

FRANKLIN FAIR and EMILY FAIR, t/d/b/a
FAIR REST HOME
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE

J. D. HEIM, ESQUIRE

DOCKET NO. 871

~~XXXXXXXXXXXXXXXXXXXX~~ Bruce G. Baron, Esquire

RECORDED & INDEXED



FORM 30-FR

February 17, 1983	Complaint filed. Amount of claim:
February 28, 1983	Request made for four additional copies of complaint and filing fee.
March 7, 1983	Four additional copies of complaint and filing fee received.
March 9, 1983	Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.
March 15, 1983	Preliminary Objections and Brief filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.
April 18, 1983	Answer to Preliminary Objections and Memorandum in Support filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.
April 22, 1983	Respondent's Answer to New Matter in Claimant's Answer to Respondent's Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
May 16, 1983	The Board rendered an Opinion and made the following Order: "AND NOW, this 26th day of May, 1983, Defendant's Preliminary Objections are hereby DISMISSED." Copies forwarded to attorney for plaintiff and attorney for defendant.
June 7, 1983	Answer, New Matter and Counterclaim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
June 27, 1983	Answer to New Matter and Answer to Counterclaim filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
July 1, 1983	Motion for Judgment on the Pleadings and Brief filed by attorney for defendant. Copies distributed to Board members.
July 18, 1983	Answer to Motion for Judgment on the Pleadings and Brief in support filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

OVER

FRANKLIN and EMILY FAIR, t/d/b/a
FAIR REST HOME

J.D. Helm, Esquire

Docket No. 871

VS.

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Bruce . Baron, Esquire

December 19, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 19th day of December, 1983, the Defendant's Motion in the nature of a Judgment on the Pleadings is hereby DENIED." Copies forwarded to attorney for plaintiff and attorney for defendant.

January 3, 1984 Respondent's Interrogatories (1st Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 13, 1984 Answers to Respondent's Interrogatories (1st Set) filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 12, 1984 Notice of Depositions of Emily Fair, Franklin Fair and Honor Toy filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

April 27, 1984 Motion for Summary Judgment and Brief filed by attorney for Defendant. Copy forwarded to attorney for plaintiff by attorney for Defendant.

June 8, 1984 Answer to Motion for Summary Judgment/ filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. and Brief

July 12, 1984 The Board rendered an opinion and made the following Order: "AND NOW, this 12th day of July, 1984, the request of the Defendant in the nature of Summary Judgment is hereby DENIED. The parties will be advised within the immediate future as to the date that this case will be litigated."

July 13, 1984 Copies of Opinion and Order dated July 12, 1984, forwarded to attorney for plaintiff and attorney for defendant.

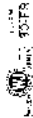
July 31, 1984 Request for Reconsideration and Respondent's Interrogatories Second Set filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

August 7, 1984 The Board made the following Order: "AND NOW, this 7th day of August, 1984, upon consideration of the file in the above-captioned matter and a review of the Respondent's Department of Public Welfare, REQUEST FOR RECONSIDERATION, the request is hereby DENIED there being no new matter set forth not previously reconsidered by the Board." Copies forwarded to attorney for plaintiff and attorney for defendant.

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April 18, 1985 Objections to Respondent's Interrogatories, Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

April 25, 1985 Department of Public Welfare's Answer to Claimants' Objections to Respondent's Interrogatories, Second Set and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 15, 1985 Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 17, 1985 Respondent's Motion for Sanction and Memorandum of Law in Support of DPW's Motion for Sanctions filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

June 11, 1985 The Board rendered an Opinion and made the following Order: AND NOW, this 11th day of June, 1985, Plaintiffs' Objections to Defendant's Interrogatories, Second Set are hereby OVERRULED and Plaintiffs are DIRECTED to answer said Interrogatories within twenty-five (25) days of the date of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 8, 1985 Claimant's Answer to Respondent's Interrogatories Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 12, 1985 Respondent's Motion For Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 13, 1985 Claimants' Answer to Respondent's Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 21, 1985 Motion for Partial Summary Judgment on Respondent's Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 24, 1985 DPW's Interrogatories (Third Set) to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

J. I. Heim, Esquire

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- August 12, 1985 Claimants' Reply to Motion for Partial Summary Judgment and Brief in Opposition to Motion for Partial Summary Judgment on its Counterclaim filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.
- August 12, 1985 Claimants' Answers to DPW's Interrogatories (Third Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- August 15, 1985 DPW's Interrogatories (Fourth Set) to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- October 1, 1985 Respondent's Motion for sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- October 9, 1985 Claimants' Answer to Respondent's Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- October 15, 1985 Claimant's Answers to DPW's Interrogatories (Fourth Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- October 17, 1985 Claimants' Interrogatories to DPW filed by Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- October 18, 1985 Respondent's Motion for Summary Judgment and Memorandum of Law in Support of filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- October 23, 1985 Respondent's Answers to Claimants' Interrogatories to DPW filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- October 26, 1985 Claimant's Motion for Summary Judgment and Brief in Opposition filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.
- November 1, 1985 Claimants' Interrogatories to DPW (Second Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

-OVR-

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- November 12, 1985 Answers to Interrogatories (Second Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- January 3, 1986 Requests for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- January 3, 1986 Respondent's Answers to Claimants' Interrogatories to DPW (Third Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- February 3, 1986 Claimants' Answers to DPW's Requests for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- April 16, 1986 The Board rendered an Opinion and made the following Order: "AND NOW, this 16th day of April, 1986, the Board finds as follows: The Partial Summary Judgment filed by the Defendant on July 23, 1985, is DENIED. The Motion for Sanctions as filed by the Defendant on October 1, 1985, incorporating therein Motion for Sanctions of July 11, 1985, is DENIED. The Summary Judgment as filed by the Defendant dated October 18, 1985, is DENIED. In light of this Order, this case is now in the position where it can be tried. The case will be set for hearing within the immediate future. Counsel for Plaintiff and Defendant will be advised in accordance with the rules of this Board as to that date." Copies forwarded to attorney for Plaintiff and attorney for Defendant.
- April 22, 1986 Acceptance of Service of Opinion and Order, dated April 16, 1986, received from Plaintiff. Receipt of same acknowledged by Plaintiff April 18, 1986.
- April 23, 1986 Acceptance of Service of Opinion and Order, dated April 16, 1986, received from Defendant. Receipt of same acknowledged by Defendant April 13, 1986.
- May 21, 1986 Hearing scheduled for June 25, 26 and 27, 1986, if necessary, before the Western District, to be held at the Pittsburgh State Office Building, Room 1606, commencing at 10:00 a.m.

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J. E. Heim, Esquire

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June 23, 1986 Hearing held in Pittsburgh State Office Building, Room 1606, Western District,
commencing at 10:00 a.m. Case completed.

July 16, 1986 Testimony of hearing held June 25, 1986 filed.

July 17, 1986 Copy of Testimony forwarded to attorney for Defendant.

July 24, 1986 Acceptance of Service of Testimony, for hearing held June 25, 1986, received from
Defendant. Receipt of same acknowledged by Defendant July 21, 1986.

August 18, 1986 Claimants' Proposed Findings of Fact, Claimants' Proposed Conclusions of Law, and
Claimants' Brief filed by attorney for Plaintiff. Copy forwarded to attorney for
Defendant by attorney for Plaintiff.

September 15, 1986 Proposed Findings of Fact, Conclusions of Law, and Brief for Respondent filed by
attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for
Defendant.

October 30, 1986 The Board rendered an Opinion and made the following Order: "AND NOW, this 30th day
of October, 1986, we find in favor of the Defendant, Commonwealth of Pennsylvania,
Department of Public Welfare and against the Plaintiff, Franklin and Emily Fair,
t/s/b/a Fair Rest Home. Both parties are to pay their respective costs." Copies
forwarded to attorney for Plaintiff and attorney for Defendant.

November 4, 1986 Acceptance of Service of Opinion and Order, dated October 30, 1986, received from
Defendant. Receipt of same acknowledged by Defendant October 31, 1986.

November 5, 1986 Acceptance of Service of Opinion and Order, dated October 30, 1986, received from
Plaintiff. Receipt of same acknowledged by Plaintiff November 3, 1986.

August 31, 1987 Western District Panel Hearing Report filed.