

Appeal Docket Sheet

Docket Number: 1590 MDA 2017

Page 1 of 12

September 22, 2020



CAPTION

David Herlan

v.

HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster, Manorcare Health Services Inc. a/k/a Manorcare Health Services, LLC, Manor Care, Inc., HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC, HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC; Heartland Employment Serices, LLC, and HCR Manorcare Heartland, LLC
Appellants

CASE INFORMATION

Initiating Document: Notice of Appeal
Case Status: Closed
Case Processing Status: August 26, 2019 Completed
Journal Number: J-A02016-19
Case Category: Civil Case Type(s): Arbitration Tort

CONSOLIDATED CASES

RELATED CASES

SCHEDULED EVENT

Next Event Type: Next Event Due Date:

COUNSEL INFORMATION

Appellant Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..

Pro Se: No
IFP Status: No

Attorney: Mundy, William James
Law Firm: Burns White, LLC
Address: 100 Four Falls, Suite 515
1001 Conshohocken State Road
West Conshohocken, PA 19428-2908
Phone No: (484) 567-5700 Fax No:

Attorney: Podheiser, Ira L.
Law Firm: Burns White, LLC
Address: Burns White Lic
48 26TH St
Pittsburgh, PA 15222
Phone No: (412) 995-3000 Fax No:

Attorney: Skrocki, John Michael
Law Firm: Burns White, LLC
Address: 100 Four Falls, Suite 515
1001 Conshohocken State Road
West Conshohocken, PA 19428
Phone No: (484) 567-5700 Fax No: (484) 567-5701

Appeal Docket Sheet

Docket Number: 1590 MDA 2017

Page 2 of 12

September 22, 2020



COUNSEL INFORMATION

Appellant Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC

Pro Se: No
IFP Status: No

Attorney: Mundy, William James
Law Firm: Burns White, LLC
Address: 100 Four Falls, Suite 515
1001 Conshohocken State Road
West Conshohocken, PA 19428-2908
Phone No: (484) 567-5700 Fax No:

Attorney: Podheiser, Ira L.
Law Firm: Burns White, LLC
Address: Burns White Llc
48 26TH St
Pittsburgh, PA 15222
Phone No: (412) 995-3000 Fax No:

Attorney: Skrocki, John Michael
Law Firm: Burns White, LLC
Address: 100 Four Falls, Suite 515
1001 Conshohocken State Road
West Conshohocken, PA 19428
Phone No: (484) 567-5700 Fax No: (484) 567-5701

Appellant HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster

Pro Se: No
IFP Status: No

Attorney: Mundy, William James
Law Firm: Burns White, LLC
Address: 100 Four Falls, Suite 515
1001 Conshohocken State Road
West Conshohocken, PA 19428-2908
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Phone No: (484) 567-5700 Fax No: (484) 567-5701

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 3 of 12

September 22, 2020



## COUNSEL INFORMATION

**Appellant** HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC

Pro Se: No

IFP Status: No

Attorney: Mundy, William James  
 Law Firm: Burns White, LLC  
 Address: 100 Four Falls, Suite 515  
 1001 Conshohocken State Road  
 West Conshohocken, PA 19428-2908  
 Phone No: (484) 567-5700 Fax No:

Attorney: Podheiser, Ira L.  
 Law Firm: Burns White, LLC  
 Address: Burns White Llc  
 48 26TH St  
 Pittsburgh, PA 15222  
 Phone No: (412) 995-3000 Fax No:

Attorney: Skrocki, John Michael  
 Law Firm: Burns White, LLC  
 Address: 100 Four Falls, Suite 515  
 1001 Conshohocken State Road  
 West Conshohocken, PA 19428  
 Phone No: (484) 567-5700 Fax No: (484) 567-5701

**Appellant** HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC

Pro Se: No

IFP Status: No

Attorney: Mundy, William James  
 Law Firm: Burns White, LLC  
 Address: 100 Four Falls, Suite 515  
 1001 Conshohocken State Road  
 West Conshohocken, PA 19428-2908  
 Phone No: (484) 567-5700 Fax No:

Attorney: Podheiser, Ira L.  
 Law Firm: Burns White, LLC  
 Address: Burns White Llc  
 48 26TH St  
 Pittsburgh, PA 15222  
 Phone No: (412) 995-3000 Fax No:

Attorney: Skrocki, John Michael  
 Law Firm: Burns White, LLC  
 Address: 100 Four Falls, Suite 515  
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 Phone No: (484) 567-5700 Fax No: (484) 567-5701

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 4 of 12

September 22, 2020



## COUNSEL INFORMATION

Appellee Herlan, David

Pro Se: No

IFP Status: No

Attorney: Trzcinski, Stephen  
 Law Firm: Wilkes & McHugh, P.A.  
 Address: Wilkes & Mchugh PA  
 1601 Cherry St Ste 1300  
 Philadelphia, PA 19102  
 Phone No: (215) 972-0811

Fax No:

Attorney: Stone, Matthew Thomas  
 Address: Wilkes & McHugh  
 1601 Cherry Street  
 Suite 1300  
 Philadelphia, PA 19102

Attorney: Wilson, Erica C.  
 Address: Wilkes & Mchugh PA  
 1601 Cherry St Ste 1300  
 Philadelphia, PA 19102-1303  
 Phone No: (215) 972-0811

Fax No:

Attorney: Klaproth, Daniel Roy  
 Law Firm: Wilkes & McHugh, P.A.  
 Address: Wilkes & Mchugh PA  
 1601 Cherry St Ste 1300  
 Philadelphia, PA 19102  
 Phone No: (215) 972-0811

Fax No:

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
10/17/2017	Notice of Appeal	85.50	10/18/2017	2017-SPR-M-000791	85.50

## AGENCY/TRIAL COURT INFORMATION

Order Appealed From: September 19, 2017      Notice of Appeal Filed: October 17, 2017  
 Order Type: Order Dated  
 Documents Received: October 18, 2017

Court Below: Lancaster County Court of Common Pleas  
 County: Lancaster      Division: Lancaster County Civil Division  
 Judge: Ashworth, David L.      OTN:  
 Docket Number: CI-16-01811      Judicial District: 02

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	December 04, 2017	3 parts
Trial Court Opinion	December 04, 2017	

Date of Remand of Record: August 26, 2019

## BRIEFING SCHEDULE

Appellant

Appellee

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 5 of 12

September 22, 2020



## BRIEFING SCHEDULE

## Appellant

HCR Healthcare, LLC, HCRMC Operations, LLC, HCR  
Manorcare Operations II, LLC  
Brief

Due: February 15, 2018 Filed: February 14, 2018

HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III  
Healthcare, LLC, HCR II Healthcare, LLC  
Brief

Due: February 15, 2018 Filed: February 14, 2018

HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC  
d/b/a Manorcare Health Services-Lancaster  
Brief

Due: February 15, 2018 Filed: February 14, 2018

## Reproduced Record

Due: February 15, 2018 Filed: February 14, 2018

Heartland Employment Services, LLC and HCR  
Manorcare Heartland, LLC  
Brief

Due: February 15, 2018 Filed: February 14, 2018

Manorcare Health Services, Inc. a/k/a Manorcare Health  
Services, LLC, Manorcare, Inc..  
Brief

Due: February 15, 2018 Filed: February 14, 2018

## Appellee

Herlan, David  
Brief

Due: November 13, 2018

Filed: November 13, 2018

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>October 18, 2017</b>	Notice of Appeal Docketed		
		Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster
		Appellant	Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..
		Appellant	HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC
		Appellant	HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC
		Appellant	Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
<b>October 18, 2017</b>	Docketing Statement Exited (Civil)		

Superior Court of Pennsylvania

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 6 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>October 25, 2017</b>	Entry of Appearance - Private		
	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster	Appellant	Podheiser, Ira L.
	Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..	Appellant	Podheiser, Ira L.
	HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC	Appellant	Podheiser, Ira L.
	HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC	Appellant	Podheiser, Ira L.
<b>October 31, 2017</b>	Docketing Statement Received (Civil)		
		Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster
		Appellant	Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..
		Appellant	HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC
		Appellant	HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC
<b>December 4, 2017</b>	Trial Court Record Received		Lancaster County Court of Common Pleas
<b>December 4, 2017</b>	Trial Court Opinion Received		Lancaster County Court of Common Pleas
<b>December 4, 2017</b>	Briefing Schedule Issued		Superior Court of Pennsylvania

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 7 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>December 14, 2017</b>	Designation of Contents of Reproduced Record	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	
<b>January 8, 2018</b>	Application for Extension of Time to File Brief - First Request	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	
<b>January 8, 2018</b>	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Per Curiam
	Comment: 30 days given Due: 2/15/2018		

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 8 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>February 14, 2018</b>	Appellant's Brief Filed	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	
<b>February 14, 2018</b>	Reproduced Record Filed	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	
<b>February 14, 2018</b>	Reply Letter(s) Printed		Superior Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 1590 MDA 2017

Page 9 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 20, 2018	Reply Received (Argument)	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	
February 20, 2018	Entry of Appearance - Private Herlan, David	Appellee	Trzcinski, Stephen
February 21, 2018	Application for Extension of Time to File Brief - First Request	Appellee	Herlan, David
February 21, 2018	Order Granting Application for Extension of Time to File Appellee Brief		Per Curiam
	Comment: 60 days given Due: 5/14/2017		
March 15, 2018	Bankruptcy Notice Filed	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 10 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>April 2, 2018</b>	Bankruptcy Notice - Action Stayed		Superior Court of Pennsylvania
	<p>Comment: Upon notice that Appellant HCR ManorCare, Inc. has initiated bankruptcy proceedings, this appeal is hereby STAYED in accordance with the automatic stay provision of the United States Bankruptcy Code, 11 U.S.C. § 362. The parties shall be responsible for notifying this Court that: (1) the stay pursuant to the Bankruptcy Code is no longer in effect due to the issuance of an order by the Bankruptcy Court either lifting the automatic stay or providing for severance of any parties, in which case this Court will proceed with this appeal; or (2) this appeal has been rendered moot by conclusion of the bankruptcy proceedings.</p> <p>The parties shall be responsible for providing updates to this Court, no less than every six (6) months, as to the status of the bankruptcy proceedings.</p> <p>PER CURIAM</p>		
<b>July 2, 2018</b>	Entry of Appearance - Private Herlan, David	Appellee	Klaproth, Daniel Roy
	Document Name: Co-Counsel		
<b>August 17, 2018</b>	Bankruptcy Stay Lifted	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster
		Appellant	Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..
		Appellant	HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC
		Appellant	HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC
		Appellant	Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
<b>September 12, 2018</b>	Bankruptcy Notice - Action Stayed		Superior Court of Pennsylvania
	<p>Comment: As it appears that this Court's order of August 17, 2018 lifting the stay in this Court was entered in error. Accordingly, this appeal is hereby STAYED in accordance with the automatic stay provision of the United States Bankruptcy Code, 11 U.S.C. § 362.</p> <p>Accordingly, Counsel for either party is hereby directed to notify this Court within ten (10) days of the date of this Order of the status of the bankruptcy proceedings so that this Court can either proceed with this appeal, or, if appropriate, Appellant can file a praecipe for discontinuance of this appeal. See Pa.R.A.P. 1973.</p>		

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 11 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>October 4, 2018</b>	Response to Rule to Show Cause	Appellant	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC
		Appellant	
		Appellant	
		Appellant	
		Appellant	
<b>October 12, 2018</b>	Bankruptcy Stay Lifted		Superior Court of Pennsylvania
	<p>Comment: It appears that the automatic stay in the appellant's bankruptcy case, captioned at: In Re: HCR Manor Care, Inc., United States Bankruptcy Court for the District of Delaware, Case Number 18-10467-KG was lifted and the bankruptcy stay is no longer in effect. Accordingly, the stay entered in the above-captioned appeal is hereby LIFTED. Appellee shall file his brief within thirty days from the date of this order.</p>		
<b>November 13, 2018</b>	Appellee's Brief Filed	Appellee	Herlan, David
<b>November 26, 2018</b>	Argument Letter Sent		Middle District Filing Office
<b>November 29, 2018</b>	Acknowledgement of Argument Notice HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc.. HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC	Appellant	Skrocki, John Michael
		Appellant	Skrocki, John Michael
		Appellant	Skrocki, John Michael
		Appellant	Skrocki, John Michael
		Appellant	Skrocki, John Michael

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

Page 12 of 12

September 22, 2020



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 3, 2018	Acknowledgement of Argument Notice Herlan, David	Appellee	Klaproth, Daniel Roy
December 6, 2018	Acknowledgement of Argument Notice Herlan, David	Appellee	Wilson, Erica C.
December 14, 2018	Entry of Appearance - Private Herlan, David	Appellee	Stone, Matthew Thomas
January 8, 2019	Argued		Middle District Filing Office
July 16, 2019	Affirmed		Dubow, Alice B.
August 26, 2019	Remitted		Middle District Filing Office
August 30, 2019	Acknowledgement of Record Remittal		Lancaster County Civil Division

## SESSION INFORMATION

Journal Number: J-A02016-19  
 Consideration Type: Argument Panel  
 Listed/Submitted Date: January 8, 2019

## Panel Composition:

The Honorable Anne E. Lazarus	Judge
The Honorable Alice B. Dubow	Judge
The Honorable Carolyn H. Nichols	Judge

## DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	July 16, 2019
Related Journal No:	J-A02016-19	Disposition Author:	Dubow, Alice B.
Category:	Decided	Disposition Date:	July 16, 2019
Disposition:	Affirmed	Filing Author:	Dubow, Alice B.
Dispositional Filing:	<b>Memorandum</b>		
Filed Date:	7/16/2019 12:00:00AM		

## REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:  
 Disposition:  
 Disposition Date:  
 Record Remittal: August 26, 2019