

STATE OF NEW JERSEY
 DEPARTMENT OF THE PUBLIC ADVOCATE
 RONALD K. CHEN, PUBLIC ADVOCATE
 BY: Gwen Orłowski, Esq.
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DEPARTMENT OF THE PUBLIC ADVOCATE	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY
Petitioner,	:	
v.	:	DOCKET NO.:
ASSISTED LIVING CONCEPTS, INC.	:	Civil Action
Respondent.	:	ORDER TO SHOW CAUSE TO ENFORCE ADMINISTRATIVE SUBPOENA

THIS MATTER being brought before the Court by Petitioner Ronald K. Chen, Public Advocate of New Jersey, Gwen Orłowski, Esq. appearing, seeking relief pursuant R. 1:9-6(b), based upon the facts set forth in the certifications and exhibits filed herewith; and the Court having considered the Petitioner's letter brief and supporting certifications, and for good cause shown:

IT IS on this _____ day of _____, 2008, ORDERED that the respondent, Assisted Living Concepts, Inc., ("ALC") appear and show cause on the _____ day of _____, 2008 before the Honorable Maria Marinari Sypek, Chancery Division, Superior Court at the Mercer County Courthouse in Trenton, New Jersey at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why judgment should not be entered:

- A. Enforcing petitioner's administrative subpoena by ordering respondent to comply with said administrative subpoena in its entirety and forthwith;

- B. Ordering that the Department of the Public Advocate recover its costs in maintaining this action;
- C. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. A copy of this order to show cause, all supporting certifications, exhibits and letter brief submitted in support of this application be served upon ALC's attorney by certified mail, return receipt requested, within _____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The Department of the Public Advocate must file with the court its proof of service of the order to show cause on ALC no later than three (3) days before the return date.

3. ALC shall file and serve a written opposition to this order to show cause and the relief requested therein, and provide proof of service of the same by _____, 2008. The opposition must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge _____.

4. The Department of the Public Advocate must file and serve any written reply to ALC's opposition to this order to show cause by _____, 2008. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to Judge _____.

5. If ALC does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Department of the Public Advocate files a proof of service and a proposed form of order at least three (3) days prior to the return date.

6. ALC take notice that the Department of the Public Advocate has filed an order to show cause to enforce an administrative subpoena in the Superior Court of New Jersey. The

certifications, exhibits and letter brief attached to this order to show cause state the basis of the action. If you dispute this action, you, or your attorney, must file a written response and proof of service before the return date of the order to show causes.

These documents must be filed with the Clerk of the Superior Court in the county listed above, along with the required filing fee. You must also send a copy of your response to the Department of the Public Advocate whose name and address appear above. A telephone call will not protect your rights; you must file and service your response, or an order may be entered against you by default.

7. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

8. The Court will entertain oral argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

Honorable Maria Marinari Sypek, J.Ch.

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DEPARTMENT OF THE PUBLIC
 ADVOCATE

 Petitioner,

 v.
 ASSISTED LIVING CONCEPTS, INC.

 Respondent.

: SUPERIOR COURT OF NEW JERSEY
 : CHANCERY DIVISION
 : MERCER COUNTY

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 : DOCKET NO.:
 :
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 :
 : **ORDER**
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THIS MATTER being opened to the Court by the Petitioner Ronald K. Chen, Public Advocate of New Jersey, Petitioner, Gwen Orłowski, Esq. appearing, seeking relief by way of enforcement of an administrative subpoena pursuant to Rule 1:9-6(b); based upon the facts set forth in the certifications, exhibits, and letter brief filed herewith, Respondent's answer, and Petitioner's reply; and the Court having determined that Ppetitioner is entitled to enforcement of its administrative subpoena and for good cause shown:

IT IS on this _____ day of _____, 2008, ORDERED that the respondent, Assisted Living Concepts, Inc. ("ALC"), comply with the Department of the Public Advocates's subpoena on or before June _____, 2008, by providing the following information pertaining to each person who resides or has resided at an ALC New Jersey facilities including Baker House,

Chapin House, Goldfinch House, Granville House, Lindsay House, Maurice house, Mey House, and Post House, from August 1, 2006 through and including the present date:

1. The admission/discharge summary (the "face sheet") for each resident which shall include an explanation of any facility coding, including but not limited to the key for "pay type" coding;
2. The name and facility address, including room number, for each and every resident who is or was a New Jersey Medicaid assisted living residence waiver beneficiary at any of the aforementioned ALC facilities;
3. The name and facility address, including room number, for each and every resident who is presently applying for the New Jersey Medicaid assisted living residence waiver program, to the extent that the facility has knowledge of an application;
4. For each resident who did reside at any of the aforementioned facilities during the time period at issue, but no longer resides at an ALC. facility, the date of discharge, the reason for discharge, all correspondence pertaining to discharge, and the address to which the resident was discharged.

IT is further ORDERED that the respondent, ALC, pay to the Department of the Public Advocate the costs of maintaining this action in the amount of \$ _____.

Maria Marinari Sypek, J.Ch.