

**CLOSED**

Paul Eisenberg, Esquire

STEWART COOLER

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE and  
PHILADELPHIA HEALTH MANAGEMENT CORPORATION  
VS.  
~~John A. Kane, Chief Counsel (Acting)~~  
John C. Fekety, Assistant Counsel (Phila.)

~~EPISCOPAL HOSPITAL,~~  
PHILADELPHIA, PENNSYLVANIA  
(Impleaded Defendant)

December 26, 1984      Complainant and filing fee filed.      Amount of Claim: \$21,000.00+

January 2, 1985      Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

February 6, 1985      Respondent's Preliminary Objections and Brief in Support of Preliminary Objections filed by attorney for defendant.      Copy forwarded to attorney for plaintiff by attorney for defendant.

March 22, 1985      Claimant's Reply to Respondent's Preliminary Objections and Claimant's Brief in Opposition to Respondent's Preliminary Objections filed by attorney for plaintiff.      Copy forwarded to attorney for defendant by attorney for plaintiff.

April 12, 1985      Respondent's Reply to Claimant's New Matter filed by attorney for defendant.      Copy forwarded to attorney for plaintiff by attorney for defendant.

April 19, 1985      The Board rendered an Opinion and made the following Order: "AND NOW, this 19th day of April, 1985, the Preliminary Objections as filed by the Defendant are hereby DENIED. The Defendant is granted thirty (30) days from the date of this Order in which to file a responsive Pleading."

April 22, 1985      Copies of Opinion and Order dated April 19, 1985 forwarded to attorney for plaintiff and attorney for defendant.

May 15, 1985      Respondent's Answer filed by attorney for defendant.      Copy forwarded to attorney for plaintiff by attorney for defendant.

June 4, 1985      Claimant's Request for Production of Documents filed by attorney for plaintiff.      Copy forwarded to attorney for defendant by attorney for plaintiff.

July 3, 1985      Petition to Interplead Additional Defendant(s) filed by attorney for defendant.      Copy forwarded to attorney for plaintiff and proposed impleaded defendant by attorney for defendant.

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John C. Fekety, Assistant Counsel (Phila.)

~~Douglas V. Christian, Esquire~~

VS.  
\*EPISCOPAL HOSPITAL,  
PHILADELPHIA, PENNSYLVANIA  
(Impleaded defendant)

July 11, 1986 Letter received from John C. Fekety, Assistant Counsel entering his appearance on behalf of attorney for defendant.

July 21, 1986 Respondent's Reply to Response for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff and proposed impleaded defendant by attorney for defendant.

\*\*August 21, 1986 The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of August, 1986, upon consideration of Defendant's Petition to Implead, it is hereby ORDERED that Episcopal Hospital, Philadelphia, Pennsylvania, be and hereby is, impleaded as a party Defendant. Episcopal Hospital, Philadelphia, Pennsylvania, is hereby GRANTED thirty (30) days from the date hereof to file responsive Pleadings. The caption shall be and hereby is amended to read: Stewart Cooler, Plaintiff vs. Commonwealth of Pennsylvania, Department of Public Welfare, Defendant vs. Episcopal Hospital, Philadelphia, Pennsylvania, Impleaded Defendant - Before the Board of Claims - Docket No. 989." Copies forwarded to attorney for plaintiff and attorney for defendant.

August 29, 1986 Acceptance of Service of Opinion and Order, dated August 21, 1986, received from Defendant. Receipt of same acknowledged by Defendant August 26, 1986.

September 5, 1986 Episcopal Hospital's Response to Petition to Interplead Additional Defendant(s) filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

September 11, 1986 Response to Episcopal's Hospital Request to Dismiss the Petition to Implead filed by attorney for defendant. Copies forwarded to attorney for Plaintiff and attorney for impleaded defendant by attorney for defendant.

September 15, 1986 Episcopal Hospital's reply to the Commonwealth of Pennsylvania's Response to Episcopal Hospital's request to Dismiss the Petition to Implead filed by attorney for impleaded defendant. Copies forwarded to attorney for plaintiff and attorney for defendant by attorney for impleaded defendant.

5/2/86

STEWART COOLER

Paul Eisenberg, Esquire

Docket No. 919

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE, and  
PHILADELPHIA HEALTH MANAGEMENT CORPORATION

John C. Fekety, Assistant Counsel (Phila.)

**CLOSED**

Douglas Y. Christian, Esquire

~~EPISCOPAL HOSPITAL,  
PHILADELPHIA, PENNSYLVANIA~~  
Impleaded Defendant)

September 22, 1986

Episcopal Hospital's Preliminary Objections to Joinder filed by attorney for impleaded defendant. Copies forwarded to attorney for plaintiff and attorney for defendant by attorney for impleaded defendant.

September 29, 1986

The Board rendered an Opinion and made the following Order: "AND NOW, this 29th day of September, 1986, the request of Episcopal Hospital to be dismissed as an Additional Defendant and the Preliminary Objections filed by it are DENIED. Defendant, Department of Public Welfare, is ORDERED to file its Complaint versus Episcopal Hospital as Impleaded Defendant within twenty (20) days hereof. An appropriate response by the Impleaded Defendant to be filed within twenty (20) days thereafter." Copies forwarded to attorney for plaintiff, attorney for defendant and attorney for impleaded defendant.

October 7, 1986

Acceptance of Service of Opinion and Order dated September 29, 1986 received from defendant. Receipt of same acknowledged by defendant October 1, 1986.

October 9, 1986

Acceptance of Service of Opinion and Order dated September 29, 1986 received from impleaded defendant. Receipt of same acknowledged by impleaded defendant October 6, 1986.

October 21, 1986

Commonwealth's Complaint Against Episcopal Hospital filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

October 23, 1986

Copy of Commonwealth's Complaint Against Episcopal Hospital forwarded to Chief Deputy Attorney General.

October 31, 1986

Episcopal Hospital's Preliminary Objections to Joinder filed by attorney for impleaded defendant. Copies forwarded to attorney for plaintiff and attorney for defendant by attorney for impleaded defendant.

November 3, 1986

Acceptance of Service of Commonwealth's Complaint Against Episcopal Hospital received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General October 29, 1986.

Paul Eisenberg, Esquire

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John C. Fekety, Assistant Counsel (Phila.)

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PHILADELPHIA, PENNSYLVANIA  
(Impleaded defendant)

Douglas V. Pristler, Esquire

**CLOSED**

November 24, 1986 Episcopal Hospital's Reply to Commonwealth of Pennsylvania's Response to Episcopal Hospital's Preliminary Objections filed by attorney for impleaded defendant. Copies forwarded to attorney for plaintiff and attorney for defendant by attorney for impleaded defendant.

November 26, 1986 Commonwealth of Pennsylvania's Response to Episcopal Hospital's Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff and attorney for impleaded defendant by attorney for defendant.

December 12, 1986 Respondent Request for Production of Documents filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

February 17, 1987 The Board rendered an Opinion and made the following order: "AND NOW, this 17th day of February, 1987, the Preliminary Objections as filed by the Impleaded Defendant is DENIED. The Impleaded Defendant is given thirty (30) days from the date of this Order to file Responsive Pleadings." Copies forwarded to attorney for plaintiff, attorney for defendant and attorney for impleaded defendant.

February 27, 1987 Acceptance of Service of Opinion and Order dated February 17, 1987 received from defendant. Receipt of same acknowledged by defendant February 26, 1987.

March 6, 1987 Acceptance of Service of Opinion and Order dated February 17, 1987 received from impleaded defendant. Receipt of same acknowledged by impleaded defendant February 26, 1987.

April 15, 1987 Additional Defendant Episcopal Hospital's answer to Commonwealth's Complaint Against Episcopal Hospital" filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

April 17, 1987 Certificate of Service filed by attorney for Impleaded Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by Impleaded Defendant.

**CLOSED**

PHILADELPHIA, PENNSYLVANIA  
Case No. 989 (Impleaded Defendant)

May 14, 1987 Motion to Dismiss Plaintiff's Complaint filed by attorney for defendant. Copy forwarded to attorney for plaintiff and attorney for impleaded defendant by attorney for defendant.

May 18, 1987 Praecipe to Withdraw Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Impleaded Defendant by attorney for Defendant.

May 29, 1987 The Board made the following Order: "AND NOW this 29th day of May, 1987 the request of the Defendant to withdraw its Motion to Dismiss is DENIED. Defendant's Motion to Dismiss will be held in abeyance pending the outcome of counsel's attempts to resolve this matter. The Board will expect a report on or before August 1, 1987 on this entire matter."

June 1, 1987 Copies of Order dated May 25, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleaded Defendant.

June 8, 1987 Acceptance of Service of Opinion and Order, dated May 29, 1987, received from Defendant. Receipt of same acknowledged by Defendant June 3, 1987.

June 8, 1987 Acceptance of Service of Opinion and Order, dated May 29, 1987, received from Impleaded Defendant. Receipt of same acknowledged by Impleaded Defendant June 3, 1987.

May 13, 1988 Praecipe to Discontinue filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 18, 1988 Stipulation and Settlement Agreement filed by attorney for Plaintiff, attorney for Defendant and Plaintiff. Copy forwarded to attorney for Impleaded Defendant by attorney for Defendant.

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John C. Fekety, Assistant Counsel (Phila.)

Gouglas Y. Christian, Esquire

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DEPARTMENT OF PUBLIC WELFARE and  
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VS.

~~EPISCOPAL HOSPITAL,  
PHILADELPHIA, PENNSYLVANIA~~  
(Impleaded Defendant)

September 23, 1988 The Board made the following Order: "AND NOW, this 23rd day of September, 1988 upon receipt of Praecipe To Discontinue and mark the above-captioned matter "withdrawing with Prejudice", its claim against Episcopal Hospital, executed by John C. Fekety, Assistant Counsel, on behalf of Plaintiff, same of which is docketed with this Board under date of May 13, 1988, it is ORDERED and DIRECTED that said claim against Episcopal Hospital be marked settled, discontinued and ended with prejudice." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

September 23, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 23rd day of September, 1988, it appearing that all parties in this matter are in agreement with the Stipulation and Settlement Agreement which was filed with the Board on July 18, 1988, it is hereby ORDERED that the Stipulation and Settlement Agreement which was filed with the Board on July 18, 1988, it is hereby ORDERED that the Stipulation and Settlement Agreement is approved and all Claims stemming from this matter are hereby discontinued and dismissed with prejudice." Copy of Stipulation and Settlement Agreement attached. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 7, 1988 Acceptance of Service of Order dated September 23, 1988 received from additional attorney for Defendant. Receipt of same acknowledged by additional attorney for Defendant October 5, 1988.

October 7, 1988 Acceptance of Service of Order dated September 23, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 1988.

October 7, 1988 Acceptance of Service of Opinion and Order dated September 23, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 30, 1988.