

00-336-00
JOHN YOUNGMARK etux -vs- MICHAEL BLOMMER

FILED

MAR 22 2008
M. J. Wagner
William A. Shaw
Prothonotary

\$80.00

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MEYER & WAGNER
ATTORNEYS AT LAW
115 LAFAYETTE STREET
ST. MARYS, PA. 15857

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

53 JOHN YOUNGMARK and
83 ROSE YOUNGMARK, Plaintiffs

vs.

61 MICHAEL BLOMMER,
Defendant

: CIVIL ACTION - LAW

: NO. 00-356-CO

: Filed on behalf of Plaintiffs

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445

FILED

MAR 22 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

: CIVIL ACTION - LAW

: NO.

vs.

MICHAEL BLOMMER,
Defendant

:

:

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PROTHONOTARY OF CLEARFIELD COUNTY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
TELEPHONE 814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

: CIVIL ACTION - LAW

: NO.

vs.

MICHAEL BLOMMER,
Defendant

:

:

COMPLAINT

1. The Plaintiffs, John Youngmark and Rose Youngmark, are husband and wife, and reside at RD #3, Box 54A, DuBois, Pa. 15801.
2. The Defendant, Michael Blommer, is an individual who resides at RD #1, Box 660, Brockway, Pa. 15824.
3. At all times material to this Complaint, the Plaintiff, John Youngmark, was operating an automobile in a southerly direction on South State Street in the City of DuBois, Clearfield County, Pennsylvania.
4. On or about September 9, 1999, the Plaintiff's automobile was stopped in the southbound lane, facing south, on South State Street, when it was suddenly and without warning struck on the front end by a pickup truck operated by the Defendant.
5. The pickup truck was backing up in the southbound lane of South State Street.
6. The collision was caused solely by the negligence of the Defendant, Michael Blommer, in that:
 - A. The Defendant failed to keep a proper lookout for other vehicles located upon the street;
 - B. The Defendant was traveling north in the southbound lane of South State Street;
 - C. The Defendant failed to observe the Plaintiff's automobile then and there lawfully upon the highway; and

- D. The Defendant failed to provide any warning that he was backing up the pickup truck.
7. As a result of the collision, Plaintiff John Youngmark suffered a whiplash injury to his neck.
8. As a direct and approximate result of the above-described collision, Plaintiff John Youngmark suffered great pain, suffering, inconvenience and loss of life's pleasures.
9. As a result of said collision, Plaintiff John Youngmark suffered a past loss of earnings from September 10, 1999, through October 20, 1999, in the amount of \$3,271.68, for which he received partial reimbursement of first party income loss benefits in the amount of \$2,002.96.
10. As a direct and approximate result of the said collision, Plaintiff John Youngmark has suffered and will continue to suffer in the future, after deduction of first party income loss benefits, additional loss of earning power and income in the amount of \$4,348.07.

COUNT I

John Youngmark, Plaintiff : SS
vs. :
Michael Bloomer, Defendant :

11. All of the foregoing paragraphs of the Complaint are here incorporated by reference as if set forth at length.

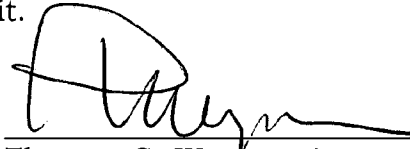
WHEREFORE, Plaintiff John Youngmark claims damages from the Defendant in a sum not in excess of \$25,000 and costs of suit.

COUNT II

Rose Youngmark, Plaintiff : SS
vs. :
Michael Bloomer, Defendant :

12. All of the foregoing paragraphs of the Complaint are here incorporated by reference as if set forth at length.
13. As a direct and approximate result of the said collision, Plaintiff Rose Youngmark has lost and will continue to lose for an indefinite time in the future the comfort, society and assistance of her spouse, John Youngmark.

WHEREFORE, Rose Youngmark claims damages from the Defendant in a sum not in excess of \$25,000 and costs of suit.

A handwritten signature in black ink, appearing to read 'T. Wagner', written over a horizontal line.

Thomas G. Wagner, Attorney for Plaintiffs

VERIFICATION

I, John Youngmark, having read the foregoing Complaint, verify that the statements made therein are true and correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

John H. Youngmark

Date: 3-15-00

THOMAS G. WAGNER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

YOUNGMARK, JOHN & ROSE

00-356-CD

VS

BLOMMER, MICHAEL

COMPLAINT

SHERIFF RETURNS

NOW APRIL 10, 2000 THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON MICHAEL BLOMMER, DEFENDANT.

NOW APRIL 18, 2000 SERVED THE WITHIN COMPLAINT ON MICHAEL BLOMMER, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED DAVE BLOMMER, ADULT AT RESIDENCE.

39.77 SHFF. HAWKINS PAID BY: ATTY.
36.74 SHFF. DEMKO PAID BY: ATTY.
10.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

3RD DAY OF May 2000
Will

SO ANSWERS,

Chester A. Hawkins
by Marilyn Harris
CHESTER A. HAWKINS
SHERIFF

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

FILED

MAY 03 2000

3:45
William A. Shaw
Prothonotary *WAS*

No. 356 C.D. 2000

Personally appeared before me, Carl J. Gotwald, Sr., Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on April 18, 2000 at 5:00 o'clock A.M. served the Notice and Complaint upon MICHAEL BLOMMER, Defendant, at his residence, R.D. #1, Box 660, Egypt Road, Brockway, Township of Warsaw, County of Jefferson, State of Pennsylvania by handing to Dave Blommer, adult person with whom he resides, a true copy of the Notice and Complaint, and by making known to him the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	\$ 34.74 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 36.74
Refunded:	\$ 88.26

Sworn and subscribed
to before me this 20th
day of April 19 2000
By Demko Blommer

**PROTHONOTARY
CLERK OF COURTS**
My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

So Answers,

Carl J. Gotwald Sr.
Deputy
Thomas A. Demko
Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

SHERIFF'S RETURN
Jefferson County/ Pennsylvania

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

**JOHN YOUNGMARK and
ROSE YOUNGMARK,**
Plaintiffs

CIVIL ACTION - LAW

vs.

MICHAEL BLOMMER,
Defendant

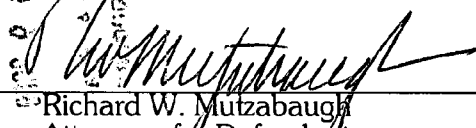
No. 00-356-CD

PRAECIPE

TO THE PROTHONOTARY

Kindly enter our appearance for the Defendant, Michael Blommer, in the
above entitled action.

**MUTZABAUGH, SAUNDERS,
HOLLENBECK & CLARKE**

By: 

Richard W. Mutzabaugh
Attorneys for Defendant
13 Main Street, P.O. Box 647
Bradford, PA 16701
(814)362-3538
Fax: 814-362-4464
Supreme Court ID No. 06741

Dated: May 17, 2000

FILED

MAY 19 2000

William A. Shaw
Prothonotary

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

FILED

MAY 19 2000

012:00/10

William A. Shaw

Prothonotary

Key

FILED

WILLIAM A. SHAW
PROTHONOTARY

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION - LAW
No. 00-356-cd

JOHN YOUNGMARK and
ROSE YOUNGMARK

Type of Case: Civil

Type of Pleading: **Answer to
Plaintiff's Complaint Containing New
Matter**

Plaintiff(s)

vs.

Filed on Behalf of:
Defendant
Counsel of Record for this
Party:
Richard W. Mutzabaugh
Supreme Court No: 06741

MICHAEL BLOMMER

**MUTZABAUGH, SAUNDERS
HOLLENBECK & CLARKE**
P.O. Box 647, 13 Main Street
Bradford, PA 16701
814-362-3538

Defendant(s)

Counsel of Record for Adverse
Party:
Thomas G. Wagner, Esq.
Meyer & Wagner
115 Lafayette Street
St. Marys, PA 15857
Attorney for Plaintiff

DATED: June 23, 2000

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

FILED

JUL 19 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

**JOHN YOUNGMARK and
ROSE YOUNGMARK,**
Plaintiffs

CIVIL ACTION - LAW

vs.

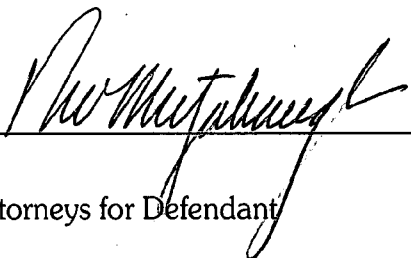
MICHAEL BLOMMER,
Defendant

No. 00-356-CD

TO PLAINTIFFS WITHIN NAMED:

You are hereby notified to file a written response to the enclosed **New Matter**
within twenty (20) days from service hereof or a judgment may be entered against you.

MUTZABAUGH, SAUNDERS
HOLLENBECK & CLARKE

By 
Attorneys for Defendant

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

**Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538**

VS.

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No. 00-356-CD

1. Paragraph 1 of Complaint is admitted.
2. Paragraph 2 of Complaint is admitted in part and denied in part. It is denied that the name of the Defendant is "Michael Blommer" but rather, Defendant's name is "Michael Blommen." The remaining allegations in said paragraph are admitted.
3. Paragraph 3 of Complaint is admitted.
4. Paragraph 4 of Complaint is denied.
5. Paragraph 5 of Complaint is denied.
6. Paragraph 6 of Complaint and all its subparagraphs "A" through "D" are denied.
7. Paragraph 7 of Complaint is denied.
8. Paragraph 8 of complaint is denied.
9. Paragraph 9 of Complaint is denied.
10. Paragraph 10 of Complaint is denied.
11. Paragraph 11 is an incorporation paragraph, which requires no response.
To the extent a response is required, the same is denied.
12. Paragraph 12 is an incorporation paragraph, which requires no response.
To the extent a response is required, the same is denied.

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

13. Paragraph 13 of Complaint is denied.

WHEREFORE, Defendant requests that judgment be entered in his favor and against Plaintiffs.

NEW MATTER

14. The Defendant incorporates by reference Paragraphs 1 through 13 of this answer, as though the same were fully set forth herein at length.

15. Plaintiff John Youngmark was contributorily negligent in causing his own injuries, and as such, his right to recovery is barred.

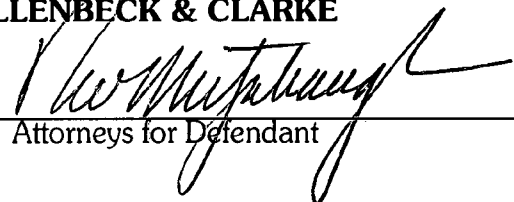
16. Plaintiff was so negligent that his negligence amounted to more than fifty per cent (50%) of the combined negligence of said Plaintiff, and, if any, of the Defendant, and as such, his right to recovery is barred..

17. Plaintiffs' causes of action against Defendant are barred by the doctrine of assumption of the risk.

WHEREFORE, Defendant requests that judgment be entered in his favor and against Plaintiffs. Trial by a Jury of Twelve (12) Jurors is Demanded.

**MUTZABAUGH, SAUNDERS,
HOLLENBECK & CLARKE**

By


Attorneys for Defendant

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

Verification

I verify the statements made in this Answer to Complaint Containing New Matter are true and correct.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Michael Blommer
Michael Blommer (Blommer)

Dated: 7-13-00

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing document upon the person and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing in the United States Mail, Bradford, Pennsylvania, with first class postage, prepaid, as follows:

Thomas G. Wagner, Esq.
Attorney at Law
Meyer & Wagner
115 Lafayette Street
St. Marys, PA 15857
Attorney for Plaintiff

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

MUTZABAUGH, SAUNDERS
HOLLENBECK & CLARKE

By. 

Attorneys for Defendant
13 Main Street
P.O. Box 647
Bradford, Pa. 16701
814-362-3538

DATED: July 17, 2000

FILED

JUL 19 2000
M1120170 CC
William A. Shaw
Prothonotary
E/621

AG09 777
0125711000
Prothonotary

MEYER & WAGNER
ATTORNEYS AT LAW
115 LAFAYETTE STREET
ST. MARYS, PA. 15857

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

vs.

MICHAEL BLOMMEN, R
Defendant

: CIVIL ACTION - LAW

: NO. 00-356-00

: Filed on behalf of Plaintiffs

: Counsel of Record:

Thomas G. Wagner, Esq.

: 115 Lafayette Street

St. Marys, Pa. 15857

: (814) 781-3445

FILED


AUG 09 2000

William A. Shaw
Prothonotary

VERIFICATION

I, JOHN YOUNGMARK, having read the foregoing Reply to New Matter, verify that the statements made therein are true and correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.


John Youngmark

Date: 8-5-00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

: CIVIL ACTION - LAW

vs.

: NO. 356-00 C.D.

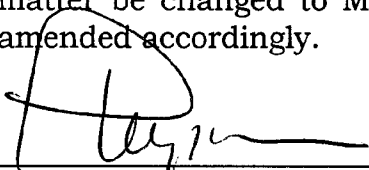
1 MICHAEL BLOMMER,
Defendant

: Filed on behalf of Plaintiffs

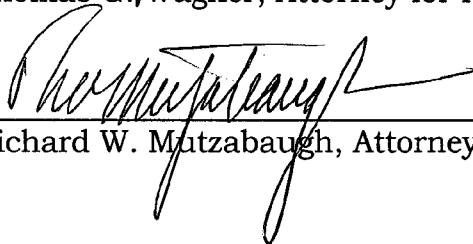
: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445

STIPULATION

The parties stipulate that the name of the Defendant in the above captioned matter be changed to Michael Blommen and that the caption of the case be amended accordingly.



Thomas G. Wagner, Attorney for Plaintiff



Richard W. Mutzabaugh, Attorney for Defendant

FILED

AUG 16 2000

m / 2:10 / WS
William A. Shaw
Prothonotary
No c/c



MEYER & WAGNER
ATTORNEYS AT LAW
115 LAFAYETTE STREET
ST. MARYS, PA. 15857

FILED

AUG 18 2000

m/1:00/445
William A. Shaw
Prothonotary

no c/c E
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

vs.

MICHAEL BLOMMEN,
Defendant

: CIVIL ACTION - LAW

: NO. 00-356 CD

: Filed on behalf of Plaintiffs

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445

FILED

AUG 18 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

: CIVIL ACTION - LAW

: NO. 00-356 CD

vs.

: Filed on behalf of Plaintiffs

MICHAEL BLOMMEN,
Defendant

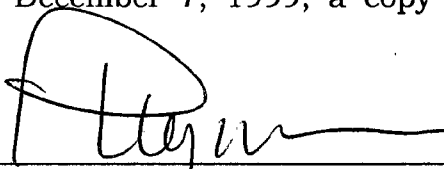
: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445

NOTICE OF INTENTION TO OFFER DOCUMENTS

TO: Michael Blommen, Defendant

You are hereby notified, pursuant to Pennsylvania Rule of Civil Procedure 1305(b)(1), that the Plaintiffs intend to offer into evidence at the arbitration hearing in the above case the following documents:

- A. Records of DRMC Physical Therapy Department for dates 9-13-99 through 10-5-99, copies of which are attached hereto as Exhibit "A".
- B. Report of Dr. Guy Gerhart dated November 21, 1999, a copy of which is attached hereto as Exhibit "B".
- C. Report of Dr. Guy Gerhart dated December 10, 1999, a copy of which is attached hereto as Exhibit "C".
- D. Office notes of Dr. Guy Gerhart, a copy of which are attached hereto as Exhibit "D".
- E. Letter of Owens-Illinois dated December 7, 1999, a copy of which is attached hereto as Exhibit "E".



Thomas G. Wagner, Attorney for Plaintiffs



DRMC Physical Therapy Dept.
100 Hospital Ave. - Ground Floor
Telephone: 375-3372
Fax: (814) 375-3025

DRMC
Physical Therapy
Prescription Form

Name: John Youngmark Date: 9-13-99
Diagnosis: Whiplash injury - neck pain
Duration: _____ Frequency of treatment: 3x weekly
Comments: _____

- | | |
|--|---|
| <input checked="" type="checkbox"/> Evaluate and treat | <input type="checkbox"/> Kincom/strength testing |
| <input type="checkbox"/> Prosthetics; orthotics | <input type="checkbox"/> Functional Capacity Exam |
| <input type="checkbox"/> Aquatic exercises | <input type="checkbox"/> Cervical traction |
| <input type="checkbox"/> Whirlpool | <input type="checkbox"/> Lumbar traction |
| <input checked="" type="checkbox"/> Moist heat | <input type="checkbox"/> Work Hardening |
| <input type="checkbox"/> Phonophoresis | <input type="checkbox"/> Home exercise program |
| <input checked="" type="checkbox"/> Ultrasound | <input type="checkbox"/> Strengthening program |
| <input type="checkbox"/> Electric stimulation | <input type="checkbox"/> Lifting tasks |
| <input type="checkbox"/> Iontophoresis | <input type="checkbox"/> TNS |
| <input type="checkbox"/> Cryotherapy | <input type="checkbox"/> Gait training |
| <input type="checkbox"/> Massage/Myofascial release | <input type="checkbox"/> Supplies (cane, walker, etc.) |
| <input type="checkbox"/> Joint mobilization/ROM | <input type="checkbox"/> Braces (L/S support, immobilizer, slings, knee braces, etc.) |
| <input type="checkbox"/> Wound care | |
| <input type="checkbox"/> Superfeet inserts | |
| <input type="checkbox"/> Active Assistive ROM | |
| <input type="checkbox"/> Passive ROM | |

Additional instructions: neck exercises

Physician Signature: [Signature]

KK-D-148

EXHIBIT

A



DuBois Regional
Medical Center

P.O. Box 447
100 Hospital Avenue
DuBois, Pennsylvania 15801-0447
Outpatient Therapy: (814) 375-3372

Making the difference for life.

PHYSICAL THERAPY INITIAL EVALUATION

Patient:	John H. Youngmark	Date:	9/13/1999
Diagnosis:	Whiplash Injury with Neck Pain		
Physician:	Guy H. Gerhart, MD		
Primary Ins:	Erie Insurance Group	ID#01010322744	
2 nd Ins:	Select Blue	ID#YYM195407550	

SUBJECTIVE:

Date of Injury/Episode: 9/9/99

How Injury/Episode Occurred: Patient is a 48 year old male who reports that he was involved in a MVA on 9/9/99 when another vehicle backed into the front of his vehicle. Patient reports having x-rays done at the ER. Currently, patient reports experiencing pain along the (R) cervical spine with pain referred into the (R) upper shoulder and interscapular region. Patient denies any (R) UE pain or dyesthesia. Patient also denies any dizziness or blurred vision. Patient does report intermittent headaches.

PMH/Medications: Patient's PMH is significant for suffering 2 other whiplash injuries in MVA's with the first occurring in 1992 and the second in 1994. In terms of medications, patient reports taking Zantac for heartburn. Patient recently saw Dr. Gerhart and has been referred to P.T. for evaluation and treatment.

OBJECTIVE:

FUNCTIONAL STATUS AT ADMISSION: Patient reports that he is currently not working this week as a result of the MVA. Patient reports that he normally works on the assembly line at Owens-Brockway Glass. Patient is currently reporting difficulty sleeping secondary to his neck pain.

FUNCTIONAL STATUS BEFORE INJURY/EPISODE: Prior to the injury, patient was able to tolerate increased functional activities well.

PAIN: Pain is a 3-4/10.

AROM/PROM: Patient's cervical spine AROM revealed 70% motion with forward flexion, lateral flexion to the (R), and rotation at the (R) with pain. Patient's remaining cervical spine AROM revealed 80% motion with backward extension with pain, 50% motion with lateral flexion to the (L) with pain, and 60% motion with rotation to the (L) with pain. Patient's (B) UE ROM appeared to be WNL.

STRENGTH: Patient exhibited overall 4+/5 strength throughout both UE's. Patient's grip strength was assessed on a hand dynamometer which revealed 110 lbs. on the dominant (R) grip strength as compared to 104 lbs. on the (L) grip strength.

SPECIAL TESTS: Patient presented with a negative Vertebral Artery Test. Patient also presented with a negative cervical spine compression and/or distraction test

MUSCULOSKELETAL/POSTURE: Patient was exhibiting a rounded shoulder and forward head posture. Patient was also exhibiting a slight decrease in the cervical spine lordosis.

OBSERVATION: Patient was moving his head and neck in a somewhat antalgic manner.

Continued...

Page 2

Patient: John H. Youngmark

P.T. Initial Evaluation (Continued)

SENSATION/DTR'S: Patient denied any sensory deficits to pinprick throughout the UE dermatomes. Patient's UE reflexes appeared to be present and symmetrically equal.

GAIT: N/A

TONE/PALPATION: Patient was reporting moderate to severe tenderness to palpation along the (R) suboccipital area, (R) lateral cervical spine, and into the (R) upper shoulder and (R) medial scapular border area. Patient was presenting with multiple trigger points in the above mentioned areas.

TREATMENT: Patient was given a complete explanation of the treatment regimen to be started this date. Patient was also educated on the anatomical structures involved around the cervical spine and upper shoulder girdle region. Patient was begun this date on a treatment regimen consisting of US applied to the (R) cervical spine and upper shoulder region, followed up with beginning a trial of gentle MFR/massage. Patient was also instructed to begin shoulder shrugs with a H.E.P. to be done only as tolerated, of which he demonstrated a good working knowledge of. Patient reports that he has been administering a heating pad to his neck at home, of which I instructed him to administer for no longer than 20 minutes at a time. Patient was able to demonstrate a good working knowledge of this.

GOALS:

1. Decrease the frequency and intensity of patient's cervical spine and upper shoulder girdle pain.
2. Decrease patient's palpable trigger points and tenderness.
3. Increase patient's cervical spine AROM.
4. Increase patient's cervical spine and interscapular strength.
5. Progress the patient to becoming independent with the H.E.P.

FUNCTIONAL OUTCOMES: Allow patient to return back to work once deemed appropriate by his attending physician. Also allow patient to move his neck in order to tolerate all functional activities.

PATIENT/FAMILY PARTICIPATION IN PLAN: Patient reports that he will remain compliant with his H.E.P.

UNDERSTANDING OF EXERCISE PROGRAM: Patient was able to demonstrate a good working knowledge of the shoulder shrugs and was given written instructions.

PATIENT EXPECTATIONS: To experience overall decreased neck pain.

ASSESSMENT:

Patient is exhibiting moderate myofascial restriction throughout the (R) cervical spine and upper quadrant. This myofascial restriction is limiting patient's cervical spine AROM.

PLAN:

Patient will be seen in P.T. 3 times a week for an estimated duration of 4 weeks. Patient is to see Dr. Gerhart for a follow-up visit on 9/20/99.


Clark Husted, P.T.

CH/mm

(2) 9/15/99

S: Swimmers still reported ahy (R) C-spine/upper
shld.

O: Moderate tenderness palpated ahy (R) C-spine/
upper shld. Min. tightness palpated.

C-spine Anam: flexion = ~~90~~ 90%, ext = 90%, Rot = 80%
bilateral.

A: Tol. Rem (1).

P: Cnt. = 1/ US (1.54/cm) x 6' to (R) C-spine/upper shld
2) MFR (suboccipital condyle release)
3) Reviewed previous Home ex.
4) Instructed pt. to begin (R) C-spine
stretching as tol. of which he demonstrated
working knowledge.

CH

Youngmark Jabon

③ 9/16/99

S: Pt states he has been stretching his neck "maybe too much because I'm more sore."

O: Rx: Reviewed upper Trap stretch emphasizing performance only to pt. tolerance. US @ 1.5 w/cm² x 6' to Ⓡ cervical paraspinals & upper Trap/shldr f/b MFR occipital release & gentle distraction.

A: Tenderness @ cervical paraspinals.

P: Continue Rx. Christine Gustitus PTA

C He

④ 9/20/99

S: Pt. sees Dr. Gerhart today and is to continue P.T. for 2 wks. Pt. is to remain off work for another 2 wks.

O: ↓'ed pain = suboccipital condyle release.
↓'ed palpable tightness.

A: Tol. Rx well.

P: Cond. = 1) US (1.5 w/cm²) x 6' to Ⓡ C-spine/upper shldr.

2) MFR (sub. occipital release)

3) Instructed pt. to resume scapula retraction & therapy.

C He

Daily Progress Note

Patient Name Youngman John

⑤

9/22/99

S: Pt. reports ↑'ed "soreness" in R & L C-spine /
upper shld.

O: (—) trigger points palpated / Only subjective
pain to palpation.

A: Tol. Rx well.

P: Cont. = 1) US (1.5w/cm²) to C-spine.
2) MFR (suboccipital only) & release.

⑥ 9/23/99

CH

S: Pt. reports ↓'ed neck soreness today.

Pt. did admit that he felt that his ↑'ed soreness
reported yesterday was due to overhead work and
hanging plants.

O: Mod. tenderness to palpation along R paracervical area.
(—) trigger points.

A: Tol. Rx well.

P: Cont. = 1) US (1.5w/cm²) x 6' to R C-spine / upper shld.

2) MFR (suboccipital only) & release

3) Began a trial of submaximal isom. C-spine stretch
Ext. and B S.B. x 3 reps x 3 seconds

CH

⑦ 9/27/99

Youngmark John

S: Pt reports he feels he is progressing. HEP is going well.

O: (+) tightness (R) paracervical noted \bar{c} palpation \bar{c} 90's tenderness.
(-) trigger points (L) paracervical.

Rx: 1) US (1.5W/cm²) to (R) C-spine / upper trap x 6' in sitting.
2) MFR (suboccipital condyle release)
3) Isometrics: C-spine ext and SBing (B) x 5 reps each \bar{c} 3 sec hold each
4) Renewed HEP

A: Rx did tightness and tenderness evident \bar{c} palpation
(R) paracervical.

P: Cont tx Pt to see physician Oct 4th (Monday)

Juliet Hines, Pht
(Signature)

⑧ 9/29/99

S: Pt is reporting "60%" \downarrow in pain/soreness.

O: (-) trigger points palpated. Tenderness reported to palpation
(-) suboccipital tightness C-spine Adam's Grossly unrel.

A: Tol. Rx well.

P: Cond. \bar{c} 1) US (1.5W/cm²) x 6' to (R) C-spine
2) Suboccipital Condyle release.

3) Instructed pt. to begin home isometric
C-spine stretching as tol. of which she demonstrated
working knowledge.

(Signature)

Daily Progress Note

Patient Name Youngmark, John

⑨

9/30/99

S: Pt has c/o mm soreness today

O: CONT Rx:

US AT 1.5 W/cm² TO (R) UPPER TRAPEZIUS
mm F/b manual stretching &

SUBOCCIPITAL Release in SUPINE.

A: SENT PN TO DR RECOMMENDING
DC TO (I) PROGRAM.

P: CONT AS PER DRS. ORDERS.

J. Drexler PT

10/5/99

4:35pm

I contacted pt. who reports that he is
to be discharged to H&P. See D/c summary.

CHC

Guy H. Gerhart, M.D.

DUBOIS REGIONAL MEDICAL CENTER
EAST DIVISION
DUBOIS, PA 15801
814-371-1480

November 21, 1999

Meyer and Wagner
Law Offices
115 LaFayette Street
St. Marys, PA 15857

RE: John Youngmark

Dear Attorney Wagner:

John Youngmark was involved in a motor vehicle accident on Sept. 9th, 1999. He was rear-ended by another vehicle. He suffered a whiplash of the neck with x-ray confirming spasm.

He still complains of stiffness in the neck region but it is better. He also has chronic right trapezius spasm. He has some difficulty working overhead.


He returned to his usual job on 10-21-99.

He was seen in my office on November 19th with good range of motion of the neck and did have some tenderness of the right rhomboid. He underwent physical therapy followed by home exercise program with continued progress.

His trapezius spasm was aggravated by this motor vehicle accident.

If you need further information, please contact my office.

Thank You,



Guy H. Gerhart, M.D.
GHG/dmn

EXHIBIT

B

Guy H. Gerhart, M.D.

DUBOIS REGIONAL MEDICAL CENTER
EAST DIVISION
DUBOIS, PA 15801
814-371-1480

December 10, 1999

Meyer and Wagner
115 Lafayette Street
St. Marys, PA 15857

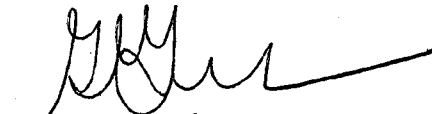
Re: John Youngmark
Addendum

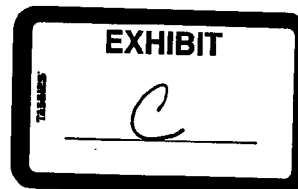
Dear Sirs:

It is true that Mr. Youngmark did have an accident in which his car was stationary and another car backed up and hit him. It was my error to say that it was a rear-end collision.

He developed whiplash injury secondary to this accident.

Thank You,


Guy H. Gerhart, M.D.
GHG/dmn



John
Youngmark

1-1998 WA 223 ↓ 3 BK 12/70

fx/x/

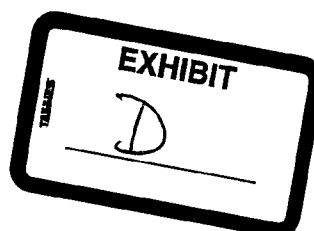
LAB

N

met on Aspen fork -- created much a problem
back to Aspen Fork & independent - for getting
children needed studies made on mud scarp.

This very child - the same Anderson, near
and the figures -- Aspen Fork
then perhaps ~ 2m

[Signature]



John
Youngmark

10-409 WA 22615 bk 100/80
CAB
P

fx-x0

Needs walking before - 50 Repress
60-70° better. Shoulder needs - 1st EP
vent 2 more inches of bone before
HWP on up 4th floor. And as
back. E no more rest. Repress
new HEP 2nd
off with 2 more inches
Relax 2nd

[Signature]

10/18/99 WA-226

Agitation
pinto 5'0
Mr. Arthur goes x2
Pond for 5 mins
and 420g

HWP new 5 inch. in shoulder length
Mr. R. needs 5 more. 85% better
SP MVA. E. back and needs more.
off with Tody and know in Wednesday.
Antagon to work plenty
Ap 1mb

[Signature]

John

Youngmark

8-30-99

- After accident - neck swollen - in right arm
- No shower - 10 mals - 1 bag of use
- Neck - no tension in neck stills necks
- new back room neck
- pt to do neck room and
- Relaxation of neck muscles - w/ back
- Relax neck 1 bag of use

M. J. M. Smith

7/10/99 wt - 221 lb BP - 176/78 R - 10

MVA - 9/9/99 MVA - wet knee - neck and L. neck

off work x 1 week

- neck stiffness in L. Neck area -

has 8-4 shift work - off tomorrow

TO PT lady and 3x with me I had

45+ neck exercises

Xy - cervical spine subluxation

Neck 1 week

1-20-99

U/S helpful. now I had made last time

- Neck 2 more weeks of PT. helpful - 40% better

Subluxation Neck 2 more weeks

Online PT 2 more weeks

Neck 2 more weeks

John

NANCY E. MOORE
PERSONNEL SERVICES

December 7, 1999

Meyer & Wagner
Thomas G. Wagner
115 Lafayette Street
St. Marys, PA 15857

Dear Mr. Wagner,

In response to your memo dated November 24, 1999 regarding John Youngmark and the accident he was involved in on September 9, 1999, John was absent from work beginning September 10, 1999 and then he returned to work on October 21, 1999. His hourly wage at the time of the accident was \$13.04, and his gross earnings for the three previous months were:

June 1999	\$2160.96
July 1999	\$2566.91
August 1999	\$2867.12

In response to your memo dated November 30, 1999, John bid on an Inspector job. The job bid was posted September 24, 1999 and the posting was closed October 1, 1999. Although John was not at work during this time period he had left word with the Personnel Department to sign the bid for him in his absence. On November 11, 1999 John began to train on the Inspector job. He trained November 11, 12, and 13. He was on vacation November 14th, and on his days off November 15 and November 16. When he returned to work on November 17 he informed his supervisor, Virginia Buhite, that he was turning down the bid which is his contractual right.

Sincerely,

Nancy E. Moore

Nancy E. Moore
Personnel Services Representative
Plant 18 Brockway

DEC 09 1999



FILED

AUG 23 2000

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

William A. Shaw
Prothonotary

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

8/14/00
DATE PRESENTED
CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME
356-00 C.D. Civil
() Jury () Non-Jury
Date Complaint (x) Arbitration 1 Days
Filed:
John and Rose Youngmark
PLAINTIFF(S)

Michael Blommer ()
DEFENDANT(S)

()
ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

more than
\$ () yes () no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Thomas G. Wagner

(814) 781-3445

FOR THE PLAINTIFF

TELEPHONE NUMBER

Richard W. Mutzabaugh

(814) 362-3538

FOR THE DEFENDANT

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

FILED

AUG 23 2000

William A. Shaw
Prothonotary

1 copy to Ct

(KM)



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-6089

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

October 2, 2000

Thomas G. Wagner, Esquire
Meyer & Wagner
115 Lafayette Street
St. Marys, PA 15857

Richard W. Mutzabaugh, Esquire
Mutzabaugh, Saunders, Hollenbeck & Clarke, LLP
Post Office Box 647
Bradford, PA 16701-0647

RE: JOHN and ROSE YOUNGMARK
vs.
MICHAEL BLOMMER
No. 00-356-CD

FILED
OCT 12 2000
William A. Shaw
Prothonotary

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Monday,**
December 4, 2000 at 9:00 A.M. The following have been appointed to the Board of Arbitrators:

James A. Naddeo, Esquire
John R. Ryan, Esquire
Blaise Ferraraccio, Esquire
William Lynn Hollen, Esquire
Frederick M. Neiswender, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven
(7) days from the date of this letter the name you wish stricken from the list.

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-6089

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

October 12, 2000

Thomas G. Wagner, Esquire
Meyer & Wagner
115 Lafayette Street
St. Marys, PA 15857

Richard W. Mutzabaugh, Esquire
Mutzabaugh, Saunders, Hollenbeck & Clarke, LLP
Post Office Box 647
Bradford, PA 16701-0647

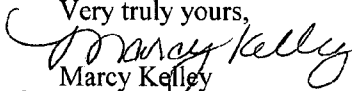
RE: JOHN and ROSE YOUNGMARK
vs.
MICHAEL BLOMMER
No. 00-356-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Monday,**
December 4, 2000 at 9:00 A.M. The following have been appointed as Arbitrators:

James A. Naddeo, Esquire, Chairman
John R. Ryan, Esquire
Blaise Ferraraccio, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Very truly yours,

Marcy Kelley
Deputy Court Administrator

cc: James A. Naddeo, Esquire
John R. Ryan, Esquire
Blaise Ferraraccio, Esquire

FILED
OCT 15 2000
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

53
63 JOHN YOUNGMARK and
ROSE YOUNGMARK,
Plaintiffs

vs.

61 MICHAEL BLOMMER,
Defendant

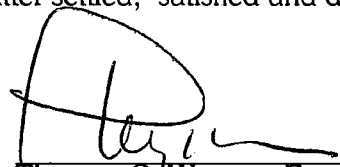
CIVIL ACTION - LAW

No. 00-356-CD

PRAECIPE

TO THE PROTHONOTARY

Please mark the above entitled matter settled, satisfied and discontinued as
of record.


Thomas G. Wagner, Esq.
Attorney for Plaintiff

Dated: December 8, 2000

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

FILED

JAN 05 2001

William A. Shaw
Prothonotary

FILED

JAN 05 2001
M. A. Shaw
William A. Shaw
Prothonotary

CH

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224

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

John Youngmark
Rose Youngmark

Vs.
Michael Blommer

No. 2000-00356-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on the 5th day of January, A.D. 2001 marked: Settled, satisfied and discontinued.

Record costs in the sum of \$193.51 have been paid in full by Thomas G. Wagner, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of January A.D. 2001.

William A. Shaw, Prothonotary

MUTZABAUGH, SAUNDERS, HOLLENBECK & CLARKE, LLP

Attorneys at Law
P.O. Box 647
13 Main Street
BRADFORD, PENNSYLVANIA 16701

(814) 362-3538
FAX NO.: 814 362-4464

R.T. MUTZABAUGH (1900-1993)
R.W. MUTZABAUGH
R.L. SAUNDERS
M.J. HOLLENBECK
A.V. CLARKE

November 21, 2000

Office of the Court Administrator
Clearfield County Court House
230 East Market Street
Clearfield, PA 16830

Re: ***John and Rose Youngmark v. Michael Blommen***
No. 00-356-CD

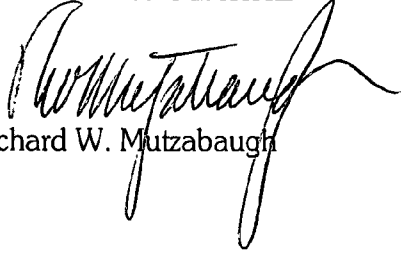
Dear Court Administrator:

Pursuant to your local rules, enclosed herein please find Pre-Trial Memorandum on behalf of the Defendant Michael Blommen relative to the arbitration hearing scheduled in this matter for December 4, 2000.

Sincerely yours,

**MUTZABAUGH, SAUNDERS,
HOLLENBECK & CLARKE**

By


Richard W. Mutzabaugh

RWM:jj

Enclosure

xc w/Enclosure: Thoms G. Wagner, Esq.
James A. Naddeo, Esq.
John R. Ryan, Esq.
Blaise Ferraraccio, Esq.

RECEIVED

NOV 27 2000

**COURT ADMINISTRATOR'S
OFFICE**

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK

Plaintiff(s)

vs.

MICHAEL BLOMMER

Defendant(s)

CIVIL ACTION - LAW
No. 00-356-cd

Type of Case: Civil

Type of Pleading: **Pre-Trial Memorandum**

Filed on Behalf of:
Defendant
Counsel of Record for this
Party:
Richard W. Mutzabaugh
Supreme Court No: 06741

**MUTZABAUGH, SAUNDERS
HOLLENBECK & CLARKE**
P.O. Box 647, 13 Main Street
Bradford, PA 16701
814-362-3538

Counsel of Record for Adverse
Party:
Thomas G. Wagner, Esq.
Meyer & Wagner
115 Lafayette Street
St. Marys, PA 15857
Attorney for Plaintiff

DATED: November 21, 2000

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

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NOV 27 2000

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

**JOHN YOUNGMARK and
ROSE YOUNGMARK,**
Plaintiffs

CIVIL ACTION - LAW

vs.

MICHAEL BLOMMER,
Defendant

No. 00-356-CD

PRE-TRIAL MEMORANDUM OF DEFENDANT

The Defendant in the above entitled matter, through his counsel, Mutzabaugh, Saunders, Hollenbeck & Clarke, presents the following as and for his Pre-Trial Memorandum for arbitration hearing scheduled for December 4, 2000:

Brief Statement of the Case:

This lawsuit involved an accident which occurred on or about September 9, 1999 on South State Street in DuBois, Clearfield County, Pennsylvania. The Plaintiff, John Youngmark, had just turned his vehicle south on said street. Defendant, operating a pick-up truck, was backing up in the northbound lane of travel of said street to park on the west side. As Plaintiff turned onto South Street he crossed into the northbound lane of travel and struck the Defendant's truck, which was plainly visible to him. Defendant denies any liability for the said accident and alleged that Plaintiff was contributory and comparatively negligent in causing this accident, and further a defense of assumption of the risk is claimed.

Citation to Applicable Case or Statutes:

None anticipated at this time.

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

Witnesses:

Michael Blommen, Defendant

Dana Blommen

John Youngmark

Rose Youngmark

Shawn Winkleman

**State of Damages and Copies of Bills Which the Party
Intends to Offer:**

Not applicable to Defendant.

**MUTZABAUGH, SAUNDERS,
HOLLENBECK & CLARKE**

By _____
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing document upon the person and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing in the United States Mail, Bradford, Pennsylvania, with first class postage, prepaid, as follows:

Thomas G. Wagner, Esq.
Attorney at Law
115 Lafayette Street
St. Marys, PA 15857

MUTZABAUGH, SAUNDERS
HOLLENBECK & CLARKE

By 

Attorneys for Defendant
13 Main Street
P.O. Box 647
Bradford, Pa. 16701
814-362-3538

DATED: November 21, 2000

Mutzabaugh, Saunders,
Hollenbeck & Clarke, LLP
13 Main Street, P.O. Box 647
Bradford, Pennsylvania 16701
(814) 362-3538

MEYER & WAGNER

LAW OFFICES

November 21, 2000



JAMES A. MEYER
THOMAS G. WAGNER

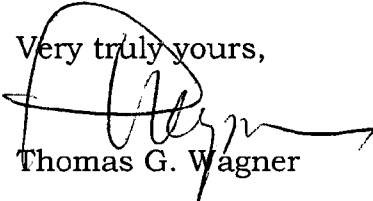
Administrator
Clearfield County Courthouse
Clearfield, Pa. 16830

IN RE: Youngmark v. Blommen
No. 00-356-cd

Dear Sir:

I enclose a copy of the Plaintiffs' Pretrial Memorandum to be filed in the above case.

Very truly yours,


Thomas G. Wagner

TGW/dlh

Enclosure

cc: Richard W. Mutzabaugh, Esq.

*Arb.
Dec 4, 2000*

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NOV 27 2000
COURT ADMINISTRATORS
OFFICE

				<p>MEYER & WAGNER ATTORNEYS AT LAW 115 LAFAYETTE STREET ST. MARYS, PA. 15857</p>
--	--	--	--	--

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

: CIVIL ACTION - LAW

: NO.

vs.

: Filed on behalf of Plaintiffs

MICHAEL BLOMMEN,
Defendant

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445

RECEIVED
NOV 27 2000
COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN YOUNGMARK and
ROSE YOUNGMARK, Plaintiffs

: CIVIL ACTION - LAW

: NO.

vs.

: Filed on behalf of Plaintiffs

MICHAEL BLOMMEN,
Defendant

: Counsel of Record:
Thomas G. Wagner, Esq.
: 115 Lafayette Street
St. Marys, Pa. 15857
: (814) 781-3445

PLAINTIFFS' PRETRIAL MEMORANDUM

Pursuant to Local Rule 1306(a), Plaintiffs submit the following pretrial statement.

Statement of the Case

On September 9, 1999, Plaintiff John Youngmark was operating an automobile in a southerly direction in the southbound lane of South State Street in the City of DuBois. As the Plaintiff pulled into South State Street from West Weber Avenue, he observed a pickup truck stopped in the southbound lane, and the Plaintiff stopped his car. The pickup truck began backing up, and Plaintiff assumed that it would be pulling into an adjacent parking space. However, the pickup truck continued northerly and struck the front end of the Plaintiff's car. The pickup truck was operated by the Defendant, Michael Blommen.

As a result of the collision, Mr. Youngmark suffered a whiplash injury and was attended by Dr. Guy Gerhart. Mr. Youngmark underwent a course of physical therapy at DuBois Regional Medical Center from September 13, 1999, through September 30, 1999.

As a result of his injury, Mr. Youngmark was unable to work from September 10, 1999, through October 20, 1999, suffering a gross loss of income of \$3,271.68, for which he received partial reimbursement in the form of first party income loss benefits in the amount of \$2,002.96, leaving a net loss of income from his regular job of \$1,268.72. In addition, Mr. Youngmark was unable, because of his injury, to take an inspector job into which he bid, which would have permitted him to receive additional income. His net loss of income from this inspector job, which paid an additional .57 cents per hour, over Mr. Youngmark's life expectancy would be \$4,366.55. Mr. Youngmark's date of birth was July 20, 1951.

Mr. Youngmark also makes a claim for pain and suffering, and his wife makes a claim for loss of consortium.

Applicable Case Law or Statute

There are no special legal issues involved in this case, which involves general principals of negligence and application of the Pennsylvania Motor Vehicle Financial Responsibility Law regarding income loss benefits.

List of Witnesses

1. John Youngmark, RD #3, Box 54A, DuBois, Pa. 15801.
2. Rose Youngmark, RD #3, Box 54A, DuBois, Pa. 15801.

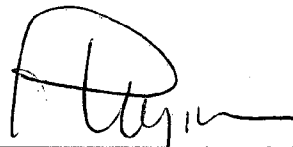
Statement of Damages

Net Wage Loss from Existing Employment	\$1,268.72
Future Wage Loss - Inspector Job	4,366.55
Pain and Suffering	unliquidated
Loss of Consortium	unliquidated

Exhibits

Plaintiffs intend to offer the following exhibits:

- A. Records of DRMC Physical Therapy Department for dated 9-13-99 through 10-5-99;
- B. Reports of Dr. Guy Gerhart dated November 21, 1999, and December 10, 1999;
- C. Office notes of Dr. Guy Gerhart;
- D. Letter of Owens-Illinois dated December 7, 1999;
- E. Declaration page from Plaintiffs' auto policy;
- F. Work expectancy tables;
- G. Payment records for income loss benefits from Erie Insurance Group.



Thomas G. Wagner, Attorney for Plaintiffs