

NORTH GARDEN COURT CONVALESCENT CENTER, INC. and  
GARDEN COURT CONVALESCENT CENTER SOUTH, INC.

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and \*\*\*  
~~WALTER COHEN~~ Walter Cohen, Secretary

~~Bruce H. Thall, Esquire~~  
J. Stange Creamer, Esquire and  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire  
~~WALTER COHEN~~ Walter Cohen, Esquire  
~~WALTER COHEN~~ Walter Cohen, Esquire  
Bruce G. Baron, Esquire

Docket No. 841

**closed**

JULIUS ROSENBERG



FORM  
NO. 30-PR

September 27, 1982 By Order of Commonwealth Court, case filed. ORDER as follows: "NOW, September 27, 1982, we sua sponte raise the question of our jurisdiction to entertain the above complaint in assumpsit and conclude that jurisdiction lies in the Board of Claims. We, therefore, transfer this matter to the Board of Claims. The Chief Clerk shall certify to said Board a photocopy of the docket entries in this matter and transfer to said Board the record thereof."

October 12, 1982 File received from Commonwealth Court. Complaint, original and one copy, remanded with record by Commonwealth Court to Board.

October 19, 1982 Request made for additional copies of Complaint and filing fee.

November 1, 1982 Additional copies of Complaint and filing fee filed. Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

December 7, 1982 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 19, 1983 Answer and Further Response to Respondents' Answer and New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

August 25, 1983 Claimant's 1st Set of Interrogatories Addressed to Respondents and Claimant's 1st Request for Production of Documents filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

August 29, 1983 Petition to Amend Caption filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

\*\*\* August 31, 1983 Order signed by Judge Pace. Order as follows "AND NOW, to wit, this 31st day of August, 1983, having considered the Petition to Amend the Caption of the Complaint to reflect the substitution of Walter Cohen as Secretary of the Department of Welfare of the Commonwealth of Pennsylvania; It shall be and hereby is ORDERED that the Petition is GRANTED." Copies forwarded to attorney for plaintiff and attorney for defendant.

OVER

NORTH GARDEN COURT CONVALESCENT CENTER, INC. and GARDEN COURT CONVALESCENT CENTER SOUTH, INC.  
VS.  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE and Walter Cohen, Secretary  
~~Bruce G. Baron, Esquire~~  
~~J. Shane Creamer, Esquire and David R. Daerden, Esquire and Gerald E. Arth, Esquire~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
Buce G. Baron, Esquire

September 2, 1983 Preliminary Objections to Petition to Amend Complaint filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 8, 1983 Petition to Strike Preliminary Objections as well as proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 12, 1983 Copy of Subpoena to Bruce Baron, Assistant Counsel, filed by attorney for plaintiff.

September 19, 1983 Withdrawal of Appearance of Bruce G. Baron, Assistant Counsel and Entry of Appearance of Roger T. Margolit, Assistant Counsel filed.

November 3, 1983 Respondent Cohen's Objections and Answers to Claimant's First Set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

November 10, 1983 Motion to Compel Answers to Claimants' Interrogatories and to Impose Appropriate Sanctions, Memorandum of Law and proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

January 5, 1984 Respondent's Amended Objections and Answers to Claimants' First Set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 14, 1984 Oral Argument (previously scheduled by phone call to parties from Mr. Panarella) held in Board's Court Room at 10 a.m.

May 2, 1984 Testimony of hearing held March 14, 1984 filed.

May 8, 1984 Copy of testimony of hearing held March 14, 1984 forwarded to attorney for defendant.

MAY 18, 1984 Motion for Sanctions and for Summary Judgment AND Memorandum of Law in Support Thereof AND Four Orders filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

156

NORTH GARDEN COURT CONVALESCENT CENTER, INC., Bruce B. Whall, Esquire  
and GARDEN COURT CONVALESCENT CENTER SOUTH, J. Shane Creamer, Esquire and  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire



VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE AND  
WALTER COHEN, SECRETARY

William A. Barto, Esquire  
Bruce G. Baron, Esquire

Case No. 33-18

June 13, 1984 Reply to Claimant's Motion for Sanctions and for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 21, 1984 Brief in Opposition to Claimants' Motion for Sanctions and for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 21, 1984 Motion to Dismiss for Failure to Join a Necessary Party filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 25, 1984 Response of Claimants in Support of Their Motion For Sanctions and For Summary Judgment filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 25, 1984 Affidavit filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

July 2, 1984 Reply Brief in Support of Claimants' Motion for Sanctions and for Summary Judgment filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 2, 1984 Claimants' Motion to Strike Respondents' Motion to Dismiss for Failure to Join a Necessary Party filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 5, 1984 Affidavit of Charles Barto filed by Mr. Barto. Copy forwarded to attorney for plaintiff and attorney for defendant.

April 16, 1985 Respondent's Motion for Summary Judgment filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 29, 1985 Claimant's Answer and New Matter to Respondent's Motion for Summary Judgment filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

*W. A. Barto*

NORTH GARDEN COURT CONVALESCENT CENTER, INC. ~~Bruce D. Thilly, Esquire~~  
and GARDEN COURT CONVALESCENT CENTER SOUTH, J. Shane Cremer, Esquire and  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE AND  
WALTER COHEN, SECRETARY

**CLOSED**

May 21, 1985

The Board rendered an Opinion and made the following Order: "AND NOW, to wit, this 22nd day of May, 1985, having considered Plaintiff's Motion for Sanctions; It is ORDERED that: 1. That the Defendant take whatever steps as are necessary to answer the written Interrogatories in full compliance with the Rules of Court which were proposed, filed and served by the Plaintiffs on August 23, 1983, upon the Defendant,

2. That the Defendant produce all pertinent documents concerning the Wilmac Agreement to the Plaintiff, 3. That the Defendant identify and make available to be deposed, all individuals who in any way were involved in the creation, drafting, negotiation, execution and implementation of the Wilmac Agreement, 4. That the specifics of this Order be carried out no later than July 31, 1985. Having considered plaintiffs' Motion for Summary Judgment, it is ORDERED that said Motion is DENIED. Having considered Defendant's Motion to Dismiss for Failure to Join a Necessary Party, it is ORDERED that said Motion is DENIED." Copies forwarded to attorney for Plaintiff, attorney for defendant and Walter W. Cohen, Secretary.

July 26, 1985

Answers to Claimants' First Set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 23, 1986

Hearing scheduled for March 18 through March 21, 1986, as well as March 25 through March 28, 1986, if necessary, in Board's Court Room at 10:00 a.m.

February 21, 1986

Claimant's First Request for Production of Documents Directed to North Garden Court Convalescent Center, Inc. and Garden Court Convalescent Center South, Inc. filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 21, 1986

Pennsylvania Department of Public Welfare's First Set of Interrogatories Directed to Defendants North Garden Court Convalescent Center, Inc. and Garden Court Convalescent Center South, Inc. filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 18, 1986

Hearing held in Board's Court Room at 11:00 a.m. Case continued until March 25, 1986.

March 25, 1986

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

NORTH GARDEN COURT CONVALESCENT CENTER, INC. and GARDEN COURT CONVALESCENT CENTER, SOUTH, INC. vs. ~~Bruce G. Baron, Esquire~~  
~~J. Shane Creamer, Esquire and David R. Dearden, Esquire and Gerald E. Allen, Esquire~~

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE and WALTER COHEN, SECRETARY

~~Robert E. Margolis, Esquire~~  
~~Thomas D. Longley, Esquire~~  
Bruce G. Baron, Esquire

**CLOSED**

- April 15, 1986 Testimony of hearing held March 18, 1986 filed.
- April 17, 1986 Testimony of hearing held March 25, 1986 filed.
- April 18, 1986 Copy of testimony of hearing held March 18, 1986 forwarded to attorney for defendant.
- April 25, 1986 Copy of testimony of hearing held March 25, 1986, forwarded to attorney for defendant.
- April 25, 1986 Acceptance of Service of testimony of hearing held March 18, 1986 received from defendant. Receipt of same acknowledged by defendant April 23, 1986.
- May 6, 1986 Acceptance of Service of testimony of hearing held March 25, 1986 received from defendant. Receipt of same acknowledged by defendant May 1, 1986.
- May 15, 1986 Proposed Findings Of Fact And Conclusions of Law And Memorandum of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- June 24, 1986 Proposed Findings of Fact and Conclusions of Law and Brief of the Department of Public Welfare filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- June 26, 1986 Proposed Order and Motion to Have Claimants' Findings of Fact and Conclusions of Law Re Deemed Uncontested and Memorandum of Law in Support of Motion to Have Claimants' Findings of Fact and Conclusions of Law be Deemed Uncontested filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- July 22, 1986 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of July, 1986, upon consideration of the Claimant's Motion and review of the filings made in this matter, the Motion is hereby DENIED." Copies forwarded to attorney for plaintiff and attorney for defendant.

W O Y E A W

**CLOSED**

NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDEN COURT CONVALESCENT CENTER,  
SOUTH, INC.

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
WALTER COHEN, SECRETARY

~~Bruce G. Baron, Esquire~~  
Shane Craemer, Esquire and  
David R. Dearden, Esquire and  
Gerald E. Ath, Esquire

~~Robert H. Gentry, Esquire~~  
~~William J. Gentry, Esquire~~  
Bruce G. Baron, Esquire

July 28, 1986 Acceptance of Service of Opinion and Order dated July 22, 1986 received from Plaintiff. Receipt of same acknowledged by Plaintiff July 24, 1986.

July 29, 1986 Acceptance of Service of Opinion and Order dated July 22, 1986 received from defendant. Receipt of same acknowledged by defendant July 24, 1986.

August 19, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 19th day of August, 1987, we find in favor of the Plaintiff in the amount of Six Hundred Seventy-one Thousand Three Hundred Twenty-four Dollars and Forty-eight Cents (\$671,324.48). The Board arrives at this judgement in the following manner:  
Count I - \$738,264.56, Count II - \$512,767.80, Count III - \$36,192.00 = \$1,287,224.36  
Divided by 365 days = \$1,526.64 Multiplied by 184 days = \$648,901.76,  
Count IV - \$16,695.00, Count V - \$5,727.72, GRAND TOTAL \$671,324.48. All costs to be borne respectively by the parties to this litigation."

August 21, 1987 Copies of Opinion and Order dated August 19, 1987 forwarded to attorney for Plaintiff and attorney for defendant.

August 28, 1987 The Board made the following Amended Order: "It has been called to the Board's attention that interest was not awarded on the Order dated August 19, 1987. Accordingly, the Board, under date of August 28, 1987, issues the following Amended Order: AND NOW, this 28th day of August, 1987, we find in favor of the Plaintiff, North Garden Court Convalescent Center, Inc. and Garden Court Convalescent Center South, Inc., and against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, in the amount of Six Hundred Seventy-One Thousand Three Hundred Twenty-four Dollars and Forty-eight Cents (\$671,324.48) with interest thereon from April 7, 1982, at the legal rate of six (6%) percent per annum. The Board arrives at this judgement in the following manner: Count I - \$738,264.56, Count II - \$512,767.80, Count III - \$36,192.00 = \$1,287,224.36 Divided by 365 days = \$3,526.64 Multiplied by 184 days = \$648,901.76, Count IV - \$16,695.00, Count V - \$5,727.72, GRAND TOTAL \$671,324.48. All costs to be borne respectively by the parties to this litigation." Copies forwarded to attorney for Plaintiff, attorney for Defendant, Mr. Baron and Mr. Darlington.

-206-

NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDEN COURT CONVALESCENT CENTER,  
SOUTH, INC.

J. Shane Creamer, Esquire and  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire

Docket No. 841

**CLOSED**

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
WALTER MULLER, SECRETARY

~~Register of Wills, Esquire~~  
William G. ...  
Bruce G. Baron, Esquire

FORM 30-FF

August 28, 1987 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.

September 1, 1987 Acceptance of Service of Opinion and Order dated August 19, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff August 24, 1987.

September 2, 1987 Petition for Review received from Commonwealth Court. No. 2035 C.D. 1987.

September 4, 1987 Acceptance of Service of Amended Order dated August 28, 1987 received from Mr. Baron. Receipt of same acknowledged by Mr. Baron August 31, 1987.

September 4, 1987 The Board made the following Amended Order Concurrence<sup>1</sup>: "It has been called to the Board's attention that interest was not awarded on the Order dated August 19, 1987. Accordingly, I, under date of September 4, 1987, issue the following Concurrence to the Amended Order dated August 28, 1987: AND NOW, this 4th day of September, 1987, I concur in finding in favor of the Plaintiff, North Garden Court Convalescent Center, Inc. and Garden Court Convalescent Center South, Inc., and against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, in the amount of Six Hundred Seventy-one Thousand Three Hundred Twenty-four Dollars and Forty-eight Cents (\$671,324.48) with interest thereon from April 7, 1982, at the legal rate of six (6%) percent per annum. I concur with the Board arriving at this judgment in the following manner: COUNT I - \$738,64.56, COUNT II - \$512,767.80, COUNT III - \$36,192.00 = \$1,287,221.36 divided by 365 days = \$3,526.64 Multiplied by 184 days = \$648,901.76, COUNT IV - \$17,695.00, COUNT V - \$5,727.72, GRAND TOTAL \$671,324.48. All costs to be borne respectively by the parties to this litigation. I was unable to join in the original Amended Order of August 28, 1987, wherein interest, therein, was granted from the date of April 7, 1982, at the legal rate of six (6%) percent per annum. I was on vacation and, but for that fact would have signed the Amended Order. I wish to concur in the Amended Order of August 28, 1987 which was signed by Charles F. Mebus, P.E., Engineer Member, and Stanley A. Miller, Citizen Member."

September 8, 1987 Copies of Amended Order Concurrence<sup>1</sup> dated September 4, 1987 forwarded to attorney for Plaintiff, attorney for Defendant Mr. Baron and Mr. Darlington.

*over*

NORTH GARDEN COURT CONVALESCENT CENTER, INC. and GARDEN COURT CONVALESCENT CENTER, SOUTH, INC.

J. Shane Creamer, Esquire and David R. Dearden, Esquire and Gerald E. Arch, Esquire

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE and WALTER W. COHEN, SECRETARY

~~Receipt of Amended Order~~  
Bruce G. Baron, Esquire

September 8, 1987 Acceptance of Service of Amended Order dated August 28, 1987 received from Plaintiff  
Receipt of same acknowledged by Plaintiff September 3, 1987.

September 9, 1987 Acceptance of Service of Opinion and Order dated August 19, 1987 received from Defendant. Receipt of same acknowledged by Defendant August 24, 1987.

September 16, 1987 Acceptance of Service of Amended Order Concurrence received from Plaintiff. Receipt of same acknowledged by Plaintiff September 14, 1987.

September 21, 1987 Praecipe to Correct the Record of Appearance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 22, 1987 Copy of Cross Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

September 30, 1987 Cross Petition for Review received from Commonwealth Court. (No. 2261 C.D. 1987.)

October 6, 1987 File transmitted to Commonwealth Court.

October 23, 1987 Acceptance of Service of Amended Order Concurrence received from Defendant. Receipt of same acknowledged by Defendant September 9, 1987.

October 23, 1987 Acceptance of Service of Amended Order Concurrence received from Mr. Baron. Receipt of same acknowledged by Mr. Baron September 9, 1987.

October 11, 1988 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, October 6, 1988, the order of the Board of Claims, No. 841, dated August 19, 1987, is hereby vacated and the cases in the above-captioned matters are remanded for further proceedings consistent with this opinion. Jurisdiction relinquished."

November 9, 1988 Letter/Entry of Appearance filed by Bruce G. Baron, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 10, 1988 Copy of Application of Reargument, as filed in Commonwealth Court, received from attorney for Plaintiff.



NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDEN COURT CONVALESCENT CENTER,  
SOUTH, INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
WALTER W. COHEN, SECRETARY

DOCKET NO. 841

J. Shane Creamer, Esquire and  
David P. Dearden, Esquire and  
Gerald E. Arth, Esquire

Bruce J. Baron, Esquire

**CLOSED**



FORM 30-FR

November 16, 1988 Case stayed until thirty (30) days after the entry of a final order from the Appellate Courts pursuant to Board's letter of November 16, 1988.

February 2, 1989 Copy of Petition for Allowance of Appeal as filed in Supreme Court received from attorney for Plaintiff.

August 7, 1989 The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of August, 1989, for sufficient cause shown, the Stay of the above entitled matter contained in the letter of November 16, 1988 is LIFTED. All matters hereinafter shall proceed according to the matters of record and, in particular, the Opinion of the Commonwealth Court, No. 2035 C.D. 1987 and No. 2261 C.D. 1987, Board's Docket No. 841, Opinion Not Reported, released by the Honorable Joseph T. Doyle." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 15, 1989 Acceptance of Service of Opinion and Order dated August 7, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 10, 1989.

August 15, 1989 Acceptance of Service of Opinion and Order dated August 7, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 9, 1989.

September 11, 1989 Notice of Filing of Petition for Allowance of Appeal from Supreme Court denied July 13, 1989. (Supreme Court's Docket No. 84 E.D. Allocatur Docket 1989).

September 11, 1989 File returned from Commonwealth Court.

October 5, 1989 The Board rendered an Opinion and made the following Order: "AND NOW, this 5th day of October, 1989, it is hereby ORDERED and DECREED that in preparation for a further evidentiary hearing, the parties may engage in mutual discovery for a period of ninety (90) days from the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 12, 1989 Acceptance of Service of Opinion and Order dated October 5, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 3, 1989.

J. Shane Creamer, Esquire and  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire

**CLOSED**

NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDIN COURT CONVALESCENT CENTER,  
SOUTH, INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
WALTER W. COMEN, SECRETARY

Bruce G. Baron, Esquire

October 12, 1989 Acceptance of Service of Opinion and Order dated October 5, 1989, received from attorney for Defendant. Receipt of same acknowledged by Defendant October 6, 1989.

October 23, 1989 Claimants' Second Request for Production of Documents Addressed to Respondents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 23, 1989 Claimants' Second Set of Interrogatories Addressed to Respondents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 27, 1989 Claimants' Motion to Compel Interrogatory Answers and Production of Documents and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 1, 1989 Entry of Appearance filed by David R. Dearden, Esquire and Gerald E. Arth, Esquire, attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

December 11, 1989 Proposed Order relative to Motion to Compel Interrogatory Answers and Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 19, 1989 The Board made the following Order: "AND NOW, this 19th day of December, 1989, the Plaintiff's Motion to Compel Interrogatory Answers and Production of Documents is found to be moot since this Court has provided the defendant with an extension of time to answer the Interrogatories and Request for Production of Documents until January 5, 1990. Plaintiff's motion is therefore dismissed without prejudice to refile at an appropriate time." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 27, 1989 Acceptance of Service of Order dated December 19, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 21, 1989.

NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDEN COURT CONVALESCENT CENTER,  
SOUTH, INC.

J. Shane Creamer, Esquire  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire

DOCKET NO. 84.

VS.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
WALTER W. COHEN, SECRETARY

BRUCE G. BARON, ESQUIRE

**CLOSED**

WALTER JONES 3/2/90

December 29, 1989 Acceptance of Service of Order dated December 19, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 22, 1989.

January 10, 1990 Respondents' Answers to Claimants' Second Set of Interrogatories Addressed to Respondents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1990 Joint Motion for Approval of Settlement and Proposed Order executed by parties, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff (David R. Dearden, Esquire) by attorney for Defendant.

March 23, 1990 The Board rendered an Opinion and made the following Order: "AND NOW, this 23rd day of March, 1990, having noted the Board's order of a Stay in this matter for a period of 60 days and having received the Joint Motion For Approval of Settlement filed by the parties over the signatures of David R. Dearden, Esquire on behalf of Plaintiff and Bruce G. Baron, Assistant Counsel on behalf of Defendant and determined that the proposal is a just and reasonable solution of this matter, it is hereby ORDERED and DECREED that the Stay is lifted and the Order is hereinafter set forth: 1. The Joint Motion For Approval of Settlement is GRANTED. 2. The settlement of this matter proposed by the parties is APPROVED. 3. This matter is DISMISSED with prejudice as settled, pursuant to the terms of the settlement; and the Joint Motion For Approval of Settlement. 4. Respondent, Commonwealth of Pennsylvania, Department of Public Welfare shall pursuant to its agreement make those adjustments required by the approved settlement in this matter and within 30 days of the date on which this Order is rendered, the Commonwealth of Pennsylvania, Department of Public Welfare shall pay to the Claimants the sum of Four Hundred Ninety-Three Thousand Eight Hundred Nineteen Dollars and Eighty Cents (\$493,819.80). 5. In the event that Claimants do not receive the sum of Four Hundred Ninety-Three Thousand Eight Hundred Nineteen Dollars and Eighty Cents (\$493,819.80) within 30 days of the date of the date of which this Order is rendered, the unpaid amount shall accrue interest thereafter at the legal rate until paid. 6. All parties shall bear their own costs. 7. Claimants shall file with the Board of Claims a Praecipe notifying the Board of the date on which payment under the approved settlement was in fact received. Such

(over)

NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDEN COURT CONVALESCENT  
CENTER, SOUTH, INC. VS.

J. Shane Creamer, Esquire  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire

DOCKET NO. 841

**CLOSED**

~~COMMONWEALTH OF PENNSYLVANIA,~~  
~~DEPARTMENT OF PUBLIC WELFARE and~~  
WALTER W. CCHEN, SECRETARY

~~Bruce G. Beron, Esquire~~

March 23, 1990 Praecipe to be filed within 30 days of such receipt so that the Board of Claims may  
(continued) determine if its files on this matter should then be closed." Copies forwarded to  
attorneys for Plaintiffs and attorney for Defendant and Chief Deputy Attorney  
General.

March 28, 1990 Acceptance of Service of Opinion and Order dated March 23, 1990, received from Chief  
Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney  
General March 26, 1990.

March 29, 1990 Acceptance of Service of Opinion and Order dated March 23, 1990 received from  
attorney for Defendants. Receipt of same acknowledged by attorney for Defendants  
March 26, 1990.

April 3, 1990 Acceptance of Service of Opinion and Order dated March 23, 1990, received from  
attorney for Plaintiff (Gerald E. Arth, Esquire). Receipt of same acknowledged by  
attorney for Plaintiff (Gerald E. Arth, Esquire) March 26, 1990.

April 3, 1990 Acceptance of Service of Opinion and Order dated March 23, 1990, received from  
attorney for Plaintiff (J. Shane Creamer, Esquire). Receipt of same acknowledged by  
attorney for Plaintiff (J. Shane Creamer, Esquire) March 27, 1990.

July 12, 1990 Petitioners' Praecipe to Settle, Discontinue and End filed by attorneys for  
Plaintiffs. Copy forwarded to attorney for Defendant by attorneys for Plaintiffs.

August 9, 1990 The Board made the following Order: "AND NOW, this 9th day of August, 1990, upon  
receipt of Petitioners' Praecipe to Settle, Discontinue and End, and acknowledging  
that monies have been paid, executed by David R. Dearden, Esquire, on behalf of  
Plaintiff, same of which is docketed with this Board under date of July 12, 1990, it  
is ORDERED and DIRECTED that said case be marked 'settled, discontinued and ended  
with prejudice.'" Copies forwarded to attorneys for Plaintiffs and attorney for  
Defendant.

August 17, 1990 Acceptance of Service of Order dated August 9, 1990 received from attorney for  
Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1990.

NORTH GARDEN COURT CONVALESCENT CENTER,  
INC. and GARDEN COURT CONVALESCENT  
CENTER, SOUTH, INC.

J. Shane Creamer, Esquire  
David R. Dearden, Esquire and  
Gerald E. Arth, Esquire

DOCKET No. 841

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
WALTER V. COHEN, SECRETARY

Bruce G. Baron, Esquire

August 17, 1990 Acceptance of Service of Order dated August 9, 1990 received from attorney for  
Plaintiff (Gerald E. Arth, Esquire). Receipt of same acknowledged by attorney for  
Plaintiff August 14, 1990.

August 20, 1990 Acceptance of Service of Order dated August 9, 1990 received from attorney for  
Plaintiff (J. Shane Creamer, Esquire). Receipt of same acknowledged by attorney for  
Plaintiff August 15, 1990.

August 20, 1990 Acceptance of Service of Order dated August 9, 1990 received from attorney for  
Plaintiff (David R. Dearden, Esquire). Receipt of same acknowledged by attorney for  
Plaintiff August 15, 1990.