

**CLOSED**

September 27, 1983 By Order of Commonwealth Court, case filed, ORDER as follows: "AND NOW, September 27, 1983, upon consideration of Professional Resources Organizing Services, Inc.'s Motion to Dismiss, and Olsten Health Care Services' answer thereto, and following a hearing thereon, petitioner's petition for review in the above captioned matter is hereby transferred to the Board of Claims insofar as it states a claim against the Commonwealth of Pennsylvania, Department of Public Welfare, and is hereby transferred to the Court of Common Pleas of Montgomery County insofar as it states a claim against Olsten Health Care Services, and any further proceedings before the court of common pleas are hereby stayed pending the resolution of petitioner's action before the Board of Claims or as the said court of common pleas may direct. Jurisdiction relinquished."

THE FOLLOWING FILED IN COMMONWEALTH COURT:

July 1, 1983 Petition filed.

July 1, 1983 Proof of service filed.

July 7, 1983 Notices Exlt.

July 18, 1983 The appearance of Daniel R. Schuckers, Esq. is hereby entered on behalf of the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare. See Praecipe for appearance filed.

July 19, 1983 The appearance of Wilson M. Brown, III, Esq. is hereby entered on behalf of the Respondent, Olsten Health Care Services. See entry of appearance and certificate of service filed.

July 19, 1983 Preliminary Objections of Respondent, Department of Public Welfare and certificate of service filed.

July 25, 1983 On Order, argument on respondent's preliminary objections is hereby fixed for September 26, 1983 at 10 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pennsylvania. Respondent shall file and serve briefs (ten (10) in number) in support thereof on or before September 2, 1983. Petitioner shall file and serve briefs (ten (10) in number) in opposition thereto on or before September 21, 1983. (Senior Judge Lehman) Order exit.\*

Case 12-

PROFESSIONAL RESOURCES ORGANIZING  
SERVICE, INC.

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

Karen Kress Weisbord, Esq.

Daniel E. Schuckers, Esquire

Docket No. 922

**CLOSED**

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July 29, 1983 Petitioner's answers to the Preliminary Objections of the Respondent, Commonwealth of Pennsylvania, Department of Public Welfare and certificate of service filed.

\* July 28, 1983 Preliminary Objections of Respondent Olsten Health Care Services to Petition for Review and certificate of service filed

August 1, 1983 On Order, upon consideration of the preliminary objections of Olsten Health Care Services, argument thereon is hereby fixed for September 26, 1983 at 10:00 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pennsylvania. Said respondent shall file and serve briefs (ten (10) in number) in support of said preliminary objections on or before September 2, 1983. Petitioner shall file and serve briefs (ten (10) in number) in opposition to said preliminary objections on or before September 21, 1983. (J. Craig) Order exit.

August 3, 1983 Petitioner's answers to the preliminary objections of the Respondent, Olsten Health Care Services and certificate of service filed.

August 22, 1983 Stipulation of parties filed. See Stipulation filed.

August 21, 1983 Stipulation of parties as to withdraw of petition for review as to Respondent Olsten filed. See Stipulation filed.

August 21, 1983 Motion to dismiss filed.

August 21, 1983 Answer of Respondent Olsten Health Care Services to Petitioner's Motion to Dismiss and certificate of service filed.

August 21, 1983 Motion to vacate or suspend order setting schedule for briefing and argument of preliminary objections and certificate of service filed.

September 6, 1983 On Order, upon consideration of the respondent Olsten Health Care Service's motion to vacate or suspend this Court's Order of August 1, 1983, setting argument on preliminary objections and briefing schedule, said motion is granted and the Order of August 1, 1983 is hereby vacated. Argument on petitioner's motion to dismiss is hereby fixed for September 26, 1983, at 10:00 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pennsylvania. At the same as argument on petitioner's motion to dismiss, the Court shall consider the stipulations to

10/17/83

PROFESSIONAL RESOURCES ORGANIZING  
SERVICE, INC.

VS  
COMMONWEALTH OF PENNSYLVANIA,  
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September 6, 1983 (cont'd) withdraw the instant matter and transfer to the Board of Claims entered into by the parties. (J. MacPhail) Order exit.

September 13, 1983 Brief of Petitioner, Professional Resources Organizing Service, Inc. in response to brief of respondent, Olsten Health Care Services filed in opposition to petitioner's Motion to Dismiss and transfer and certificate of service filed by petitioner.

September 27, 1983 Order rendered by Commonwealth Court. (See previous September 27, 1983 entry)

October 5, 1983 Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

October 6, 1983 Letter forwarded to plaintiff requesting additional copies of complaint and filing fee.

October 14, 1983 Additional copies of complaint and filing fee received.

October 31, 1983 Record transferred from Commonwealth Court.

November 16, 1983 File received from Commonwealth Court.

December 1, 1983 Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.

January 4, 1984 Brief in Support of Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 25, 1984 Brief in Opposition to Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 15, 1984 The Board rendered an opinion and made the following Order: "AND NOW, this 15th day of June, 1984, the Preliminary objections as filed by the Defendant are hereby DENIED. The Defendant is given thirty (30) days from the date of this Order in which to file a responsive pleading." Copies forwarded to attorney for plaintiff and attorney for defendant.

*CAK*

Karen Kreis Weisbord Esquire

PROFESSIONAL RESOURCES ORGANIZING SERVICES, INC.

**CLOSED**

-continued-

Daniel R. Schuckers, Esquire

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

July 17, 1984 Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 17, 1984 Interrogatories Addressed to Respondent filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 23, 1985 Petitioner's Answer to Respondent's New Matter and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 21, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of June, 1985, the request of the Plaintiff is DENIED and the Plaintiff is DIRECTED to file an appropriate pleading to answer the New Matter of the Defendant. The Plaintiff is GRANTED thirty (30) days from the date of this Order in which to file said responsive pleading." Copies forwarded to attorney for plaintiff and attorney for defendant.

July 5, 1985 Petitioner's Answer to Respondent's New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 5, 1985 Brief in Opposition to the Commonwealth's New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 8, 1985 Proposed Order and Motion to Compel Answers to Interrogatories Addressed to Respondent filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

August 2, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 2nd day of August, 1985, the request of the Plaintiff to dismiss the New Matter as filed by the Defendant is DENIED. The parties are directed to proceed with any type of discovery which they intend to undertake."

August 5, 1985 Copies of Opinion and Order dated August 2, 1985 forwarded to attorney for plaintiff and attorney for defendant.

(over)

PROFESSIONAL RESOURCES ORGANIZING SERVICES, INC.

Karen Kress Weisbord, Esquire

Docket No. 922

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

Benedict R. Schuckewitz, Esquire  
Benjamin J. Davis, Esquire  
David DeVries, Chief Deputy Attorney General

**CLOSED**

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December 12, 1985

The board rendered an Opinion and made the following Order: "AND NOW, this 12th day of December, 1985, upon consideration of the Plaintiff's Motion to Compel Answers and a review of the record, it is hereby ORDERED that the Motion be GRANTED and the Defendant directed to file Answers or Objections to said Interrogatories within thirty (30) days from the date of this Order." Copies forwarded to attorney for plaintiff and attorney for defendant.

March 7, 1986

Proposed Order and Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

July 23, 1986

The board rendered an Opinion and made the following Order: "AND NOW, this 23rd day of July, 1986, it is ORDERED and DIRECTED that a Default Judgment shall be entered against the Commonwealth of Pennsylvania as permitted under Pa. R.C.P. 4019(c)(3) if the Commonwealth of Pennsylvania fails to file said Answer or Objections to the Interrogatories on or before August 8, 1986." Copies forwarded to attorney for plaintiff and attorney for defendant.

July 30, 1986

Acceptance of Service of Opinion and Order dated July 23, 1986 received from plaintiff. Receipt of same acknowledged by plaintiff July 28, 1986.

August 21, 1986

Upon review of the file and the most recent Motion for Default Judgment, the Board on this 21st day of August, 1986, directs that the Order of the Board dated December 12, 1985, be complied with and that said Answers to the Interrogatories shall be filed on or before September 8, 1986. On failure to comply with this Order, this Board on its own Motion, shall enter Default Judgment against the Defendant, Department of Public Welfare, and shall restrict testimony thereafter to assess damages, solely." Copies forwarded to attorney for plaintiff and attorney for defendant.

August 27, 1986

Acceptance of Service of Opinion and Order, dated August 21, 1986, received from defendant. Receipt of same acknowledged by defendant August 22, 1986.

August 28, 1986

Answers to Interrogatories Addressed to Respondent, Commonwealth of Pennsylvania, Department of Public Welfare filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

*[Handwritten signature]*

PROFESSIONAL RESOURCES ORGANIZING SERVICES, Karen Iness Weisbord, Esquire;

INC.  
Vs.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

David Levitsky - Chief-Deputy Attorney-General  
Helga L. Kumar, LL.B., Legal Assistant

**CLOSED**

- September 8, 1986 Acceptance of Service of Opinion and Order, dated August 21, 1986, received from Plaintiff. Receipt of same acknowledged by Plaintiff September 2, 1986.
- October 22, 1986 Motion for Default Judgment and Proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- October 24, 1986 Respondent's Motion for Protective Order and Memorandum of Law in Support of Respondent's Motion for Protective order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- October 30, 1986 Claimant's Answer to Respondent's Motion for Protective Order, Claimant's Memorandum in Response to Respondent's Memorandum Regarding Motion for Protective Order and Proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- November 3, 1986 Respondent's Memorandum of Law in Reply to Claimant's Answer and Memorandum to Respondent's Motion for Protective Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- November 7, 1986 Claimant's Response to Respondent's Memorandum of October 31, 1986 filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- April 3, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 3rd day of April, 1987, the Plaintiff's Motion for Default Judgment pursuant to Pa. R.C.P. 4019 c) (3) is hereby DENIED. DPW's Motion for Protective Order will be partially denied and partially granted as follows: To the extent DPW has additional information requested by interrogatories directed to DPW, questions 1, 2, 3, and 4, DPW is hereby ORDERED to supply this information to the Plaintiff. DPW's Motion for Protective Order as to these questions is DENIED. The Plaintiff's request for additional information relative to question 7, 7(a), 7(b) and 8 is hereby DENIED and DPW's Motion for Protective Order regarding those questions is hereby GRANTED. No additional response is required of the Department as to those questions. DPW's Motion for a Protective Order relative to question 9(a) is denied and Plaintiff's allegation that the answer is inadequate is meritorious. Accordingly, the Board

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PROFESSIONAL RESOURCES ORGANIZING  
SERVICE, INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

Karen Weisbord, Esquires

Docket No. 92:

Heiga L. Kumar, LL.B. Legal Assistant

**CLOSED**

April 3, 1987

(Continued)

hereby ORDERS DPW to provide this information. DPW's Answer to Interrogatory number 13 is not totally responsive and, therefore, the Motion for Protective Order is DENIED. The alleged inadequacy of the response is meritorious, and DPW is directed to supplement the answer to number 13. Plaintiff's Complaint as to Interrogatory number 15 is without merit, and DPW's Motion for a Protective Order relative to this request is GRANTED and no additional response will be required. Plaintiff's objection to the response to Interrogatory number 17 and 18 and its sub-parts is meritorious and DPW's response to those questions is inadequate. Therefore, the Motion for a Protective Order relative to 17, 17(a), 17(b), 17(c) and 18 is DENIED and DPW is hereby directed to supply Plaintiff with this information. Plaintiff's allegation that answers supplied by DPW to Interrogatory 19 and its sub-parts is meritorious and DPW's Motion for a Protective Order relative to those questions is hereby DENIED. DPW is ORDERED to supply the information requested in Interrogatory 19 and its sub-parts, (a) and (b). Plaintiff's objection to the response filed by DPW regarding question number 20 is meritorious, but only to the extent that the question applies to information related to nursing services. Furthermore, question 20 should be limited in time and the Board will limit the request to 3 years preceding the date Plaintiff began providing services to Defendant, i.e., July 1, 1982. The information requested by Plaintiff in Interrogatories 20(a) and 20(b) is unreasonable and DPW's Motion for Protective Order relative to those questions is hereby GRANTED. DPW need not respond to questions 20(a) and 20(b). DPW's Motion for a Protective Order relative to question 21 is GRANTED, again due to the fact the Board finds the request to be unreasonable. Similarly, DPW's Motion for a Protective Order as to numbers 21(a) and 21(b) is GRANTED and DPW will not be required to submit a response to these questions. Plaintiff's objections to the responses filed by DPW to numbers 28(a), 29 and 29(a) are meritorious and DPW is hereby ORDERED to provide the information requested in those questions. DPW's Motion for a Protective Order relative to Interrogatory numbers 32 and 32(a) is hereby GRANTED and the Plaintiff's objections to these questions are hereby OVERRULED. DPW is under no obligation to provide such information to Plaintiff. DPW's Motion for a Protective Order regarding questions 34 and 34(a) is hereby GRANTED and Defendant will not be required to respond to these questions. The Board finds these requests to be unreasonable and, therefore, the Plaintiff's Objections to the responses related to these questions are OVERRULED. Plaintiff's objections to the responses filed by DPW to questions 36 and 37, and their sub-parts, have merit and DPW, to the extent possible, is directed and hereby ORDERED to provide the information requested in numbers

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PROFESSIONAL RESOURCES ORGANIZING  
SERVICE, INC.

Karen Weisbord, Esquire

Docket No. 922

VS.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

Helga L. Kumar, J.L.B. Legal Assistant

**CLOSED**

April 3, 1987  
(Continued)

36, 36(a), 37 and 37(a). THE TIME REQUIRED BY THE BOARD OF CLAIMS TO MAKE THE DETERMINATION HEREIN WAS FAR AND IN EXCESS OF THE AMOUNT OF TIME THE BOARD IS ABLE TO EXPEND IN THESE CASES. BEAR IN MIND THAT THE BOARD HAS HUNDREDS OF CASES BEFORE IT BOTH IN THE ARBITRATION DIVISION AND FISCAL CORE DIVISION. The Board is stating that counsel for the parties in all of these cases must make every effort to resolve their differences when it relates to questions of answers to interrogatories, Depositions, Motions for Admissions, Protective Orders and others. The board feels that it must and shall get to the question of merits of the case at the earliest possible time so as not to penalize the Plaintiff and the taxpayers of the state of Pennsylvania. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 8, 1987

Acceptance of Service of Opinion and Order dated April 3, 1987 received from Plaintiff.  
Receipt of same acknowledged by Plaintiff April 8, 1987.

April 8, 1987

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

November 17, 1987

Stipulation and Agreed Order filed by parties.

December 4, 1987

The Board made the following orders: "AND NOW, this 4th day of December, 1987, it is hereby ordered and decreed that the above stipulation and agreed order shall be and is an Order of the Board of Claims." "AND NOW, this 4th day of December, 1987, it is further ORDERED and DIRECTED that the Claimant file with the Board of Claims, upon receipt of the agreed sum, a Praecipe requesting that the case be marked settled and discontinued with prejudice."

December 7, 1987

Copies of Stipulation and Agreed Order dated December 4, 1987 forwarded to attorney for Plaintiff and attorney for Defendant.

December 11, 1987

Acceptance of Service of Stipulation and Agreed Order dated December 4, 1987 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 9, 1987.

December 14, 1987

Acceptance of Service of Stipulation and Agreed Order dated December 4, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 8, 1987.



PROFESSIONAL RESOURCES ORGANIZING  
SERVICE, INC.

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE

Karen Weisbord, Esquire

He ga L. Kumar, LL.B. Legal Assistant

Docket No. 92:

**CLOSED**

UNITED STATES

FORM  
30-FR

January 7, 1988

Order to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 13, 1988

The Board made the following Order: "AND NOW, this 13th day of January, 1988, upon receipt of Order to Settle, Discontinue and End to mark the above-captioned matter "Settled, Discontinued and Ended", executed by Karen Kress Weisbord, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of January 7, 1988, it is ORDERED and DIRECTED that said case be marked settled, discontinued and ended with prejudice". Copies forwarded to attorney for Plaintiff and attorney for Defendant.

January 15, 1988

Acceptance of Service of Order dated January 13, 1988 received from Defendant.  
Receipt of same acknowledged by Defendant January 14, 1988.

January 21, 1988

Acceptance of Service of Order dated January 13, 1988 received from Plaintiff.  
Receipt of same acknowledged by Plaintiff January 8, 1988.