

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1590 MDA 2017

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March 29, 2024



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:
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COUNSEL INFORMATION

Appellant	Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..		
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Pro Se:	No
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IFP Status:	No
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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

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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
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 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: (412) 995-3000 Fax No:

Attorney: Skrocki, John Michael
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 1001 Conshohocken State Road
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 Phone No: (484) 567-5700 Fax No: (484) 567-5701

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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
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 Pittsburgh, PA 15222
 Phone No: (412) 995-3000 Fax No:

Attorney: Skrocki, John Michael
 Law Firm: Burns White, LLC
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 Phone No: (484) 567-5700 Fax No: (484) 567-5701

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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
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 Phone No: (215) 972-0811

Fax No:

Attorney: Klaproth, Daniel Roy
 Law Firm: Wilkes & McHugh, P.A.
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 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

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**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

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 18, 2017	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
October 18, 2017	Docketing Statement Exited (Civil)		

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

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 14, 2017	Designation of Contents of Reproduced Record	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
January 8, 2018	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
		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
January 8, 2018	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Per Curiam
	Comment: 30 days given Due: 2/15/2018		

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 14, 2018	Appellant's Brief Filed	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
February 14, 2018	Reproduced Record Filed	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
February 14, 2018	Reply Letter(s) Printed		Superior Court of Pennsylvania

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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
		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
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
		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

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
April 2, 2018	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>			
July 2, 2018	Entry of Appearance - Private Herlan, David	Appellee	Klaproth, Daniel Roy
	Document Name: Co-Counsel		
August 17, 2018	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
September 12, 2018	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>			

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 4, 2018	Response to Rule to Show Cause	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
October 12, 2018	Bankruptcy Stay Lifted		Superior Court of Pennsylvania
	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.		
November 13, 2018	Appellee's Brief Filed	Appellee	Herlan, David
November 26, 2018	Argument Letter Sent		Middle District Filing Office
November 29, 2018	Acknowledgement of Argument Notice		
	HCR Manorcare, LLC, Manorcare of Lancaster PA, LLC d/b/a Manorcare Health Services-Lancaster	Appellant	Skrocki, John Michael
	Heartland Employment Services, LLC and HCR Manorcare Heartland, LLC	Appellant	Skrocki, John Michael
	HCR Healthcare, LLC, HCRMC Operations, LLC, HCR Manorcare Operations II, LLC	Appellant	Skrocki, John Michael
	Manorcare Health Services, Inc. a/k/a Manorcare Health Services, LLC, Manorcare, Inc..	Appellant	Skrocki, John Michael
	HCR Manorcare, Inc., HCR IV Healthcare, LLC, HCR III Healthcare, LLC, HCR II Healthcare, LLC	Appellant	Skrocki, John Michael

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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:	Memorandum		
Filed Date:	7/16/2019 12:00:00AM		