff.	
January 19, 1982	Memorandum in Opposition to Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by plaintiff.	
January 22, 1982	Respondent's Reply Memorandum to Claimant's Opposition to Respondent's Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.	
March 10, 1982	Supplement to Respondent's Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.	
March 26, 1982	Claimant's Response to Supplement to Respondent's Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by plaintiff.	
March 29, 1982	Respondent's Answer to Claimant's New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.	

The Board rendered an Opinion and made the following Order: "AND NOW, this 25th day of May, 1982, upon consideration of Respondent's Preliminary Objections and Claimant's Response thereto it is hereby ORDERED and DIRECTED to wit: 1. That all matters before this Board shall be stayed for a period of ninety (90) days from the date of this Order. 2. During said period, the Department of Public Welfare shall expeditiously schedule hearing and otherwise take any or all necessary administrative steps to resolve the issues which are now pending before them in connection with this matter. 3. That as to all other matters Respondent's Preliminary Objections are hereby DENIED. 4. The parties shall report by letters at the end of the aforesaid period as to the status of this matter." Copies forwarded to attorney for plaintiff and attorney for defendant.

After

May 28, 1982 Application for Amendment to Qualify for Interlocutory Appeal filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

July 8, 1982 The board made the following Order: "AND NOW, to wit this 8th day of July 1982, it is duly ORDERED and DECREED that Defendant, Commonwealth of Pennsylvania, Department of Public Welfare's Application For Amendment to Qualify For Interlocutory Appeal is hereby DENIED and in light of the Secretary of Public Welfare's decision of May 10, 1982, this Board's stay of May 25, 1982 is hereby Vacated." Copies forwarded to attorney for plaintiff and attorney for defendant.

July 12, 1982 Supplement to Respondent's Request for Amendment filed by attorney for defendant. Copy forwarded to attorney for Plaintiff by attorney for defendant.

July 14, 1982 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 20, 1982 Reply to New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

August 23, 1982 Motion for Judgment on the Pleadings and Brief in support filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

September 7, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of September 1982, the Motion for Judgment on the Pleadings is DENIED." Copies forwarded to attorney for plaintiff and attorney for defendant.

August 19, 1983 Motion for Summary Judgment and Memorandum of Law filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

September 16, 1983 Memorandum in Opposition to Motion for Summary Judgment filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

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September 26, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 26th day of September, 1983, it is hereby ORDERED and DECREED that the Commonwealth's Motion for Summary Judgment is hereby DENIED. It is further ORDERED and DECREED that the filing of said Motion on the part of the Commonwealth was vexatious and time consuming and constituted a mere delaying tactic on the part of the Department with respect to the orderly adjudication of this matter. It is further ORDERED and DECREED in light of the factual nature of this pleading that Plaintiff shall, at the time of trial, present such testimony as it deems necessary in order to document what reasonable attorney fees were expended in preparing this response to the instant Motion by the Board." Copies forwarded to attorney for plaintiff and attorney for defendant.

October 3, 1983 Appeal of Action by Chief Administrative Judge filed by attorney for defendant.
Copy forwarded to attorney for plaintiff by attorney for defendant.

November 4, 1983 The Board rendered an Opinion and made the following Order: In that this matter shall be ordered for hearing and determination made on the merits of the entire case, at that time the Board will consider the allegations set forth in the document concerning which this Opinion is being written. All arguments in support of the Opinion and Order rendered under date of September 26, 1983 and all arguments in support of the document which is presently before us will be heard by the Board and disposed of at the time of the Board's rendering its final decision in this case." Copies forwarded to attorney for plaintiff and attorney for defendant.

May 7, 1984 Claimant Divine Providence Hospital's First Set of Interrogatories and Request for Production of Documents Directed to the Department of Public Welfare filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 4, 1984 Respondent's First Set of Interrogatories and Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 7, 1984 Respondent's Answers to Claimant Divine Providence Hospital's First Set of Interrogatories and Request for Production of Documents Directed to the Department of Public Welfare filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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August 20, 1984 Hearing scheduled for Board's Court Room October 31, November 1 and 2, 1984, beginning at 10 a.m.

October 10, 1984 Motion for Sanctions filed by Attorney for Defendant. Copy forwarded to Attorney for Plaintiff by Attorney for Defendant.

October 15, 1984 Answer filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

October 23, 1984 Motion for Sanctions withdraw (per letter received from Attorney for Defendant. Copy of letter forwarded to Attorney for Plaintiff by Attorney for Defendant.

October 30, 1984 Motion for the Disqualification of the Chief Administrative Judge from any part in the Decision of Respondent's Appeal of Action By Chief Administrative Judge filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

October 31, 1984 Hearing held this date in Board's Court Room at 10 a.m. Case completed.

November 1, 1984 Notice of Appearance filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 7, 1984 Testimony of hearing held October 31, 1984 filed.

December 10, 1984 Copy of testimony forwarded to attorney for Defendant.

January 7, 1984 Claimant's Memorandum in Support of Damages and Counsel Fees filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 23, 1985 Findings of Fact, Conclusions of Law and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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August 15, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of August, 1985, we find in favor of the Plaintiff, Divine Providence Hospital and against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare in the amount of \$3,488.84 with interest thereon at the legal rate of six (6%) percent per annum beginning from August 1, 1980. Each party to bear its own costs." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 27, 1985 Petition for Review received from Commonwealth Court. (No. 2295 C.D. 1985).

September 4, 1985 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.

September 25, 1985 File transmitted to Commonwealth Court.

October 14, 1986 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, October 10, 1986, the order of the Board of Claims, Docket No. 777, entered August 15, 1985, is hereby affirmed."

January 30, 1987 Copy of Petition for Review as filed in the Supreme Court filed by attorney for Defendant.

March 17, 1988 Notified from Supreme Court. Granted Petition for Allowance of Appeal from Commonwealth Court

September 2, 1988 File returned from Commonwealth Court.

September 7, 1988 Copy of Order received from Supreme Court. Order as follows: "This appeal is dismissed as having been improvidently granted." (Mr. Justice Zappala notes a dissent.) (Supreme Court Docket No. 45 M.D. Appeal Dkt. 198').

2/12/88
JLJ