

00-623-CD  
KIMBERLY M. MILLER et al -vs- DUBOIS REGIONAL MEDICAL CENTER et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

(16) KIMBERLY M. MILLER, Admin- \*  
istratrix of the ESTATE OF \*  
DOROTHY M. SROCK, Individually \*  
and on Behalf of the NEXT OF \*  
KIN of DOROTHY M. SROCK, \*  
Plaintiff \*

-vs-

(16) DUBOIS REGIONAL MEDICAL \*  
CENTER (16) GEORGE PALMER, JR., \*  
D.O., (16) REYNOLDSVILLE MEDICAL \*  
CENTER, PC, and (16) ALBERT L. \*  
VARACALLO, MD, \*  
Defendants \*

No. 00-623-CD

Type of Action:  
Civil

Type of Pleading:  
Praecipe for Writ  
of Summons

Filed on Behalf of:  
Plaintiff

**FILED**

**MAY 25 2000**

William A. Shaw  
Prothonotary

Counsel of Record for this  
Party:

Samuel Cohen, Esquire  
Supreme Court I.D. 27544

117 South 17th Street  
Suite 2010  
Philadelphia, PA 19103  
(215) 636-0400

KIMBERLY M. MILLER, Admin- \*  
istratrix of the ESTATE OF \*  
DOROTHY M. SROCK, Individually \*  
and on Behalf of the NEXT OF \*  
KIN of DOROTHY M. SROCK, \*  
Plaintiff \*

-VS-

No.

## PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY: .

Please issue a Writ of Summons upon the above-captioned Defendants:

DuBois Regional Medical Center  
100 Hospital Avenue  
DuBois, PA 15801

George Palmer, Jr., DO  
c/o DuBois Regional Medical Center  
100 Hospital Avenue  
DuBois, PA 15801

Reynoldsville Medical Center, PC  
5 North Third Street  
Reynoldsville, PA 15851

Albert L. Varacallo, MD  
c/o Reynoldsville Medical Center, PC  
5 North Third Street  
Reynoldsville, PA 15851

Date: 5/25/00

By

Samuel Cohen, Esquire  
Attorney for Plaintiff

FILED

APR 12 5 21 AM  
013301 City of Cohen, PD  
William A. Shaw  
Prothonotary

\$80.00  
Fees to City of Cohen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL ACTION

COPY

KIMBERLY M. MILLER, Adm. of Estate  
of DOROTHY M. SROCK, individually,  
and on behalf of the NEXT of KIN of  
DOROTHY M. SROCK

Plaintiff(s)

vs.

S U M M O N S  
No: 00-623-CD

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER, P.C.  
and ALBERT L. VARACALLO, M.D.

Defendant(s)

To the above named Defendant(s) you are hereby notified  
that the above named Plaintiff(s), has/have commenced a Civil Action  
against you.

Date MAY 25, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Samuel Cohen, Esquire  
117 South 17th Street  
Suite 2010  
Philadelphia, PA 19103

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C. and ALBERT  
VARACALLO, M.D.,

Defendants.

CIVIL DIVISION

No. 00-623-CD

Code:

Issue No:

PRAECIPE FOR APPEARANCE

Filed on behalf of Reynoldsville  
Medical Center, P.C. and Albert  
Varacallo, M.D., Defendants

Counsel of Record for This Party:

Marian Patchen Schleppy, Esquire  
PA I.D. # 72880

GACA MATIS BAUM & RIZZA  
Firm #983  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

(412) 338-4750

JURY TRIAL DEMANDED

**FILED**

JUN 14 2000

William A. Shaw  
Prothonotary

**KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,**

**VS.**

**Defendants.**

No. 00-623-CD

## JURY TRIAL DEMANDED.

By: Marian Patcher Schleggen

**Attorneys for Reynoldsville Medical Center, P.C. and  
Albert Varacallo, M.D., Defendants**

**300 Four PPG Place  
Pittsburgh, PA 15222  
(412) 338-4750**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing Praecipe for Appearance upon all counsel of record by United States, First-class mail, postage prepaid, this 12<sup>th</sup> day of June, 2000.

Samuel Cohen, Esquire  
117 South 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

GACA MATIS BAUM & RIZZA

  
Marian Patchen Schleppy



FILED

JUN 14 2000

William A. Shaw  
Prothonotary  
6285

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C. and ALBERT  
VARACALLO, M.D.,

Defendants.

CIVIL DIVISION

No. 00-623-CD

Code:

Issue No:

PRAECIPE FOR RULE FOR  
COMPLAINT

Filed on behalf of Reynoldsville  
Medical Center, P.C. and Albert  
Varacallo, M.D., Defendants

Counsel of Record for This Party:

Marian Patchen Schleppy, Esquire  
PA I.D. # 72880

GACA MATIS BAUM & RIZZA  
Firm #983  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

(412) 338-4750

JURY TRIAL DEMANDED

**FILED**

JUN 14 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C. and ALBERT  
VARACALLO, M.D.,

Defendants.

) CIVIL DIVISION

) No. 00-623-CD

PRAECIPE FOR RULE FOR COMPLAINT

To: William A. Shaw, Prothonotary and Clerk of Courts

Kindly issue a Rule on plaintiff to file her Complaint within twenty (20) days.

JURY TRIAL DEMANDED

GACA MATIS BAUM & RIZZA

By: Marian Patchen Schleppey  
Marian Patchen Schleppey, Esquire  
PA ID # 72880  
Attorneys for Reynoldsville Medical Center, P.C. and Albert  
Varacallo, M.D., Defendants

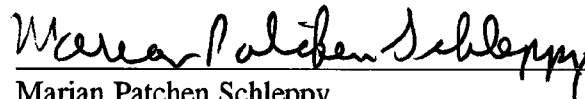
300 Four PPG Place  
Pittsburgh, PA 15222  
(412) 338-4750

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing Praecipe for Rule for Complaint upon all counsel of record by United States, First-class mail, postage prepaid, this <sup>12th</sup> day of June, 2000.

Samuel Cohen, Esquire  
117 South 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

GACA MATIS BAUM & RIZZA

  
Marian Patchen Schleppy

FILED

JUN 14 2000

M 11:14 NOC

William A. Shaw

Prothonotary

Rule to atty Schleppey  
EAB

573

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Adm. of Estate  
of DOROTHY M. SROCK, individually  
and on behalf of the NEXT of KIN of  
DOROTHY M. SROCK,

Plaintiff(s)

vs.

No. 00-623-CD

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER, P.C.  
and ALBERT VARACALLO, M.D.,

Defendant

RULE TO FILE COMPLAINT

TO: Plaintiff(s): KIMBERLY M. MILLER,

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

\_\_\_\_\_  
William A. Shaw, Prothonotary

Dated: June 14, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C. and ALBERT  
VARACALLO, M.D.,

Defendants.

CIVIL DIVISION

No. 00-623-CD

CERTIFICATE OF SERVICE

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Please take notice that on the 19TH day of JUNE, 2000, we served a Rule upon  
Plaintiff's attorney, Samuel Cohen, Esquire.

**FILED**

JUN 23 2000

William A. Shaw  
Prothonotary

GACA MATIS BAUM & RIZZA

By:

  
Marian Patchen Schleppy, Esquire  
PA ID # 72880

Attorneys for Reynoldsville Medical Center,  
P.C. and Albert Varacallo, M.D.,  
Defendants

Gaca Matis Baum & Rizza  
300 Four PPG Place  
Pittsburgh, PA 15222-5404  
(412) 338-4750

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Samuel Cohen  
117 S. 17 ST #  
Philadelphia  
PA 19103  
07/19/03

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Mr. Cohen

6/19/03

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes

No

3. Service Type

- ☒ Certified Mail    ☐ Express Mail  
☐ Registered    ☐ Return Receipt for Merchandise  
☐ Insured Mail    ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number (Copy from service label)

1099 3400 0003 1531 - 4157

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Adm. of Estate  
of DOROTHY M. SROCK, individually  
and on behalf of the NEXT of KIN of  
DOROTHY M. SROCK,

Plaintiff(s)

vs.

No. 00-623-CD

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER, P.C.  
and ALBERT VARACALLO, M.D.,

Defendant

RULE TO FILE COMPLAINT

TO: Plaintiff(s): KIMBERLY M. MILLER,

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: June 14, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE:**  
PRAECIPE FOR APPEARANCE

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

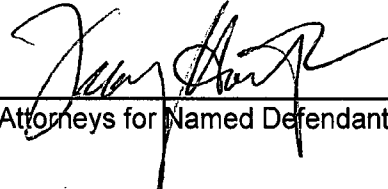
Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE**  
**PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 29<sup>th</sup> DAY OF JUNE, 2000.

  
Attorneys for Named Defendants

**FILED**

JUL 03 2000  
m 8:45/147  
William A. Shaw  
Prothonotary  
No c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff :

vs. :

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants :

**PRAECIPE FOR APPEARANCE**

**TO: PROTHONOTARY**

Kindly enter my Appearance as counsel of record for **Defendants, DUBOIS REGIONAL MEDICAL CENTER and GEORGE PALMER, JR., D.O.**, in the above-captioned action.

PFAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT

By 

Attorneys for Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and GEORGE PALMER,  
JR., D.O.

John L. McIntyre, Esquire  
**PA I.D. #28015**  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE: PRAECIPE FOR ISSUANCE OF  
RULE TO FILE COMPLAINT**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE  
PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 12<sup>th</sup> DAY OF JULY, 2000.

John L. McIntyre / mas  
Attorneys for Named Defendants

**FILED**

JUL 13 2000

William A. Shaw  
Prothonotary

COPY

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 00 – 623 CD

**PRAECIPE FOR ISSUANCE OF RULE TO FILE COMPLAINT**

TO: PROTHONOTARY

Please enter a Rule upon the plaintiff, KIMBERLY M. MILLER, Administratrix  
of the Estate of Dorothy M. Srock, Individually and on Behalf of the Next of Kin of Dorothy M. Srock,  
to file a Complaint in the above-captioned action within twenty (20) days of the date of service of  
said Rule.

PFAFF, McINTYRE, DUGAS & HARTYE

*John L. McIntyre /mas*  
Attorneys for Defendants  
DUBOIS REGIONAL MEDICAL  
CENTER and GEORGE PALMER, M.D.  
**JOHN L. McINTYRE, ESQUIRE**  
**PA ID# 28015**  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

**RULE TO FILE COMPLAINT**

AND NOW, this 13th day of July, 2000, Rule is entered on the  
plaintiffs to file a Complaint as above.

Prothonotary

FILED

JUL 13 2000

William A. Shaw  
Prothonotary

rule to  
att. McIntyre

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Admin- \*  
istratrix of the ESTATE OF \*  
DOROTHY SROCK, Individually \*  
and on behalf of the next of \*  
kin of DOROTHY SROCK, \*  
Plaintiff \*

-vs-

No. 00-623-CD

DUBOIS REGIONAL MEDICAL \*  
CENTER, GEORGE PALMER, JR., \*  
DO., REYNOLDSVILLE MEDICAL \*  
CENTER, PC and ALBERT L. \*  
VARACALLO, MD, \*  
Defendants \*

FILED

JUL 14 2000

William A. Shaw  
Prothonotary

AFFIDAVIT OF SERVICE

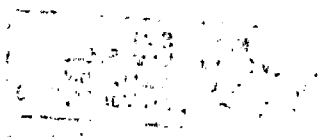
I, R. Stuart Auber, Constable, being duly sworn  
according to law, depose and state that Plaintiff's Writ of  
Summons was personally served by me upon an Emergency Room nurse,  
accepting service on behalf of the Defendant, George Palmer, Jr.,  
DO, 100 Hospital Avenue, DuBois, Pennsylvania on the 30th day of  
May, 2000.

R. Stuart Auber  
R. Stuart Auber

SWORN and SUBSCRIBED to before me this 14<sup>th</sup> day of July, 2000.

Nancy Collins  
Notarial Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2003  
Member, Pennsylvania Association of Notaries

**FILED**  
JUN 13 2000  
JUN 14 2000  
William A. Shaw  
Prothonotary  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Admin- \*  
istratrix of the ESTATE OF \*  
DOROTHY SROCK, Individually \*  
and on behalf of the next of \*  
kin of DOROTHY SROCK, \*  
Plaintiff \*

-vs-

DUBOIS REGIONAL MEDICAL \*  
CENTER, GEORGE PALMER, JR., \*  
DO., REYNOLDSVILLE MEDICAL \*  
CENTER, PC and ALBERT L. \*  
VARACALLO, MD, \*  
Defendants \*

No. 00-623-CD

I hereby certify this to be a true,  
and attested copy of the original  
state, returned in this case.

JUL 1 8 2000

Attest:

William A. Shaw  
Prothonotary

FILED

JUL 14 2000

William A. Shaw  
Prothonotary

AFFIDAVIT OF SERVICE

I, R. Stuart Auber, Constable, being duly sworn  
according to law, depose and state that Plaintiff's Writ of  
Summons was personally served by me upon Dawn Long, RN, accepting  
service on behalf of the Defendant, Albert L. Varacallo, MD, 5  
North Third Street, Reynoldsville, Pennsylvania, on the 30th day  
of May, 2000.

*R. Stuart Auber*

R. Stuart Auber

SWORN and SUBSCRIBED to before me this 14<sup>th</sup> day of July, 2000.

*Nancy Collins*

Notarial Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2003

Member, Pennsylvania Association of Notaries

FILED

01303444  
JUN 14 2000

William A. Shaw  
Prothonotary

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RECEIVED  
JUN 14 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Admin-  
istratrix of the ESTATE OF  
DOROTHY SROCK, Individually  
and on behalf of the next of  
kin of DOROTHY SROCK,  
Plaintiff

-vs-

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
DO., REYNOLDSVILLE MEDICAL  
CENTER, PC and ALBERT L.  
VARACALLO, MD,  
Defendants

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No. 00-623-CD

I hereby certify this to be a true  
and correct copy of the original  
State Record in this case.  
JUL 14 2000  
Attest: William A. Shaw  
Prothonotary

FILED

JUL 14 2000

William A. Shaw  
Prothonotary

AFFIDAVIT OF SERVICE

I, R. Stuart Auber, Constable, being duly sworn  
according to law, depose and state that Plaintiff's Writ of  
Summons was personally served by me upon Robert McKee, Personnel  
Director, accepting service on behalf of the Defendant, DuBois  
Regional Medical Center, 100 Hospital Avenue, DuBois,  
Pennsylvania on the 30th day of May, 2000.

R. Stuart Auber  
R. Stuart Auber

SWORN and SUBSCRIBED to before me this 14<sup>th</sup> day of July, 2000.

Nancy Collins

Notarial Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2003

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Admin-  
istratrix of the ESTATE OF  
DOROTHY SROCK, Individually  
and on behalf of the next of  
kin of DOROTHY SROCK,  
Plaintiff

-vs-

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
DO., REYNOLDSVILLE MEDICAL  
CENTER, PC and ALBERT L.  
VARACALLO, MD,  
Defendants

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No. 00-623-CD

I hereby certify this to be a true  
and attested copy of the original  
statement of this case.  
JUL 14 2000  
Attest: William A. Shaw  
Prothonotary

FILED

JUL 14 2000

William A. Shaw  
Prothonotary

AFFIDAVIT OF SERVICE

I, R. Stuart Auber, Constable, being duly sworn  
according to law, depose and state that Plaintiff's Writ of  
Summons was personally served by me upon Dawn Long, RN, accepting  
service on behalf of the Defendant, Reynoldsville Medical Center,  
PC, 5 North Third Street, Reynoldsville, Pennsylvania, on the  
30th day of May, 2000.

R. Stuart Auber  
R. Stuart Auber

SWORN and SUBSCRIBED to before me this 14<sup>th</sup> day of July, 2000.

Nancy Collins  
Notarial Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2003  
Member, Pennsylvania Association of Notaries

FILED No  
013:03784  
JUL 14 2000  
William A. Shaw  
Prothonotary  
Kef



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE:**  
CERTIFICATE OF SERVICE OF  
RULE TO FILE COMPLAINT

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE**  
**PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 14<sup>th</sup> DAY OF JULY, 2000.

  
Attorneys for Named Defendants

**FILED**

JUL 17 2000

William A. Shaw  
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants

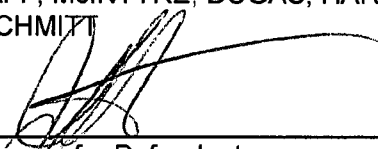
**CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT**

TO: PROTHONOTARY

You are hereby notified that on the 14<sup>th</sup> day of JULY, 2000, Defendants,  
DUBOIS REGIONAL MEDICAL CENTER and GEORGE PALMER, JR., D.O., served a  
RULE upon the Plaintiff by mailing the original of same via First Class Mail, postage  
prepaid, addressed to the plaintiff's counsel:

Samuel Cohen, Esquire  
KATZ, COHEN & PRICE, P.C.  
Suite 2010  
117 S. 17<sup>th</sup> Street  
Philadelphia, PA 19103

2 . 2 . 2 .  
PFAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT



---

Attorneys for Defendants,  
DUBOIS REGIONAL MEDICAL CENTER  
and GEORGE PALMER, JR., D.O.

**John L. McIntyre, Esquire**  
**PA I.D. #28015**  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581



FILED

JUL 17 2000

178-53110-2  
William A. Shaw  
Prothonotary

C/DB

THIS IS NOT AN ARBITRATION MATTER.  
JURY TRIAL DEMANDED  
AN ASSESSMENT OF DAMAGES HEARING WILL BE  
NECESSARY.  
RULE 238 DELAY DAMAGES DEMANDED

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix** :  
**of the ESTATE OF DOROTHY SROCK** :  
**Individually and on Behalf of the Next** :  
**of Kin of DOROTHY SROCK** :

**COURT OF COMMON PLEAS**  
**CLEARFIELD COUNTY**

vs.

**DUBOIS REGIONAL MEDICAL** :  
**CENTER, GEORGE PALMER, JR., D.O.** :  
**REYNOLDSVILLE MEDICAL CENTER** :  
**P.C. and ALBERT L. VARACALLO, MD** :

NO. 00-623-ED  
**FILED**

JUL 17 2000

William A. Shaw  
Prothonotary

**CIVIL ACTION COMPLAINT**

COMES NOW, Plaintiff Kimberly M. Miller, as Administratrix of the Estate of  
Dorothy M. Srock, individually, and on behalf of the next of kin of Dorothy M. Srock, by her  
attorney Samuel Cohen and, Katz, Cohen & Price, P.C., and desiring to recover compensation  
as permitted by law due to the negligence, carelessness, recklessness and malpractice of  
Defendants avers in support thereof the following:

1. Plaintiff Kimberly M. Miller, is an adult individual who ws duly appointed  
Administratrix of the Estate of Dorothy M. Srock by the Registrar of Wills of Clearfield  
County and who is a citizen and resident of the Commonwealth of Pennsylvania residing at 511  
South Main Street, DuBois, Clearfield County.

2. Defendant DuBois Regional Medical Center is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania having an office address at 100 Hospital Avenue, DuBois, PA 15801, Clearfield County.

3. Defendant George Palmer, Jr. is an adult individual who is licensed to practice medicine in the Commonwealth of Pennsylvania and who regularly conducts business at the DuBois Regional Medical Center, 100 Hospital Avenue, DuBois, PA 15801.

4. Defendant Reynoldsville Medical Center, P.C., is a professional corporation organized and existing under the laws of the Commonwealth of Pennsylvania having an office address at 5 North Third Street, Reynoldsville, PA 15851, Clearfield County.

5. Defendant Albert L. Varacallo is an adult individual who is licensed to practice medicine in the Commonwealth of Pennsylvania and who regularly conducts business at Reynoldsville Medical Center, 5 North Third Street, Reynoldsville, PA 15851, Clearfield County.

6. This action is brought against each Defendant under Pennsylvania Rules of Civil Procedure Section 2201 et seq. and 42 Pa. C.S.A. Section 8301 ("Wrongful Death Actions") and 42 Pa. C.S.A. Section 8302 ("Survival Actions").

7. Defendants DuBois Regional Medical Center and Reynoldsville Medical Center, P.C. (herein after the "corporate defendants") are corporations where patients were received and treated and did, for valuable consideration, provide medical care of patients.

8. Defendants George Palmer, Jr. and Albert L. Varacallo are individuals licensed to practice medicine in the Commonwealth of Pennsylvania and at all times relevant hereto held themselves out to the public as skilled and competent providers of medical care, who received and treated patients for valuable consideration.

9. Defendants at all times relevant hereto acted by and through their authorized agents, servants, workmen and/or employees, each of whom was acting within the course and scope of his/her agency and/or employment with said Defendants.

10. Additionally, each of the individual Defendants, also acted individually.

11. When used hereinafter the term "patient" shall refer to Dorothy M. Srock, deceased.

12. On or about June 5, 1998, Defendants, for a compensation which the "patient" agreed to pay, undertook the care of the "patient" and further agreed to perform all reasonable and necessary procedures, and to use due, reasonable and proper skills in rendering such care.

13. The "patient" came under the care of Defendants as a patient for the purpose of treatment and/or examinations by the individual defendants and by the doctors, nurses, staff and other agents, servants and employees of all of the Defendants.

14. The acts performed by the various nurses, doctors, attendants and technicians in the treatment and/or examination of the "patient" were done individually and/or in connection with their duties as agents and/or servants of Defendants, and said nurses, doctors, attendants and technicians were acting in and about the discharge of their respective duties individually and/or as agents and/or servants of Defendants on behalf of said Defendants and within the scope of their authority.

15. On the morning of June 5, 1998, the "patient" was not feeling well and attempted to schedule an appointment with Defendants Reynoldsville Medical Center and Albert L. Varacallo.

16. On or about the aforementioned date, an appointment was scheduled for the "patient" to be seen at 4:00p.m. at the offices of Defendants Albert L. Varacallo and Reynoldsville Medical Center.

17. On or about the aforementioned date, at or about 4:00p.m., Plaintiff was seen by an individual known as "Chip" who, upon information and belief, was the agent, servant, workman and/or employee of Defendant Albert L. Varacallo and Reynoldsville Medical Center, P.C.

18. At the time of the aforementioned appointment, "Chip" informed the "patient" that he believed her heart was fine and instructed her to go to the DuBois Regional Medical Center for some testing.

19. On or about June 5, 1998, shortly after 5:00p.m., the "patient" arrived at the DuBois Regional Medical Center, and went for various tests including, but not limited to blood tests, urinalysis, x-rays and an electrocardiogram.

20. At the time of her visit at approximately 5:00p.m. on June 5, 1998, Defendant George Palmer, Jr. was the Emergency Room Physician in charge of the "patient's" care.

21. At the conclusion of the various testing the "patient" was discharged from the hospital and then sent home.

22. During the course of the evening of June 5, 1998, the "patient" continued not to feel well.

23. At or about 10:00p.m. on June 5, 1998, Plaintiff contacted the physician on call at Defendant Reynoldsville Medical Center and was instructed to report to the Emergency Room of Defendant DuBois Regional Medical Center immediately.

24. The "patient" immediately reported to the Emergency Room of the DuBois Regional Medical Center and was admitted suffering inter alia, with cardiogenic shock, pulmonary edema and unstable angina.

25. At approximately 1:00a.m., the "patient" was life-flighted to West Penn Hospital where she subsequently died as a result of her heart problems.

26. The care and treatment rendered to the "patient" by Defendants was performed carelessly and negligently and, as a result, the "patient" was caused to suffer sever and serious injuries and damages which resulted in her death.

27. The injuries, losses, damages and death of the "patient" were caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants, Reynoldsville Medical Center and Albert L. Varacallo, M.D.

- a. Failing to recognize the "patient's" condition at the time of the examination;
- b. In luring the "patient" into a false sense of security concerning her medical condition;
- c. In failing to discover the true nature of the "patient's" condition;
- d. In failing to properly and promptly diagnose the "patient's" condition;
- e. In failing to ascertain that the "patient" was suffering from heart problems at the time of the evaluation;
- f. In failing to take proper tests to determine the "patient's" condition;
- g. In failing to follow-up with the "patient" relative to her medical condition;
- h. In failing to discover the true nature and extent of the "patient's" condition;

i. No act or failure to act on the part of the "patient" causing and contributed to the happening of her death which in nature and/or extent of her injuries which resulted in her death.

28. The injuries, losses, damages and death of the "patient" were also caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants Dubois Regional Medical Center and George Palmer, Jr. in any and all the following respects:

- a. Failure to obtain a thorough medical evaluation.
- b. Failure to perform a full, complete and proper physical examination.
- c. Failure to obtain a proper history.
- d. Failure to obtain a family conference, or consult with available family and friends regarding the nature of the "patient's" condition.
- e. Failure to properly and adequately diagnose the "patient's" medical condition.
- f. Failure to properly and adequately diagnose the "patient's" heart condition.
- g. Failure to recognize the "patient's" condition at the time of her first arrival at the Emergency Room on June 5, 1998.
- h. Failure to properly and promptly read the electrocardiogram which was taken shortly after 5:00p.m. on June 5, 1998.
- i. Allowing the "patient" to leave the hospital after her initial visit on June 5, 1998.
- j. Failure to take steps to minimize the "patient's" injuries as a result of the disease process that was taking place at the time of her initial Emergency Room visit on June 5, 1998.

k. Depriving the "patient" of her opportunity to recover from the disease process which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

l. Failing to take steps to remedy the disease process which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

m. Luring the "patient" into a false sense of security with regard to her medical condition by discharging her following her initial Emergency Room visit of June 5, 1998.

n. Failing to immediately admit the "patient" to the hospital at the time of her Emergency Room visit on the afternoon of June 5, 1998;

o. Failing to properly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

p. Failing to promptly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

q. Failing to enact or promulgate, or if enacted or promulgated, in failing to enforce sufficient rules and regulations relating to the treatment and care of patients in the condition of this "patient" as described above; and

r. Failing to provide adequate supervision of its staff and employees to ensure the proper hospital practice and procedures were followed.



**COUNT I**  
**WRONGFUL DEATH**

28. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 27, inclusive, as fully as if the same were set forth at length herein at length.

29. This count is brought pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. Section 8301 and pursuant to Rule 2201 of the Pennsylvania Rules of Civil Procedure.

30. Plaintiff's decedent did not bring an action for personal injuries during her lifetime and no other action for the death of the decedent has been commenced against the Defendants herein.

31. Plaintiff's decedent, Dorothy Srock, was sixty-two (62) years of age at the time of her death and left surviving her the following persons entitled to recover damages for her death and on whose behalf this action is brought:

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>RELATIONSHIP</u></b>
Kimberly M. Miller	511 South Main Street, DuBois, PA 15801	Daughter
Grace Hilliard	1006 West Long Avenue, DuBois, PA 15801	Mother

32. By reason of the death of Plaintiff's decedent, her survivors have suffered pecuniary loss, including, but not limited to funeral expenses and medical bills.

33. As a further result of the death of Plaintiff's decedent, her survivors have suffered in the past and will, for an indefinite time into the future, suffer a loss of services she would have continued to provide, but for her premature death.

40. Plaintiff also claims on behalf of his decedent's Estate the loss of earnings and/or earning capacity, occasioned by the death of decedent.

41. Plaintiff also claims on behalf of his decedent's Estate the psychic value of the expectancy and enjoyment of life of the decedent which was cut short by the reason of the negligence, carelessness recklessness and liability-producing conduct of Defendants herein as previously set forth.

42. Plaintiff also claims on behalf of his decedent's Estate various other expenses, losses and damages for an indefinite time into the future.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor for a sum in excess of Twenty Thousand Dollars (\$20,000.00).

KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

Dated: 7/14/00

34. As a further result of the death of Plaintiff's decedent, her survivors have suffered the loss of support, guidance, society, comfort, services and/or care which decedent would have continued to provide to them in the future, but for her premature death.

35. As a further result of the death of Plaintiff's decedent, her survivors have suffered in the past and will, for an indefinite time into the future suffer various other expenses, losses and damages.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor and against Defendants for a sum in excess of Twenty Thousand Dollars (\$20,000.00).

**COUNT II**  
**SURVIVAL ACTION**

36. Plaintiff hereby incorporates by reference the allegations set forth in paragraph 1 through 35, inclusive, as fully as if the same were set forth at length herein at length.

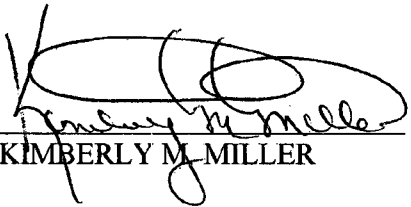
37. This count is brought pursuant to the Pennsylvania Survival Act 42 Pa. C.S.A. Section 8302 and 20 Pa. C.S.A. Section 3371

38. As a direct and proximate result of the negligence, carelessness, recklessness and other liability-producing conduct of the Defendants herein, individually, and/or severally, as set forth herein, Plaintiff's decedent suffered conscious pain, mental anguish and suffering and fear of impending death prior to her death.

39. Plaintiff claims, on behalf of his decedent's Estate, the pecuniary damages suffered by reason of the death of the decedent as well as for the physical pain and emotional pain and suffering suffered by his decedent.

**VERIFICATION**

I, Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock, individually and on behalf of the Next of Kin of Dorothy M. Srock, verify that I am the Plaintiff named herein, and that the averments of fact set forth in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

  
KIMBERLY M. MILLER

Dated 6/26/2000

FILED

JUL 17 2000  
07/02/00  
William A. Shaw  
Prothonotary

cc athy Cohen

*[Handwritten signature]*

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

KIMBERLY M. MILLER, Administratrix :  
of the ESTATE OF DOROTHY SROCK :  
Individually and on Behalf of the Next :  
of Kin of DOROTHY SROCK :

COURT OF COMMON PLEAS

vs. :

CLEARFIELD COUNTY

DUBOIS REGIONAL MEDICAL :  
CENTER, GEORGE PALMER, JR., D.O. :  
REYNOLDSVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, M.D. :

NO.: 00-623-CD

**PRAECIPE TO SUBSTITUTE VERIFICATION**

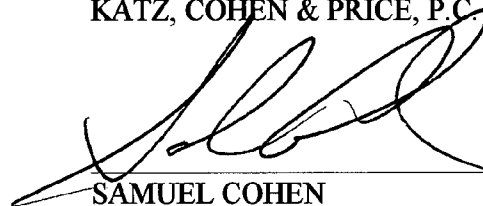
TO THE PROTHONOTARY:

Kindly substitute Samuel Cohen's Verification with that of Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock, Individually and on Behalf of the Next of Kin of Dorothy Srock which was attached to Plaintiff's Amended Civil Action Complaint which was filed with the Court on August 7, 2000.

KATZ, COHEN & PRICE, P.C.


**FILED**

AUG 16 2000  
m/80:30/wr  
William A. Shaw  
Prothonotary  
2 SENT TO ARTS

  
SAMUEL COHEN

**VERIFICATION**

I, Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock, individually and on Behalf of the Next of Kin of Dorothy M. Srock, verify that I am the Plaintiff in this matter and that the averments of fact set forth in the foregoing Amended Civil Action Complaint are true and correct to the best of my personal knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

  
KIMBERLY M. MILLER

Dated: 8/9/2000

THIS IS NOT AN ARBITRATION MATTER.  
JURY TRIAL DEMANDED  
AN ASSESSMENT OF DAMAGES HEARING WILL BE  
NECESSARY.  
RULE 238 DELAY DAMAGES DEMANDED

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

RECEIVED  
COMES-7 PM 3:55  
PROTHONOTARY

**KIMBERLY M. MILLER, Administratrix** :  
**of the ESTATE OF DOROTHY SROCK** :  
**Individually and on Behalf of the Next** :  
**of Kin of DOROTHY SROCK** :

**COURT OF COMMON PLEAS**  
**CLEARFIELD COUNTY**

vs.

NO.: 00-623-CD

**DUBOIS REGIONAL MEDICAL** :  
**CENTER, GEORGE PALMER, JR., D.O.** :  
**REYNOLDSVILLE MEDICAL CENTER** :  
**P.C. and ALBERT L. VARACALLO, MD** :

**FILED**

APR 17 2000

**AMENDED**  
**CIVIL ACTION COMPLAINT**

**William A. Shaw**  
**Prothonotary**

COMES NOW, Plaintiff Kimberly M. Miller, as Administratrix of the Estate of  
Dorothy M. Srock, individually, and on behalf of the next of kin of Dorothy M. Srock, by her  
attorney Samuel Cohen and, Katz, Cohen & Price, P.C., and desiring to recover compensation  
as permitted by law due to the negligence, carelessness, recklessness and malpractice of  
Defendants avers in support thereof the following:

1. Plaintiff Kimberly M. Miller, is an adult individual who ws duly appointed  
Administratrix of the Estate of Dorothy M. Srock by the Registrar of Wills of Clearfield



County and who is a citizen and resident of the Commonwealth of Pennsylvania residing at 511 South Main Street, DuBois, Clearfield County.

2. Defendant DuBois Regional Medical Center is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania having an office address at 100 Hospital Avenue, DuBois, PA 15801, Clearfield County.

3. Defendant George Palmer, Jr. is an adult individual who is licensed to practice medicine in the Commonwealth of Pennsylvania and who regularly conducts business at the DuBois Regional Medical Center, 100 Hospital Avenue, DuBois, PA 15801.

4. Defendant Reynoldsville Medical Center, P.C., is a professional corporation organized and existing under the laws of the Commonwealth of Pennsylvania having an office address at 5 North Third Street, Reynoldsville, PA 15851, Clearfield County.

5. Defendant Albert L. Varacallo is an adult individual who is licensed to practice medicine in the Commonwealth of Pennsylvania and who regularly conducts business at Reynoldsville Medical Center, 5 North Third Street, Reynoldsville, PA 15851, Clearfield County.

6. This action is brought against each Defendant under Pennsylvania Rules of Civil Procedure Section 2201 et seq. and 42 Pa. C.S.A. Section 8301 ("Wrongful Death Actions") and 42 Pa. C.S.A. Section 8302 ("Survival Actions").

7. Defendants DuBois Regional Medical Center and Reynoldsville Medical Center, P.C. (herein after the "corporate defendants") are corporations where patients were received and treated and did, for valuable consideration, provide medical care of patients.

8. Defendants George Palmer, Jr. and Albert L. Varacallo are individuals licensed to practice medicine in the Commonwealth of Pennsylvania and at all times relevant hereto held themselves out to the public as skilled and competent providers of medical care, who received and treated patients for valuable consideration.

9. Defendants at all times relevant hereto acted by and through their authorized agents, servants, workmen and/or employees, each of whom was acting within the course and scope of his/her agency and/or employment with said Defendants.

10. Additionally, each of the individual Defendants, also acted individually.

11. When used hereinafter the term "patient" shall refer to Dorothy M. Srock, deceased.

12. On or about June 5, 1998, Defendants, for a compensation which the "patient" agreed to pay, undertook the care of the "patient" and further agreed to perform all reasonable and necessary procedures, and to use due, reasonable and proper skills in rendering such care.

13. The "patient" came under the care of Defendants as a patient for the purpose of treatment and/or examinations by the individual defendants and by the doctors, nurses, staff and other agents, servants and employees of all of the Defendants.

14. The acts performed by the various nurses, doctors, attendants and technicians in the treatment and/or examination of the "patient" were done individually and/or in connection with their duties as agents and/or servants of Defendants, and said nurses, doctors, attendants and technicians were acting in and about the discharge of their respective duties individually and/or as agents and/or servants of Defendants on behalf of said Defendants and within the scope of their authority.

15. On the morning of June 5, 1998, the "patient" was not feeling well and attempted to schedule an appointment with Defendants Reynoldsville Medical Center and Albert L. Varacallo.

16. On or about the aforementioned date, an appointment was scheduled for the "patient" to be seen at 4:00p.m. at the offices of Defendants Albert L. Varacallo and Reynoldsville Medical Center.

17. On or about the aforementioned date, at or about 4:00p.m., Plaintiff was seen by an individual known as "Chip" who, upon information and belief, was the agent, servant, workman and/or employee of Defendant Albert L. Varacallo and Reynoldsville Medical Center, P.C.

18. At the time of the aforementioned appointment, "Chip" informed the "patient" that he believed her heart was fine and instructed her to go to the DuBois Regional Medical Center for some testing.

19. On or about June 5, 1998, shortly after 5:00p.m., the "patient" arrived at the DuBois Regional Medical Center, and went for various tests including, but not limited to blood tests, urinalysis, x-rays and an electrocardiogram.

20. At the time of her visit at approximately 5:00p.m. on June 5, 1998, Defendant George Palmer, Jr. was the Emergency Room Physician in charge of the "patient's" care.

21. At the conclusion of the various testing the "patient" was discharged from the hospital and then sent home.

22. During the course of the evening of June 5, 1998, the "patient" continued not to feel well.

23. At or about 10:00p.m. on June 5, 1998, Plaintiff contacted the physician on call at Defendant Reynoldsville Medical Center and was instructed to report to the Emergency Room of Defendant DuBois Regional Medical Center immediately.

24. The "patient" immediately reported to the Emergency Room of the DuBois Regional Medical Center and was admitted suffering inter alia, with cardiogenic shock, pulmonary edema and unstable angina.

25. At approximately 1:00a.m., the "patient" was life-flighted to West Penn Hospital where she subsequently died as a result of her heart problems.

26. The care and treatment rendered to the "patient" by Defendants was performed carelessly and negligently and, as a result, the "patient" was caused to suffer sever and serious injuries and damages which resulted in her death.

27. The injuries, losses, damages and death of the "patient" were caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants, Reynoldsville Medical Center and Albert L. Varacallo, M.D.

- a. Failing to recognize the "patient's" condition at the time of the examination;
- b. In luring the "patient" into a false sense of security concerning her medical condition;
- c. In failing to discover the true nature of the "patient's" condition;
- d. In failing to properly and promptly diagnose the "patient's" condition;

e. In failing to ascertain that the "patient" was suffering from heart problems at the time of the evaluation;

f. In failing to take proper tests to determine the "patient's" condition;

g. In failing to follow-up with the "patient" relative to her medical condition;

h. In failing to discover the true nature and extent of the "patient's" condition;

i. No act or failure to act on the part of the "patient" causing and contributed to the happening of her death which in nature and/or extent of her injuries which resulted in her death.

28. The injuries, losses, damages and death of the "patient" were also caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants Dubois Regional Medical Center and George Palmer, Jr. in any and all the following respects:

a. Failure to obtain a thorough medical evaluation.

b. Failure to perform a full, complete and proper physical examination.

c. Failure to obtain a proper history.

d. Failure to obtain information from family and friends.

e. Failure to properly and adequately diagnose the "patient's" heart condition.

f. Failure to recognize the "patient's" abnormal heart condition.

g. Failure to properly and promptly read the electrocardiogram which was taken shortly after 5:00p.m. on June 5, 1998.

h. Allowing the "patient" to leave the hospital after her initial visit on June 5, 1998.

i. Failure to take steps to minimize the "patient's" injuries as a result of the heart condition that was taking place at the time of her initial Emergency Room visit on June 5, 1998.

j. Depriving the "patient" of her opportunity to recover from the heart condition which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

k. Failing to take steps to remedy the heart condition which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

l. Providing the "patient" with adequate, inaccurate and improper information at the time of her discharge, at the time of her initial Emergency Room visit on June 5, 1998.

m. Failing to immediately admit the "patient" to the hospital at the time of her Emergency Room visit on the afternoon of June 5, 1998;

n. Failing to properly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

o. Failing to promptly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

p. Failing to enact or promulgate, or if enacted or promulgated, in failing to enforce sufficient rules and regulations relating to the treatment and care of patients with the heart condition of this "patient" as described above; and

q. Failing to provide adequate supervision of its staff to ensure the proper hospital practice and procedures were followed with regard to a patient having the heart condition of the "patient".

**COUNT I**  
**WRONGFUL DEATH**

29. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 28, inclusive, as fully as if the same were set forth at length herein at length.

30. This count is brought pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. Section 8301 and pursuant to Rule 2201 of the Pennsylvania Rules of Civil Procedure.

31. Plaintiff's decedent did not bring an action for personal injuries during her lifetime and no other action for the death of the decedent has been commenced against the Defendants herein.

32. Plaintiff's decedent, Dorothy Srock, was sixty-two (62) years of age at the time of her death and left surviving her the following persons entitled to recover damages for her death and on whose behalf this action is brought:

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>RELATIONSHIP</u></b>
Kimberly M. Miller	511 South Main Street, DuBois, PA 15801	Daughter
Grace Hilliard	1006 West Long Avenue, DuBois, PA 15801	Mother

33. By reason of the death of Plaintiff's decedent, her survivors have suffered pecuniary loss, including, but not limited to funeral expenses and medical bills.

34. As a further result of the death of Plaintiff's decedent, her survivors have suffered in the past and will, for an indefinite time into the future, suffer a loss of services she would have continued to provide, but for her premature death.

35. As a further result of the death of Plaintiff's decedent, her survivors have suffered the loss of support, guidance, society, comfort, services and/or care which decedent would have continued to provide to them in the future, but for her premature death.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor and against Defendants for a sum in excess of Twenty Thousand Dollars (\$20,000.00).

**COUNT II**  
**SURVIVAL ACTION**

36. Plaintiff hereby incorporates by reference the allegations set forth in paragraph 1 through 35, inclusive, as fully as if the same were set forth at length herein at length.

37. This count is brought pursuant to the Pennsylvania Survival Act 42 Pa. C.S.A. Section 8302 and 20 Pa. C.S.A. Section 3371

38. As a direct and proximate result of the negligence, carelessness, recklessness and other liability-producing conduct of the Defendants herein, individually, and/or severally, as set forth herein, Plaintiff's decedent suffered conscious pain, mental anguish and suffering and fear of impending death prior to her death.



39. Plaintiff claims, on behalf of his decedent's Estate, the pecuniary damages suffered by reason of the death of the decedent as well as for the physical pain and emotional pain and suffering suffered by his decedent.

40. Plaintiff also claims on behalf of his decedent's Estate the loss of earnings and/or earning capacity, occasioned by the death of decedent.

41. Plaintiff also claims on behalf of his decedent's Estate various other expenses, losses and damages for an indefinite time into the future.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor for a sum in excess of Twenty Thousand Dollars (\$20,000.00).

KATZ, COHEN & PRICE, PC

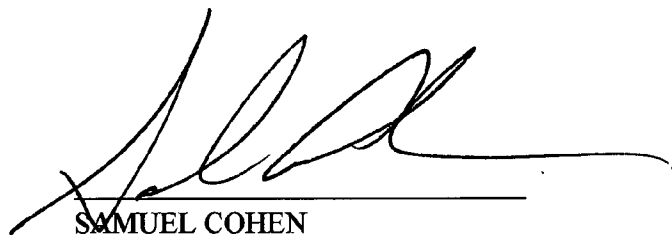


SAMUEL COHEN

Dated: 6/7/00

**VERIFICATION**

I, SAMUEL COHEN, verify that I am the attorney for Plaintiff, Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock, individually and on Behalf of the Next of Kin named herein, and that the averments of fact set forth in the foregoing Amended Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.



SAMUEL COHEN

Dated: 8/7/00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE: ANSWER AND NEW  
MATTER**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. MCINTYRE, ESQUIRE  
PA I.D. #28015**

PFAFF, MCINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2000.

  
Attorneys for Named Defendants

**FILED**

SEP 08 2000

William A. Shaw  
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants

**ANSWER AND NEW MATTER**

AND NOW, comes the Defendants, DUBOIS REGIONAL MEDICAL CENTER  
and GEORGE PALMER, JR., D.O., by their attorneys, PFAFF, McINTYRE, DUGAS,  
HARTYE & SCHMITT, files the following Answer and New Matter to the plaintiff's  
Amended Complaint, and in support, sets forth the following:

1. In response to Paragraph 1, after reasonable investigation, these  
answering defendants are without sufficient knowledge or information so as to form a  
belief as to the truth, or falsity of said averments and strict proof thereof is demanded at  
the time of trial.

2. Admitted.

3. Admitted.

4. – 5. Admitted.

6. In response to Paragraph 6 of the Plaintiff's Amended Complaint, said allegations constitute legal conclusions to which no response is required. However, it is believed and averred that the Wrongful Death and Survival Statutes pertain to the pertinent damages.

7. In response to Paragraph 7 of the plaintiff's Amended Complaint, it is admitted that Dubois Regional Medical Center (hereinafter DRMC) is a corporation where patients receive medical care, and in return, are requested to pay for their services.

8. In response to Paragraph 8 of the plaintiff's Amended Complaint, it is admitted that George Palmer, Jr., D.O., is licensed to practice medicine in the Commonwealth of Pennsylvania, and at the time, provided appropriate skilled and competent medical care to patients who came to the emergency department at DRMC.

9. In response to Paragraph 9 of the plaintiff's Amended Complaint, said averments are denied in so far as plaintiff has not identified any agents, servants, workmen or employees. It is admitted that the hospital operates through its authorized employees and strict proof of all claims of agency or employment is demanded, along with the identity of the individuals in question, at the time of trial.

10. In response to Paragraph 10, said averments are denied as constituting a legal conclusion.

11. Admitted.

12. – 13. In Response to Paragraphs 12 and 13 of the plaintiff's Amended Complaint, it is admitted that on June 5, 1998, Dorothy Srock was sent to DRMC where she received appropriate medical and hospital care by those persons who treated her, in

accordance with the accepted standards of emergency department/hospital care. Strict proof of plaintiff's allegations is demanded at trial.

14. In response to Paragraph 14 of the plaintiff's Amended Complaint, these defendants incorporate by reference, their prior answers as contained herein. By way of further answer, strict proof of all employment and/or agency relationships is demanded at the time of trial.

15, 16, 17, and 18. In response to Paragraphs 15-18 of the plaintiff's Amended Complaint, said averments are not directed to these answering defendants. By way of further answer, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form of belief of what occurred, as set forth in Paragraphs 15 – 18 and proof of same is demanded of trial.

19. In response to Paragraph 19 of the plaintiff's Amended Complaint, it is denied that the "patient" arrived at DRMC at or about 5:00 p.m. DRMC is unaware as to what "the term 'patient' means" and strict proof of same is demanded at trial. By way of further answer, it is admitted that after 5:00 p.m., Dorothy Srock presented for outpatient testing as a result of orders issued by Albert L. Varacallo, M.D. Certain tests were performed as referenced in the outpatient records. Dorothy Srock was not, at or about 5:00 p.m., a patient in the Emergency Department at DRMC.

20. In response to Paragraph 20 of the plaintiff's Amended Complaint, it is specifically denied that Dorothy Srock came under the care of George Palmer, Jr. at 5:00 p.m. on June 5, 1998. Dorothy Srock did not come to the Emergency Department at 5:00 p.m. and strict proof of same is demanded at the time of trial. Further, Dr.

Palmer did not see or examine Dorothy Srock prior to 10:30 p.m. Dr. Palmer was not on duty on or about 5:00 p.m.

21. In response to Paragraph 21 of the plaintiff's Amended Complaint, it is denied that Dorothy Srock was discharged from DRMC and sent home. To the contrary, Dorothy Srock was never discharged from DRMC on June 5, 1998 to her home. Strict proof of said allegations contained in Paragraph 21 is demanded at the time of trial.

22. In response to Paragraph 22 of the plaintiff's Amended Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of Dorothy Srock's condition during the course of the evening of June 5 and strict proof of same is demanded at the time of trial.

23. In response to Paragraph 23 of the plaintiff's Amended Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments and strict proof of same is demanded at the time of trial.

24. In response to Paragraph 24 of the plaintiff's Amended Complaint, its admitted that Dorothy Srock returned to DRMC and was suffering from certain problems as identified in the medical records. The medical records speak for themselves as to what problems Dorothy Srock had at the time she was seen in the Emergency Department at DRMC. Strict proof of plaintiff's allegations is demanded at trial.

25. In response to Paragraph 25 of the plaintiff's Amended Complaint, its admitted that at approximately 1:00 a.m, the patient was life-flighted to West Penn

Hospital and that she subsequently died. Strict proof of the cause of her death is demanded at the time of trial.

26. In response to Paragraph 26 of the plaintiff's Amended Complaint, said allegations constitute legal conclusions to which no response is required. In so far as a response is required, it is denied that any action or inaction on the part of DRMC or Dr. George Palmer, Jr. constituted negligence or carelessness and strict proof of same is demanded at the time of trial.

27. In response to Paragraph 27 of the plaintiff's Amended Complaint, said averments are not directed to these answering defendants, hence, no response is required.

28. In response to Paragraph 28 of the plaintiff's Amended Complaint, in accordance with Pennsylvania Rules of Civil Procedure, Rule 1029, all averments are denied. By way of further answer, these answering defendants deny that they were negligent, careless, or committed malpractice in any way. At all times, these answering defendants provided a proper and thorough medical evaluation, obtained full and complete history, conducted appropriate examinations, obtained pertinent information from family and friends, properly and adequately diagnosed the patient's condition, and heart condition as it existed then and there under the circumstances, properly interpreted tests. It is denied that plaintiff was discharged from DRMC to her home. Appropriate transfer arrangements were made to West Penn Hospital. At all times, the conduct of these answering defendants was in accordance with the accepted standards of emergency department and hospital care.



By way of further answer, George Palmer, Jr., D.O. never saw Dorothy Srock at or about 5:00 p.m. on June 5, 1998. As such, he did not perform any examination of this patient at or about 5:00 p.m. He did not read the electrocardiogram taken shortly at or about 5:00 p.m. He did not allow or in anyway discharge the patient at or about 5:00 p.m. As to the "initial emergency room visit", there was only one visit which occurred at or about 10:30 p.m. All care rendered by Dr. Palmer was appropriate and in accordance with the accepted standards of Emergency Department Medicine. Strict proof of all allegations in Paragraph 28 of the plaintiff's Amended Complaint, and said subparagraphs, is demanded at the time of trial.

#### **COUNT I**

29. In response to Paragraph 29 of the plaintiff's Amended Complaint, these answering defendants incorporate by reference, their answers to Paragraphs 1 through 28, as though the same were set forth in length.

30. In response to Paragraph 30 of the plaintiff's Amended Complaint, said averments constitute a legal conclusion to which no response is required.

31, 32. In response to Paragraphs 31 and 32 of the plaintiff's Amended Complaint, after reasonable investigation, these answering defendants, without sufficient knowledge or information, so as to a form of belief as to the truth of said averments and strict proof is demanded at trial.

33, 34, 35. In response to Paragraphs 33 - 35 of the plaintiff's Amended Complaint, said averments constitute legal conclusions to which no response is required, and in so far as a response is required, strict proof of all claims for damages as contained in 33, 34 and 35 is demanded at trial.

WHEREFORE, the defendants, George Palmer, Jr., D.O., and DuBois REGIONAL MEDICAL CENTER, respectfully requests that Count 1 of the plaintiff's Amended Complaint be dismissed with prejudice.

**COUNT II**

36. In response to Paragraph 36 of the plaintiff's Amended Complaint, these answering defendants hereby corporate by reference, that their prior answers to Paragraphs 1 – 35, as though the same were set forth in length.

37. In response to Paragraph 37 of the plaintiff's Amended Complaint, said averments constitute legal conclusions to which no response is required.

38. In response to Paragraph 38 of the plaintiff's Amended Complaint, said averments constitute legal/medical conclusions to which no response is required. In so far as a response is required, after a reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments as to damages and causation and strict proof is demanded at trial.

39, 40, 41. In response to Paragraphs 39, 40 and 41 of the plaintiff's Amended Complaint, after a reasonable investigation, these answering defendants, without sufficient knowledge or information, so as to form a belief as to the truth or falsity of said averments and strict proof is demanded at the time of trial. Strict proof of all claims for damages as contained in Paragraphs 39, 40 and 41 is demanded at trial.

**NEW MATTER**

By way of further answer, and in support of defendants, George Palmer, Jr., D.O. and DuBois REGIONAL MEDICAL CENTER, set forth the following New Matter:

42. Plaintiff's cause of action is barred in that the death was the result of superseding, intervening events, over which these defendant had no control.

43. To the extent plaintiff proves a right of recovery, while it is the result of actions and/or inactions by others over whom these defendants had no right to control or supervise.

44. Plaintiff's death was a result of pre-existing conditions.

45. Plaintiff's claim is barred by the applicable Statute of Limitations.


46. The Defendant, George Palmer, Jr., D.O., did not see Dorothy Srock at anytime, on June 5, 1998 prior to 10:30 p.m.

47. George Palmer, Jr., D.O., was not in anyway involved with any of the tests which were ordered and/or conducted on Dorothy Srock, with said tests being referenced in Paragraph 19 of the plaintiff's Amended Complaint.

WHEREFORE, the Defendants, George Palmer, Jr., D.O., and DuBois REGIONAL MEDICAL CENTER, respectfully requests that the plaintiff's Amended Complaint be dismissed with prejudice and judgment in their favor.

Respectfully submitted.

PFAFF, MCINTYRE, DUGAS, HARTYE & SCHMITT



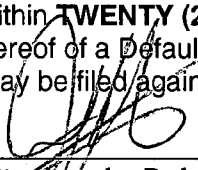
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Attorneys for Defendants  
DUBOIS REGIONAL MEDICAL CENTER and  
GEORGE PALMER, JR., D.O.

**JOHN L. MCINTYRE, ESQUIRE**  
**PA I.D. #28015**  
P O Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

**TO: THE WITHIN NAMED PARTIES**

You are hereby notified to Plead  
to the **Answer and New Matter**  
to **Plaintiff's Amended Complaint**  
within **TWENTY (20) DAYS** from Service  
hereof of a Default Judgment  
may be filed against you.

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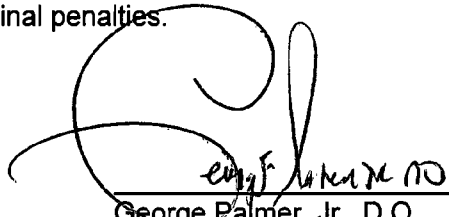
Attorneys for Defendants

MIIX 093 MH

**VERIFICATION**

I, **GEORGE PALMER, JR., D.O.**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

  
George Palmer, Jr., D.O.

Date: 8-29-00

FILED

SEP 08 2000

William A. Shaw  
Prothonotary

BP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE:**  
**PRELIMINARY OBJECTIONS TO**  
**PLAINTIFF'S COMPLAINT**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE**  
**PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 1ST DAY OF **AUGUST, 2000.**

*John L. McIntyre / mas*  
Attorneys for Named Defendants

**FILED**

AUG 02 2000

William A. Shaw  
Prothonotary

1                      1

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KIMBERLY M. MILLER, Administratrix                      :    No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK,                      :  
Individually and on Behalf of the Next of                      :  
Kin of DOROTHY M. SROCK,                      :

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,                      :  
GEORGE PALMER, JR., D.O.,                      :  
REYNOLDSVILLE MEDICAL CENTER,                      :  
PC, and ALBERT L. VARACALLO, MD,                      :

Defendants

**PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT**

AND NOW, come the Defendants, JOHN PALMER, JR., D.O. and  
DUBOIS REGIONAL MEDICAL CENTER by and through their attorneys, PFAFF,  
McINTYRE, DUGAS, HARTYE & SCHMITT and file the following Preliminary Objections  
to Plaintiff's Complaint and in support set forth the following:

1. The within action was instituted by Writ of Summons in the Court of  
Common Pleas of Clearfield County.
2. Subsequently, on or about July 27, 2000, counsel for the Defendants  
received a copy of Plaintiff's Complaint.
3. In the Complaint filed on behalf of the Estate of Dorothy Srock, Plaintiff  
advances the following allegations (attached hereto and made a part hereof is a true and  
correct copy of Paragraph 28 with the above-referenced allegations).



4. Plaintiff in the Complaint also is seeking damages. In Paragraph 35 it is set forth:

"As a further result of the death of Plaintiff's decedent, her survivors have suffered in the past and will, for an indefinite time into the future suffer various other expenses, losses and damages".

5. The Plaintiff's Complaint also contains a claim for damages in Paragraph 41:

"Plaintiff also claims on behalf of his decedent's Estate the psychic value of the expectancy and enjoyment of life of the decedent which was cut short by the reason of the negligence, carelessness recklessness and liability-producing conduct of Defendants herein as previously set forth".

6. The averments contained in Paragraph 28(d), (e), (f), (g), (j), (k), (l), (m), (q) and (r) and Paragraph 35 are overly broad and incapable of response. These answering Defendants are unable to adequately prepare a response and a defense, because of the nature of the above allegations.

7. The above allegations are contrary to the Pennsylvania Rules of Civil Procedure and the applicable case law as decided by the PA Supreme Court in Connor v. Allegheny General Hospital, 501 Pa.306, 461 A.2d 600 (1983).

8. The averments for "psychic damages" as contained in Paragraph 41, are contrary to the Pennsylvania Rules of Civil Procedure and should be stricken.

9. The Plaintiff's Complaint fails to set forth a recognized cause of action for damages in Paragraph 41.

WHEREFORE, the Defendant, GEORGE PALMER, JR., D.O. and DuBOIS REGIONAL MEDICAL CENTER respectfully requests that the above averments

be stricken from the Plaintiff's Complaint, and /or in the alternative that the Plaintiff be required to file a more specific Complaint.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE &  
SCHMITT

John L. McIntyre /max  
Attorneys for Defendants  
GEORGE PALMER, JR., D.O. and DUBOIS  
REGIONAL MEDICAL CENTER

**JOHN L. McINTYRE, ESQUIRE**  
**PA I.D.#: 28015**  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

**TO THE WITHIN NAMED PARTIES:**

You are hereby notified to plead to the enclosed **PRELIMINARY OBJECTIONS** within twenty **(20)** days from service hereof or a default judgment may be entered against you.

John L. McIntyre /max  
Attorneys for Named Defendants

i. No act or failure to act on the part of the "patient" causing and contributed to the happening of her death which in nature and/or extent of her injuries which resulted in her death.

28. The injuries, losses, damages and death of the "patient" were also caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants Dubois Regional Medical Center and George Palmer, Jr. in any and all the following respects:

- a. Failure to obtain a thorough medical evaluation.
- b. Failure to perform a full, complete and proper physical examination.
- c. Failure to obtain a proper history.
- d. Failure to obtain a family conference, or consult with available family and friends regarding the nature of the "patient's" condition.
- e. Failure to properly and adequately diagnose the "patient's" medical condition.
- f. Failure to properly and adequately diagnose the "patient's" heart condition.
- g. Failure to recognize the "patient's" condition at the time of her first arrival at the Emergency Room on June 5, 1998.
- h. Failure to properly and promptly read the electrocardiogram which was taken shortly after 5:00p.m. on June 5, 1998.
- i. Allowing the "patient" to leave the hospital after her initial visit on June 5, 1998.
- j. Failure to take steps to minimize the "patient's" injuries as a result of the disease process that was taking place at the time of her initial Emergency Room visit on June 5, 1998.

k. Depriving the "patient" of her opportunity to recover from the disease process which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

l. Failing to take steps to remedy the disease process which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

m. Luring the "patient" into a false sense of security with regard to her medical condition by discharging her following her initial Emergency Room visit of June 5, 1998.

n. Failing to immediately admit the "patient" to the hospital at the time of her Emergency Room visit on the afternoon of June 5, 1998;

o. Failing to properly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

p. Failing to promptly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

q. Failing to enact or promulgate, or if enacted or promulgated, in failing to enforce sufficient rules and regulations relating to the treatment and care of patients in the condition of this "patient" as described above; and

r. Failing to provide adequate supervision of its staff and employees to ensure the proper hospital practice and procedures were followed.

FILED

AUG 02 2000

071028/MS

William A. Shaw  
Prothonotary

*[Signature]*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE: VERIFICATION IN SUPPORT  
OF DEFENDANT'S ANSWER AND  
NEW MATTER TO PLAINTIFF'S  
AMENDED COMPLAINT**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

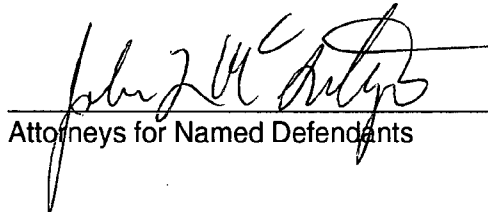
Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE  
PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 28<sup>th</sup> DAY OF **SEPTEMBER, 2000.**

  
Attorneys for Named Defendants

**FILED**

SEP 29 2000

William A. Shaw  
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff :

vs. :

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants :

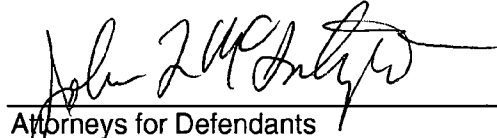
**JURY TRIAL DEMANDED**

**VERIFICATION IN SUPPORT OF DEFENDANT'S  
ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT**

DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER, hereby  
supplements its Answer and New Matter previously filed in the above-captioned case by  
attaching hereto a Verification in support thereof.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT



Attorneys for Defendants  
DUBOIS REGIONAL MEDICAL CENTER  
and GEORGE PALMER, JR., D.O.

**JOHN L. McINTYRE, ESQUIRE**

**PA ID# 28015**

P.O. Box 533

Hollidaysburg, PA 16648-0533

(814) 696-3581

FAX (814) 696-9399

**VERIFICATION**

I, **GREGORY VOLPE, Risk Manager**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

**DUBOIS REGIONAL MEDICAL CENTER**

  
Gregory Volpe, Risk Manager

Date: 9-12-00



**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

KIMBERLY M. MILLER, Administratrix :  
of the ESTATE OF DOROTHY SROCK :  
Individually and on Behalf of the Next :  
of Kin of DOROTHY SROCK :

vs. :

DUBOIS REGIONAL MEDICAL :  
CENTER, GEORGE PALMER, JR., D.O. :  
REYNOLDSVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, M.D. :

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

NO.: 00-623-CD

**PRAECIPE TO SUBSTITUTE VERIFICATION**

**TO THE PROTHONOTARY:**

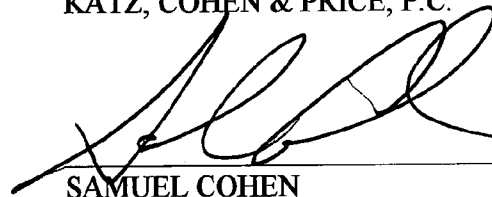
Kindly substitute Samuel Cohen's Verification with that of Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock, Individually and on Behalf of the Next of Kin of Dorothy Srock which was attached to Preliminary Objections to New Matter of Defendants which was filed with the Court on September 25, 2000.

**FILED**

OCT 06 2000

William A. Shaw  
Prothonotary


KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

**VERIFICATION**

I, Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock, Individually and on Behalf of the Next of Kin of Dorothy M. Srock, verify that I am the Plaintiff in this matter and that the averments of fact set forth in the foregoing Plaintiff's Preliminary Objections to New Matter of Defendants' are true and correct to the best of my personal knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Kimberly M. Miller

Date: 9/22/00

STATE OF CALIFORNIA

IN SENATE  
JANUARY 11, 2000

SENATE BILL NO. 1000

FILED

OCT 06 2000

William A. Shaw  
Prothonotary

7104260000  
MCC  
[Signature]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE: NOTICE OF SERVICE OF  
INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFF**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE  
PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 7<sup>th</sup> DAY OF NOVEMBER, 2000.

  
Attorneys for Named Defendants

**FILED**

NOV 08 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff :

vs. :

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants :

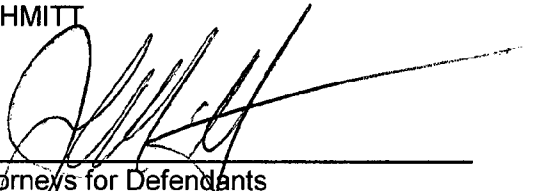
**NOTICE OF SERVICE OF**  
**INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**  
**DIRECTED TO PLAINTIFF**

TO: PROTHONOTARY

You are hereby notified that on the 7th day of **NOVEMBER, 2000**, Defendants,  
Dubois Regional Medical Center and George Palmer, Jr., D.O. served Interrogatories  
and Request for Production of Documents Directed to Plaintiff Dated 11/7/2000 by  
mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the  
following:

Samuel Cohen, Esquire  
Suite 2010  
117 S. 17<sup>th</sup> Street  
Philadelphia, PA 19103

PFAFF, MCINTYRE, DUGAS, HARTYE &  
SCHMITT

A handwritten signature in black ink, appearing to be 'J. McIntyre', is written over a horizontal line.

Attorneys for Defendants

**JOHN L. MCINTYRE, ESQUIRE**

**PA I.D #: 28015**

P.O. Box 533

Hollidaysburg, PA 16648

(814) 696-3581

FILED

NOV 08 2000

M/10:09/10cc  
William A. Shaw  
Prothonotary  
K/28

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

KIMBERLY M. MILLER, Administratrix :  
Of the ESTATE OF DOROTHY M. :  
SROCK, Individually and on Behalf of :  
The Next of Kin of DOROTHY M. SROCK :

-vs-

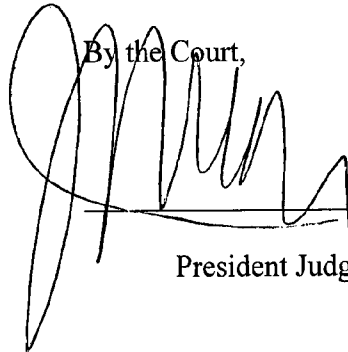
No. 00 - 623 - CD

DUBOIS REGIONAL MEDICAL CENTER:  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, M.D. :

**ORDER**

NOW, this 8<sup>th</sup> day of December, 2000, following argument and briefs into Preliminary Objections filed on behalf of Plaintiff above-named to Defendants' New Matter, it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O. shall file an Amended New Matter to more specifically plead the factual basis for allegations of paragraphs 42, 43 and 44 therein within 90 days from date hereof.

By the Court,



President Judge

**FILED**

DEC 12 2000

William A. Shaw  
Prothonotary



FILED

DEC 12 2000

07/29/11 cc-eth, Katz  
William A. Shaw  
Prothonotary

cc-eth, Schleppey  
cc-eth, McIntyre  
END

CA

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET, SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix** :  
**of the ESTATE OF DOROTHY M.** :  
**SROCK, Individually and on Behalf** :  
**of the Next of Kin of DOROTHY M.** :  
**SROCK** :

**COURT OF COMMON PLEAS**  
**CLEARFIELD COUNTY**

**vs.**

**NO.: 00-623 CD**

**DUBOIS REGIONAL MEDICAL** :  
**CENTER, GEORGE PALMER, JR., D.O.** :  
**REYNOLDESVILLE MEDICAL CENTER :**  
**P.C. and ALBERT L. VARACALLO, M.D. :**

**ORDER**

AND NOW, to wit, this       day of       , 2000, upon consideration of  
Plaintiff's Preliminary Objections to New Matter of Defendants, and any response thereto, it is  
hereby ORDERED AND DECREED that Plaintiffs Preliminary Objections are Granted and  
paragraphs 42, 43 and 44 of Defendant's New Matter are stricken with prejudice.

**BY THE COURT:**

\_\_\_\_\_  
J.

**To the Defendants:**

Pursuant to Pa. R.C.P. 026(a), you are hereby, notified to plead to the within PRELIMINARY OBJECTIONS within twenty (20) days from service hereof or a default judgment may be entered against you.

\_\_\_\_\_  
Samuel Cohen, Esquire

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET, SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

\_\_\_\_\_  
KIMBERLY M. MILLER, Administratrix :  
of the ESTATE OF DOROTHY M. :  
SROCK, Individually and on Behalf :  
of the Next of Kin of DOROTHY M. :  
SROCK :

**COURT OF COMMON PLEAS**  
**CLEARFIELD COUNTY**

vs. :

NO.: 00-623 CD

DUBOIS REGIONAL MEDICAL :  
CENTER, GEORGE PALMER, JR., D.O. :  
REYNOLDESVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, M.D. :

**FILED**

SEP 25 2000

William A. Shaw  
Prothonotary

**PLAINTIFF'S PRELIMINARY OBJECTIONS TO NEW MATTER OF**  
**DEFENDANTS**

COMES NOW, Plaintiff Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock, Individually and on Behalf of the Next of Kin of Dorothy M. Srock by and through her counsel, Katz, Cohen & Price, P.C. and hereby preliminary objects to the New Matter of Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O., and avers in support thereof the following:

1. Plaintiffs filed an Answer with New Matter to Plaintiff's Amended Complaint on or about September 7, 2000. A true and correct copy of the Answer with New Matter is attached hereto as Exhibit "A".

2. In paragraph 42 of the New Matter, Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O. (hereinafter referred to as "answering Defendants") allege as an affirmative defense the following:

Plaintiff's cause of action is barred in that the death was the result of superseding, intervening events, over which these defendant [sic] had no control.

3. In paragraph 43 of the New Matter, the "answering Defendants" allege an affirmative defense against Plaintiff as follows:

To the extent plaintiff proves a right of recovery, while it is the result of actions and/or inactions by others over whom these Defendants had no right to control or supervise.

4. In paragraph 44 of the New Matter, the "answering Defendants" allege an affirmative defense against Plaintiff as follows:

Plaintiffs death was a result of pre-existing conditions.

5. The allegations of paragraph 42 of the "answering Defendants" New Matter do not set forth material facts which would enable Plaintiff to answer the allegations with specificity, but rather generally alleges unspecified "superseding, intervening events" which represents mere conclusions of law.

6. The allegations of paragraph 43 of the "answering Defendants" New Matter do not set forth material facts which would enable Plaintiff to answer the allegation with specificity, but rather generally allege unspecified "actions and/or inactions" by unidentified individuals and states general conclusions of law without specificity.

7. The allegations of paragraph 44 of the "answering Defendants" New Matter do not set forth the pre-existing conditions to which they refer.

8. Mere conclusions of law and general allegations of "superseding, intervening events", "actions and/or inactions" by unidentified individuals, and unspecified "pre-existing conditions" in a pleading which fails to set forth the material facts upon which a defense in based is violative of Pennsylvania Rule of Civil Procedure 1019(a).

9. Material facts giving rise to an answering Defendant's affirmative defenses must be pleaded in New Matter.

WHEREFORE, Plaintiff prays this Honorable Court enter an Order directing that paragraphs 42, 43 and 44 of the New Matter filed on behalf of Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O. be stricken.

Respectfully submitted,

KATZ, COHEN & PRICE, P.C.

  
SAMUEL COHEN

Dated: 9/22/00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

ISSUE: ANSWER AND NEW  
MATTER

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

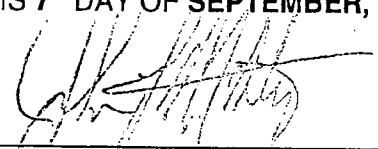
Attorney of Record for These Parties:

JOHN L. McINTYRE, ESQUIRE  
PA I.D. #28015

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2000.

  
Attorneys for Named Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff :

vs. :

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants :

**ANSWER AND NEW MATTER**

AND NOW, comes the Defendants, DUBOIS REGIONAL MEDICAL CENTER  
and GEORGE PALMER, JR., D.O., by their attorneys, PFAFF, McINTYRE, DUGAS,  
HARTYE & SCHMITT, files the following Answer and New Matter to the plaintiff's  
Amended Complaint, and in support, sets forth the following:

1. In response to Paragraph 1, after reasonable investigation, these  
answering defendants are without sufficient knowledge or information so as to form a  
belief as to the truth, or falsity of said averments and strict proof thereof is demanded at  
the time of trial.

2. Admitted.

3. Admitted.

4. – 5. Admitted.

6. In response to Paragraph 6 of the Plaintiff's Amended Complaint, said allegations constitute legal conclusions to which no response is required. However, it is believed and averred that the Wrongful Death and Survival Statutes pertain to the pertinent damages.

7. In response to Paragraph 7 of the plaintiff's Amended Complaint, it is admitted that Dubois Regional Medical Center (hereinafter DRMC) is a corporation where patients receive medical care, and in return, are requested to pay for their services.

8. In response to Paragraph 8 of the plaintiff's Amended Complaint, it is admitted that George Palmer, Jr., D.O., is licensed to practice medicine in the Commonwealth of Pennsylvania, and at the time, provided appropriate skilled and competent medical care to patients who came to the emergency department at DRMC.

9. In response to Paragraph 9 of the plaintiff's Amended Complaint, said averments are denied in so far as plaintiff has not identified any agents, servants, workmen or employees. It is admitted that the hospital operates through its authorized employees and strict proof of all claims of agency or employment is demanded, along with the identity of the individuals in question, at the time of trial.

10. In response to Paragraph 10, said averments are denied as constituting a legal conclusion.

11. Admitted.

12. – 13. In Response to Paragraphs 12 and 13 of the plaintiff's Amended Complaint, it is admitted that on June 5, 1998, Dorothy Srock was sent to DRMC where she received appropriate medical and hospital care by those persons who treated her, in



accordance with the accepted standards of emergency department/hospital care. Strict proof of plaintiff's allegations is demanded at trial.

14. In response to Paragraph 14 of the plaintiff's Amended Complaint, these defendants incorporate by reference, their prior answers as contained herein. By way of further answer, strict proof of all employment and/or agency relationships is demanded at the time of trial.

15, 16, 17, and 18. In response to Paragraphs 15-18 of the plaintiff's Amended Complaint, said averments are not directed to these answering defendants. By way of further answer, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form of belief of what occurred, as set forth in Paragraphs 15 – 18 and proof of same is demanded of trial.

19. In response to Paragraph 19 of the plaintiff's Amended Complaint, it is denied that the "patient" arrived at DRMC at or about 5:00 p.m. DRMC is unaware as to what "the term 'patient' means" and strict proof of same is demanded at trial. By way of further answer, it is admitted that after 5:00 p.m., Dorothy Srock presented for outpatient testing as a result of orders issued by Albert L. Varacallo, M.D. Certain tests were performed as referenced in the outpatient records. Dorothy Srock was not, at or about 5:00 p.m., a patient in the Emergency Department at DRMC.

20. In response to Paragraph 20 of the plaintiff's Amended Complaint, it is specifically denied that Dorothy Srock came under the care of George Palmer, Jr. at 5:00 p.m. on June 5, 1998. Dorothy Srock did not come to the Emergency Department at 5:00 p.m. and strict proof of same is demanded at the time of trial. Further, Dr.

Palmer did not see or examine Dorothy Srock prior to 10:30 p.m. Dr. Palmer was not on duty on or about 5:00 p.m.

21. In response to Paragraph 21 of the plaintiff's Amended Complaint, it is denied that Dorothy Srock was discharged from DRMC and sent home. To the contrary, Dorothy Srock was never discharged from DRMC on June 5, 1998 to her home. Strict proof of said allegations contained in Paragraph 21 is demanded at the time of trial.

22. In response to Paragraph 22 of the plaintiff's Amended Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of Dorothy Srock's condition during the course of the evening of June 5 and strict proof of same is demanded at the time of trial.

23. In response to Paragraph 23 of the plaintiff's Amended Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments and strict proof of same is demanded at the time of trial.

24. In response to Paragraph 24 of the plaintiff's Amended Complaint, its admitted that Dorothy Srock returned to DRMC and was suffering from certain problems as identified in the medical records. The medical records speak for themselves as to what problems Dorothy Srock had at the time she was seen in the Emergency Department at DRMC. Strict proof of plaintiff's allegations is demanded at trial.

25. In response to Paragraph 25 of the plaintiff's Amended Complaint, its admitted that at approximately 1:00 a.m, the patient was life-flighted to West Penn

Hospital and that she subsequently died. Strict proof of the cause of her death is demanded at the time of trial.

26. In response to Paragraph 26 of the plaintiff's Amended Complaint, said allegations constitute legal conclusions to which no response is required. In so far as a response is required, it is denied that any action or inaction on the part of DRMC or Dr. George Palmer, Jr. constituted negligence or carelessness and strict proof of same is demanded at the time of trial.

27. In response to Paragraph 27 of the plaintiff's Amended Complaint, said averments are not directed to these answering defendants, hence, no response is required.

28. In response to Paragraph 28 of the plaintiff's Amended Complaint, in accordance with Pennsylvania Rules of Civil Procedure, Rule 1029, all averments are denied. By way of further answer, these answering defendants deny that they were negligent, careless, or committed malpractice in any way. At all times, these answering defendants provided a proper and thorough medical evaluation, obtained full and complete history, conducted appropriate examinations, obtained pertinent information from family and friends, properly and adequately diagnosed the patient's condition, and heart condition as it existed then and there under the circumstances, properly interpreted tests. It is denied that plaintiff was discharged from DRMC to her home. Appropriate transfer arrangements were made to West Penn Hospital. At all times, the conduct of these answering defendants was in accordance with the accepted standards of emergency department and hospital care.

By way of further answer, George Palmer, Jr., D.O. never saw Dorothy Srock at or about 5:00 p.m. on June 5, 1998. As such, he did not perform any examination of this patient at or about 5:00 p.m. He did not read the electrocardiogram taken shortly at or about 5:00 p.m. He did not allow or in anyway discharge the patient at or about 5:00 p.m. As to the "initial emergency room visit", there was only one visit which occurred at or about 10:30 p.m. All care rendered by Dr. Palmer was appropriate and in accordance with the accepted standards of Emergency Department Medicine. Strict proof of all allegations in Paragraph 28 of the plaintiff's Amended Complaint, and said subparagraphs, is demanded at the time of trial.

#### **COUNT I**

29. In response to Paragraph 29 of the plaintiff's Amended Complaint, these answering defendants incorporate by reference, their answers to Paragraphs 1 through 28, as though the same were set forth in length.

30. In response to Paragraph 30 of the plaintiff's Amended Complaint, said averments constitute a legal conclusion to which no response is required.

31, 32. In response to Paragraphs 31 and 32 of the plaintiff's Amended Complaint, after reasonable investigation, these answering defendants, without sufficient knowledge or information, so as to a form of belief as to the truth of said averments and strict proof is demanded at trial.

33, 34, 35. In response to Paragraphs 33 - 35 of the plaintiff's Amended Complaint, said averments constitute legal conclusions to which no response is required, and in so far as a response is required, strict proof of all claims for damages as contained in 33, 34 and 35 is demanded at trial.

WHEREFORE, the defendants, George Palmer, Jr., D.O., and DuBois REGIONAL MEDICAL CENTER, respectfully requests that Count 1 of the plaintiff's Amended Complaint be dismissed with prejudice.

**COUNT II**

36. In response to Paragraph 36 of the plaintiff's Amended Complaint, these answering defendants hereby corporate by reference, that their prior answers to Paragraphs 1 – 35, as though the same were set forth in length.

37. In response to Paragraph 37 of the plaintiff's Amended Complaint, said averments constitute legal conclusions to which no response is required.

38. In response to Paragraph 38 of the plaintiff's Amended Complaint, said averments constitute legal/medical conclusions to which no response is required. In so far as a response is required, after a reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments as to damages and causation and strict proof is demanded at trial.

39, 40, 41. In response to Paragraphs 39, 40 and 41 of the plaintiff's Amended Complaint, after a reasonable investigation, these answering defendants, without sufficient knowledge or information, so as to form a belief as to the truth or falsity of said averments and strict proof is demanded at the time of trial. Strict proof of all claims for damages as contained in Paragraphs 39, 40 and 41 is demanded at trial.

**NEW MATTER**

By way of further answer, and in support of defendants, George Palmer, Jr., D.O. and DuBois REGIONAL MEDICAL CENTER, set forth the following New Matter:

42. Plaintiff's cause of action is barred in that the death was the result of superseding, intervening events, over which these defendant had no control.

43. To the extent plaintiff proves a right of recovery, while it is the result of actions and/or inactions by others over whom these defendants had no right to control or supervise.

44. Plaintiff's death was a result of pre-existing conditions.

45. Plaintiff's claim is barred by the applicable Statute of Limitations.


46. The Defendant, George Palmer, Jr., D.O., did not see Dorothy Srock at anytime, on June 5, 1998 prior to 10:30 p.m.

47. George Palmer, Jr., D.O., was not in anyway involved with any of the tests which were ordered and/or conducted on Dorothy Srock, with said tests being referenced in Paragraph 19 of the plaintiff's Amended Complaint.

WHEREFORE, the Defendants, George Palmer, Jr., D.O., and DuBois REGIONAL MEDICAL CENTER, respectfully requests that the plaintiff's Amended Complaint be dismissed with prejudice and judgment in their favor.

Respectfully submitted.

PFAFF, MCINTYRE, DUGAS, HARTYE & SCHMITT



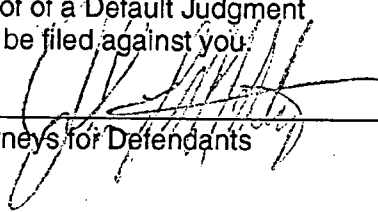
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Attorneys for Defendants  
DUBOIS REGIONAL MEDICAL CENTER and  
GEORGE PALMER, JR., D.O.

**JOHN L. MCINTYRE, ESQUIRE**  
PA I.D. #28015  
P O Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

**TO: THE WITHIN NAMED PARTIES**

You are hereby notified to Plead  
to the **Answer and New Matter**  
to **Plaintiff's Amended Complaint**  
within **TWENTY (20) DAYS** from Service  
hereof of a Default Judgment  
may be filed against you.

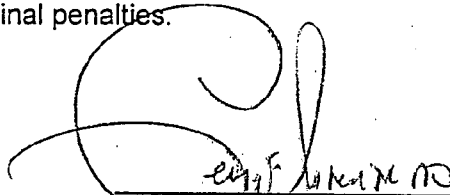
  
\_\_\_\_\_  
Attorneys for Defendants

MIIX 093 MH

**VERIFICATION**

I, GEORGE PALMER, JR., D.O., do hereby verify that I have read the foregoing  
**ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT.** The  
statements therein are correct to the best of my personal knowledge or information and belief.

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

  
George Palmer, Jr., D.O.

Date: 8-29-00



**VERIFICATION**

I, SAMUEL COHEN, verify that I am the attorney for Plaintiff, Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock, Individually and on Behalf of the Next of Kin of Dorothy M. Srock named herein, and that the averments of fact set forth in the foregoing Preliminary Objections to New Matter of Defendants are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
SAMUEL COHEN

Dated: 9/22/00


**CERTIFICATION OF SERVICE**

I, Samuel Cohen, certify that a true and correct copy of the within Plaintiff's Preliminary Objections to New Matter of Defendants was forwarded via regular mail through the United States Postal Service on September 22, 2000 to:

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas,  
Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648-0533

Marian Patchen Schleppy, Esquire  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

Dated: 9/22/00

FILED

SEP 25 2000  
8/1/55/2cc atty  
William A. Shaw  
Prothonotary  
Cohen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C. and ALBERT  
VARACALLO, M.D.,

Defendants.

CIVIL DIVISION

No. 00-623-CD

ANSWER TO AMENDED CIVIL  
ACTION COMPLAINT

Filed on behalf of Reynoldsville  
Medical Center, P.C. and Albert  
Varacallo, M.D., Defendants

Counsel of Record for This Party:

Marian Patchen Schleppy, Esquire  
PA I.D. # 72880

GACA MATIS BAUM & RIZZA  
Firm #983  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

(412) 338-4750

JURY TRIAL DEMANDED

**FILED**

FEB 08 2001

William A. Shaw  
Prothonotary

**KIMBERLY M. MILLER, Adm. of  
Estate of DOROTHY M. SROCK,  
individually, and on behalf of the  
NEXT of KIN of DOROTHY M.  
SROCK,**

No. 00-623-CD

**VS.**

**Defendants.**

3. Any allegation or implication that these Defendants were acting through agents,

servants and/or employees is denied as stated. To the contrary, it is averred that at all times relevant hereto, any other physicians or health care providers who provided care to Dorothy Srock were either acting as independent contractors or as agents, servants and employees of other persons or entities.

4. After reasonable investigation, these answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within Paragraphs 1, 21, 22, 24 and 25. Same are deemed denied and strict proof of same is demanded at time of trial.

5. The allegations contained within Paragraphs 2, 3, and 28, including subparagraphs (a) through and including (r), pertain to other Defendants and no response is required of these answering Defendants. To the extent that a response is required due to allegations of negligence, these allegations are denied.

6. Paragraphs 4 and 5 are admitted.

7. Paragraphs 6, 7, 10 and 11 plead conclusions of law to which no response is required.

8. The averments of Paragraph 8 are denied as stated. It is only admitted that Dr. Varacallo is licensed to practice medicine in the Commonwealth of Pennsylvania. The remaining averments of Paragraph 8 plead conclusions of law to which no response is required. The allegations of Paragraph 8 directed to George Palmer, Jr., are directed to another Defendant and no response is required of this answering Defendant with respect to those allegations.

9. Paragraph 9 is specifically denied. These Defendants are unable to affirmatively state whether unidentified "authorized agents, servants, workmen and/or employees" who allegedly

acted "within the course and scope of his or her agency and/or employment" with these Defendants were or were not agents, servants, workmen and/or employees of these answering Defendants or whether they were acting within the scope of any alleged agency or employment with these Defendants. Same is specifically denied and strict proof of same is demanded at time of trial.

10. Paragraph 12 pleads conclusions of law to which no response is required. To the extent that a response is required, Paragraph 12 is only admitted to the extent that the allegations contained therein are consistent with the recordations contained within Dr. Varacallo's and the Reynoldsville Medical Center records. To the extent these allegations are inconsistent with these recordations or are not recorded at all, these answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within this paragraph. Said averments are deemed denied and strict proof of the same is demanded at time of trial.

11. Paragraphs 13 and 14 are specifically denied. It is specifically denied that any unidentified doctors, nurses, staff and "other agents, servants and employees", attendants or technicians were the agents, servants or employees of these answering Defendants or that they were acting within the scope of any alleged employment, agency or authority. Strict proof of same is demanded at time of trial.

12. Paragraph 17 is admitted in part. It is admitted that Chip Hull was the employee of Reynoldsville Medical Center, P.C. Dr. Varacallo was not Chip Hull's employer.

13. Paragraphs 15, 16, 18, 19, 20 and 23 are admitted to the extent that the said

allegations contained therein are consistent with the recordations within Dr. Varacallo's and the Reynoldsville Medical Center records; to the extent that these allegations are inconsistent with these recordations or are not recorded at all, after reasonable investigation, these answering Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within these paragraphs. Said averments are deemed denied and strict proof of same is demanded at time of trial.

14. The averments of Paragraphs 26 and 27, including subparagraphs (a) through and including (i), are denied. These answering Defendants were not careless or negligent, nor did their conduct cause, contribute to or increase the likelihood of any alleged harm to the decedent. By way of further response, Paragraph 27(i) pleads conclusions of law to which no response is required. To the extent that a response is required, the averments of Paragraph 27(i) are specifically denied.

#### COUNT I - WRONGFUL DEATH

28. These answering Defendants incorporate herein by reference those paragraphs of the foregoing Answer which are responsive to the paragraphs incorporated within Paragraph 28 of the Plaintiff's Civil Action Complaint.

29. Paragraph 29 pleads conclusions of law to which no response is required.

30. After reasonable investigation, these answering Defendants are without knowledge or information sufficient to form a belief as the truth of the averments contained within Paragraphs 30, 32, 33, 34 and 35. Strict proof of the same is demanded at time of trial.

31. Paragraph 31 pleads conclusions of law to which no response is required. To the



extent that a response is required, after reasonable investigation, these answering Defendants are without knowledge or information sufficient to form a belief as to the truth of said averments. Same are deemed denied and strict proof of same is demanded at time of trial.

COUNT II - SURVIVAL ACTION

32. These Defendants incorporate herein by reference those paragraphs of the foregoing Answer which are responsive to the paragraphs incorporated within Paragraph 36 of the Plaintiff's Civil Action Complaint.

33. Paragraphs 37, 39, 40 and 41 plead conclusions of law to which no response is required.

34. Paragraph 38 is denied. It is denied that these answering Defendants were negligent, careless or that their conduct caused, contributed to or increased the likelihood of any alleged harm to the decedent.

WHEREFORE, Defendants, ALBERT L. VARACALLO, M.D., and REYNOLDSVILLE MEDICAL CENTER, P.C., respectfully requests this Honorable Court to enter judgment in their favor and against Plaintiff with costs of suit sustained.

GACA MATIS BAUM & RIZZA

By: 

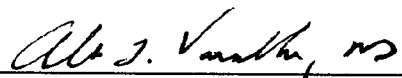
Marian Patchen Schleppy, Esquire  
Attorneys for Reynoldsville Medical Center,  
P.C. and Albert Varacallo, M.D., Defendants

27027

VERIFICATION

I, ALBERT L. VARACALLO, M.D., have read the foregoing ANSWER. The statements therein are 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.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

  
\_\_\_\_\_  
ALBERT L. VARACALLO, M.D.

Date: 11 / 22 / 00

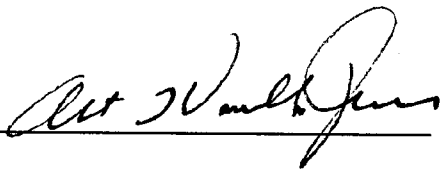
27027

VERIFICATION

I, Albert L. Varacallo, Jr., am President of REYNOLDSVILLE MEDICAL CENTER, P.<sup>C</sup>, and am authorized to make this verification on its behalf. I have read the foregoing ANSWER and the statements therein are 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.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

REYNOLDS MEDICAL CENTER, P.C.



Date: 11/22/00

**CERTIFICATE OF SERVICE**

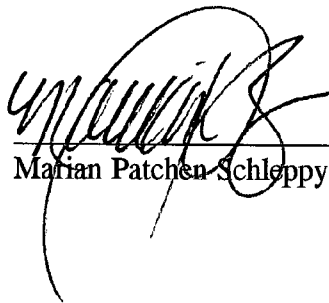
I, the undersigned, hereby certify that I served a true and correct copy of the foregoing  
ANSWER upon all counsel of record by United States, First-class mail, postage prepaid, this

6<sup>th</sup> day of February, 2001.

Samuel Cohen, Esquire  
117 South 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648  
814-696-3581/FAX 696-9399

**GACA MATIS BAUM & RIZZA**

  
\_\_\_\_\_  
Marian Patchen Schleppy

4

No. 00-623-CD

**VS.**

**Defendants.**

## 1

D.O., and in support thereof avers as follows:

3. The averments of Paragraph 43 plead conclusions of law to which no response is


required. To the extent that a response is required, after reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 42. Strict proof of same is demanded.

4. The averments of Paragraph 44 are believed to be true.
5. The averments of Paragraph 45 are believed to be true.
6. After reasonable investigation, this answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained within Paragraph 46. Strict proof of same is demanded at time of trial.

7. After reasonable investigation, this answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained within Paragraph 47. Strict proof of same is demanded at time of trial.

WHEREFORE, Defendant, ALBERT L. VARACALLO, M.D., respectfully requests that the within case against him be dismissed with judgment entered in his favor and cost of suit sustained.

GACA MATIS BAUM & RIZZA

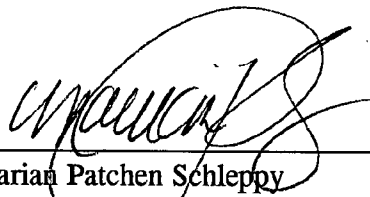
By:   
Marian Patchen Schleppy, Esquire  
Attorneys for Reynoldsville Medical Center,  
P.C. and Albert Varacallo, M.D.,  
Defendants

VERIFICATION

26.27027

I, Marian Patchen Schleppy, Esquire, state that I am counsel of record for Reynoldsville Medical Center, P.C. and Albert Varacallo, M.D., Defendants, in the within action, that the foregoing REPLY TO NEW MATTER is 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.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

  
\_\_\_\_\_  
Marian Patchen Schleppy  
Date: February 5, 2001

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing  
REPLY TO NEW MATTER upon all counsel of record by United States, First-class mail, postage  
prepaid, this 6<sup>th</sup> day of February, 2001.

Samuel Cohen, Esquire  
117 South 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648  
814-696-3581/FAX 696-9399

**GACA MATIS BAUM & RIZZA**

  
\_\_\_\_\_  
Marian Patchen Schleppy



FILED

FEB 08 2001

M/16:52/nc

William A. Shaw  
Prothonotary

*WAS*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE: NOTICE OF SERVICE OF  
ANSWERS TO PLAINTIFF'S  
INTERROGATORIES, EXPERT  
INTERROGATORIES AND  
REPONSES TO REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE  
PA I.D. #28015**

PFAFF, McINTYRE, DUGAS HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 8<sup>th</sup> DAY OF **AUGUST, 2001.**

  
Attorneys for Named Defendants

**FILED**

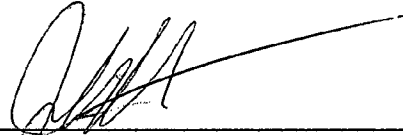
AUG 09 2001

William A. Shaw  
Prothonotary

of DOROTHY M. SROCK, by mailing the original of the same via first-class United States Mail, postage prepaid, addressed to the following:

Samuel Cohen, Esquire  
KATZ, COHEN & PRICE, P.C.  
117 S. 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

PFAFF, MCINTYRE, DUGAS, HARTYE &  
SCHMITT

A handwritten signature in black ink, appearing to be 'J. McIntyre', written over a horizontal line.

Attorney for Defendants  
DuBois Regional Medical Center and  
George Palmer, Jr., D.O.

John L. McIntyre, Esquire  
PA I.D. #: 28015  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581  
(814) 696-9399 Fax

**FILED**

MT 10-19-01  
AUG 09 2001

**William A. Shaw**  
**Prothonotary**

*Emag*

*NO*  
*CC*

ALL DONE  
THAT PROCEEDING IS MADE IN THE COURT  
OF THE

CA

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFFS**

**KIMBERLY M. MILLER, Administratrix**  
**of the ESTATE OF DOROTHY SROCK**  
**Individually and on Behalf of the Next**  
**of Kin of DOROTHY SROCK**

**COURT OF COMMON PLEAS**

**CLEARFIELD COUNTY**

vs.

**DUBOIS REGIONAL MEDICAL CENTER**  
**GEORGE PALMER, JR., D.O. and**  
**REYNOLDSVILLE MEDICAL CENTER**  
**P.C. and ALBERT L. VARACALLO, M.D.**

**NO.: 00-623-CD**

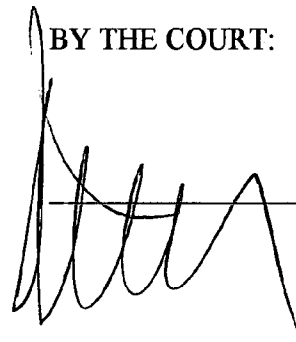
**ORDER**

AND NOW, to wit, this 7<sup>th</sup> day of January 2007, upon consideration of Plaintiffs' Motion to Compel Answers to Interrogatories and Response to Requests for Production of Documents Addressed to Defendant, Albert L. Varacallo, M.D. and Reynoldsville Medical Center, P.C., it is hereby ORDERED and DECREED, that said Defendants shall file full and complete answers to Plaintiffs' Interrogatories and full and complete responses to Plaintiffs' Request for Production of Document within twenty (20) days of the date of this Order or suffer appropriate sanctions upon application to this Court.

**FILED**

JAN 07 2002  
013105/2ccatty Cohen  
William A. Shaw  
Prothonotary

BY THE COURT:



J.

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFFS**

**KIMBERLY M. MILLER, Administratrix**  
**of the ESTATE OF DOROTHY SROCK**  
**Individually and on Behalf of the Next**  
**of Kin of DOROTHY SROCK**

**: COURT OF COMMON PLEAS**

**: CLEARFIELD COUNTY**

**vs.**

**DUBOIS REGIONAL MEDICAL CENTER**  
**GEORGE PALMER, JR., D.O. and**  
**REYNOLDSVILLE MEDICAL CENTER**  
**P.C. and ALBERT L. VARACALLO, M.D.**

**: NO.: 00-623-CD**

**PLAINTIFFS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND**  
**RESPONSE TO REQUEST FOR**  
**PRODUCTION OF DOCUMENTS ADDRESSED TO DEFENDANTS**  
**ALBERT L. VARACALLO, M.D. and REYNOLDSVILLE MEDICAL CENTER, P.C.**

Plaintiff, Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock, by and through her attorneys, Katz, Cohen & Price, P.C., hereby move this Honorable Court to enter the proposed Order attached hereto and assign in support thereof the following:

1. On or about November 22, 2000 counsel for Defendants named in the attached correspondence was served with discovery requests pursuant to the Pennsylvania Rules of Civil Procedure. A copy of the transmittal letter is attached hereto, made part hereof and marked Exhibit "A".

**FILED**

**JAN 04 2002**

**William A. Shaw**  
**Prothonotary**

2. On April 3, 2001, a letter was forwarded to counsel for Defendants inquiring as to when we may expect answers to our discovery requests. A copy of the letter is attached hereto, made part hereof and marked Exhibit "B".

3. On June 14, 2001, a letter was forwarded to counsel for Defendants inquiring as to when we may expect answers to our discovery requests. A copy of this letter is attached hereto, made part hereof and marked Exhibit "C".

4. On November 16, 2001, a letter was forwarded to counsel for Defendants inquiring as to when we may expect answers to our discovery requests. A copy of this letter is attached hereto, made part hereof and marked Exhibit "D".

5. In excess of thirty (30) days have passed since the written Requests for Production were served on counsel for Defendants.

4. This Motion is filed pursuant to the Pa. R.C.P. 4019.

WHEREFORE, Plaintiffs herein respectfully request that this Honorable Court enter the Order attached hereto.

KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

Dated: 12/18/01

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET, SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFFS**

**KIMBERLY M. MILLER, Administrix** : **COURT OF COMMON PLEAS**  
**of the ESTATE OF DOROTHY SROCK** :  
**Individually and on Behalf of the Next** : **CLEARFIELD COUNTY**  
**of Kin of DOROTHY SROCK** :

**vs.**

**DUBOIS REGIONAL MEDICAL CENTER** :  
**GEORGE PALMER, JR., D.O. and** : **NO.: 00-623-CD**  
**REYNOLDSVILLE MEDICAL CENTER** :  
**P.C. and ALBERT L. VARACALLO, M.D.** :

**MEMORANDUM OF LAW**

The facts operative on the instant Motion are adequately set forth in the Motion itself.

On November 22, 2000, counsel for Plaintiff served Request for Production of Documents upon counsel for the Defendant named herein.

To date, the named Defendants has not produced documents in response to the Request for Production, nor has Defendants served any objection thereto.

Plaintiff is unable to properly prepare their case and/or evaluate the case for potential settlement absent Defendants responses to Request for Production of Documents.

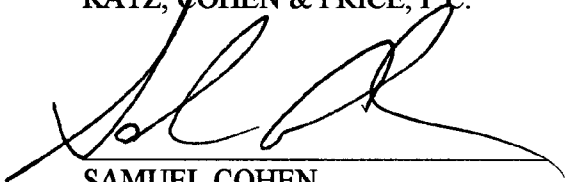


The Court is empowered, pursuant to Pa. R.C.P. 4019, to compel Defendants to answer the written discovery.

WHEREFORE, Plaintiff, Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock, respectfully request that the Court enter an Order compelling the Defendants named herein to answer and respond to the written discovery.

Respectfully submitted:

KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

Date: \_\_\_\_\_

LAW OFFICES

KATZ, COHEN & PRICE, P.C.

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN  
MICHAEL G. PRICE\*  
\*PA AND NJ BAR

SAMUEL C. KATZ  
OF COUNSEL

November 22, 2000

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas  
Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648-0533

Marian Patchen Schleppy, Esquire  
Gaca Matis Baum & Rizza  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

Re: Kimberly M. Miller, Administratrix  
of the Estate of Dorothy M. Srock,  
Individually and on Behalf of the Next of  
Kin of Dorothy M. Srock  
C.C.P., Clearfield County  
No.: 00-623-CD

Dear Counsel:

Enclosed herewith is an original Request for Production of Documents addressed to your clients. Please respond to said Discovery requests within the time prescribed by the Pennsylvania Rules of Civil Procedure.

Thank you for your anticipated cooperation.

Very truly yours,

  
SAMUEL COHEN

SC/law  
Enclosures

EXHIBIT "A"

LAW OFFICES

KATZ, COHEN & PRICE, P.C.

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN

MICHAEL G. PRICE\*

\*PA AND NJ BAR

SAMUEL C. KATZ

OF COUNSEL

April 3, 2001

Marian Patchen Schleppy, Esquire  
Gaca Matis Baum & Rizza  
300 Fourt PPG Place  
Pittsburgh, PA 15222-5404

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

Re: Kimberly M. Miller, Administratrix  
of the Estate of Dorothy Srock vs.  
DuBois Regional Medical Center, et al  
C.C.P., Clearfield County  
No.: 00-623-CD

Dear Counsel:

Enclosed herewith are Plaintiff's Interrogatories addressed to each Defendant regarding the captioned matter.

If you should have any questions, please do not hesitate to contact me.

Thank you for your cooperation.

Very truly yours,

  
SAMUEL COHEN

SC/law  
Enclosures

EXHIBIT "B"

LAW OFFICES

**KATZ, COHEN & PRICE, P.C.**

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

E-MAIL KCPATTORNEYS@AOL.COM

123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN

MICHAEL G. PRICE\*

\*PA AND NJ BAR

SAMUEL C. KATZ

OF COUNSEL

June 14, 2001

Marian Patchen Schleppy, Esquire  
Gaca Matis Baum & Rizza  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

Re: Kimberly M. Miller, Administratrix  
of the Estate of Dorothy Srock vs.  
DuBois Regional Medical Center, et al  
C.C.P., Clearfield County  
No.: 00-623-CD

Dear Counsel:

Would you kindly advise us to the status of your responses to our discovery requests.

Thank you for your cooperation.

Very truly yours,

  
SAMUEL COHEN

SC/law

EXHIBIT "C"

LAW OFFICES

**KATZ, COHEN & PRICE, P.C.**  
SUITE 2010

117 S. 17TH STREET  
PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

E-MAIL KCPATTORNEYS@AOL.COM

123A WEST CLEMENTS BRIDGE ROAD  
BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN  
MICHAEL G. PRICE\*  
\*PA AND NJ BAR

SAMUEL C. KATZ  
OF COUNSEL

November 16, 2001

Marian Patchen Schleppy, Esquire  
Gaca Matis Baum & Rizza  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

Re: Kimberly M. Miller, Administratrix  
of the Estate of Dorothy Srock vs.  
DuBois Regional Medical Center, et al  
C.C.P., Clearfield County  
No.: 00-623-CD

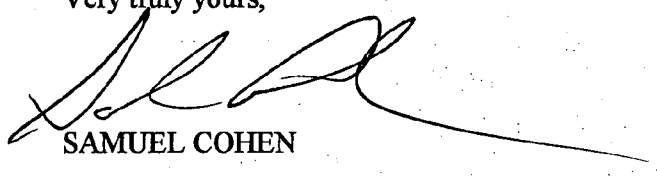
**SECOND REQUEST**

Dear Counsel:

Would you kindly advise us to the status of your responses to our discovery requests.

Thank you for your cooperation.

Very truly yours,



SAMUEL COHEN

SC/law

EXHIBIT "D"

**FILED**

JAN 04 2002

*7/1/02*  
William A. Shaw  
Prothonotary

*[Signature]*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE: NOTICE OF SERVICE OF  
SUPPLEMENTAL ANSWERS TO  
INTERROGATORIES**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE  
PA I.D. #28015**

McINTYRE, DUGAS, HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 14<sup>th</sup> DAY OF FEBRUARY, 2002.

*John L. McIntyre / W.A.S.*  
Attorneys for Named Defendants

**FILED**

FEB 15 2002  
M/10:20/WR  
William A. Shaw  
Prothonotary

No c/c

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 00 – 623 CD

JURY TRIAL DEMANDED

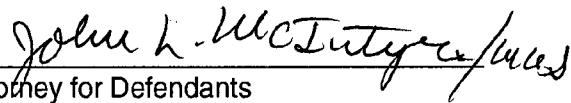
**NOTICE OF SERVICE OF SUPPLEMENTAL  
ANSWERS TO PLAINTIFF'S INTERROGATORIES**

TO: PROTHONOTARY

You are hereby notified that on the 14<sup>TH</sup> day of February, 2002, defendants,  
GEORGE PALMER, JR., D.O. and DUBOIS REGIONAL MEDICAL CENTER, served Supplemental  
Answers to Plaintiff's Interrogatories by mailing the original of the same via first-class United States  
Mail, postage prepaid, addressed to the following:

Samuel Cohen, Esquire  
KATZ, COHEN & PRICE, P.C.  
117 S. 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

MCINTYRE, DUGAS, HARTYE & SCHMITT

  
Attorney for Defendants  
DuBois Regional Medical Center and  
George Palmer, Jr., D.O.  
John L. McIntyre, Esquire  
PA I.D. #: 28015  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581  
(814) 696-9399 Fax



IN RE: [illegible]  
[illegible]  
[illegible]  
[illegible]

**FILED**

FEB 15 2002

William A. Shaw  
Prothonotary

CP

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

KIMBERLY M. MILLER, Administrix  
of the ESTATE OF DOROTHY SROCK  
Individually and on Behalf of the  
Next of Kin of DOROTHY SROCK

v.

DUBOIS REGIONAL MEDICAL CENTER No.: 00 623 CD  
GEORGE PALMER, JR. D.O. AND  
REYNOLDSVILLE MEDICAL CENTER, et al

Type of Action:

Type of Pleading:

Motion to Compel

Filed on Behalf of:

Plaintiff

Counsel of Record for this Party:

Samuel Cohen  
Attorney No.: 27544  
117 South 17th Street, Suite 2010  
Philadelphia, PA 19103  
215 636 0400

**FILED**

FEB 11 2002

m/1055/rocc

William A. Shaw  
Prothonetary

WAS

KATZ, COHEN & PRICE, P.C.  
By: SAMUEL COHEN  
ATTORNEY I.D. NO.: 27544  
117 SOUTH 17th STREET, SUITE 2010  
PHILADELPHIA, PA 19103  
(215) 636-0400

ATTORNEY FOR PLAINTIFF

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY SROCK  
Individually and on Behalf of the Next  
of Kin of DOROTHY SROCK

COURT OF COMMON PLEAS

vs.

CLEARFIELD COUNTY

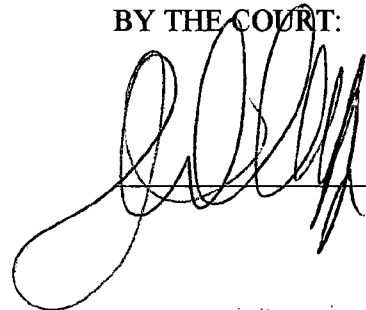
DUBOIS REGIONAL MEDICAL CENTER:  
GEORGE PALMER, JR., D.O. and  
REYNOLDSVILLE MEDICAL CENTER  
P.C. and ALBERT L. VARACALLO, MD

NO.: 00-623-CD

**ORDER**

AND NOW, to wit, this 19<sup>th</sup> day of February, 2002, upon consideration of Plaintiff's Motion to Compel Supplemental Answers to Interrogatories 6, 7 and 10 from Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O., it is hereby ORDERED and DECREED that Defendants shall file supplemental Answers to Interrogatories 6, 7 and 10 within ten (10) days from the date of this Order or suffer appropriate sanctions.

BY THE COURT:



J.

**FILED**

FEB 19 2002

William A. Shaw  
Prothonotary

**FILED**

FEB 19 2002

01/11/06 a.m.

William A. Shaw  
Prothonotary

*CA*

3 cc to *Att* when.

*KS*

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix**  
**of the ESTATE OF DOROTHY SROCK**  
**Individually and on Behalf of the Next**  
**of Kin of DOROTHY SROCK**

**COURT OF COMMON PLEAS**

**vs.**

**CLEARFIELD COUNTY**

**DUBOIS REGIONAL MEDICAL CENTER:**  
**GEORGE PALMER, JR., D.O. and**  
**REYNOLDSVILLE MEDICAL CENTER**  
**P.C. and ALBERT L. VARACALLO, MD**

**NO.: 00-623-CD**

**MOTION TO COMPEL UPON DEFENDANTS DUBOIS REGIONAL MEDICAL**  
**CENTER AND GEORGE PALMER JR., D.O. FOR FAILURE TO MAKE**  
**DISCOVERY IN ACCORDANCE WITH Pa. R.C.P.**

COMES NOW, Plaintiff Kimberly M. Miller Administratrix of the Estate of Dorothy Srock, Individually and on Behalf of the Next of Kin of Dorothy Srock, and desiring to have the Honorable Court impose sanctions upon Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O. for failing to make discovery in accordance with the Pennsylvania Rules of Civil Procedure and the agreement of Counsel avers in support thereof the following:

1. The within matter involves a claim for the wrongful death and survival actions based upon a theory of medical malpractice.

2. In accordance with the Pennsylvania Rules of Civil Procedure, Counsel for plaintiff forwarded to Counsel for defendants, George Palmer, Jr., D.O. and DuBois Regional Medical Center (hereinafter referred to as "The Defendants") a set of interrogatories. A true and correct copy of the transmittal letter is attached hereto and made part hereof and marked Exhibit "1". A copy of the certified mail receipt indicating that Counsel for defendant received said interrogatories on June 12, 2000, a copy is attached hereto, made part hereof and marked Exhibit "2".

3. A true and correct copy of the interrogatories propounded to "the defendants" is attached hereto and made part hereof and marked Exhibit "3".

4. Under cover letter dated August 8, 2001, Counsel for "the defendants" forwarded to Counsel for Plaintiff what reported to be Answers to Plaintiff's Interrogatories as well as other material. A true and correct copy of the letter is attached hereto, made part hereof and marked Exhibit "4". A true and correct copy of what purported to be Answers to Interrogatories is attached hereto, made part hereof and marked Exhibit "5".

5. It is alleged that Dorothy Srock was seen on June 5, 1998 on two occasions at the DuBois Regional Medical Center, once at 5:17p.m., again at approximately 10:30p.m.

6. The purported Answers to Interrogatories are responsive with regard only to the second visit and do not address the first visit.

7. On September 14, 2001, Counsel for Plaintiff wrote to Counsel for "The Defendants" indicating that he believed that the interrogatory answers were incomplete in view of the admission of any reference to the 5:17p.m. visit. A true and correct copy of a letter from Counsel for Plaintiff to Counsel for Defendants is attached hereto, made part hereof and marked Exhibit "6".

8. When Counsel for "The Defendants" did not respond to September 14, 2001 letter, Counsel for Plaintiff wrote again to Counsel for Defendants and on October 1, 2001 requesting the information. A true and correct copy of the correspondence from Counsel for Plaintiff to Counsel for Defendant is attached hereto, made part hereof and marked Exhibit "7".

9. Shortly thereafter, Counsel for Plaintiffs and Counsel for Defendants spoke on the telephone and Counsel for Defendants indicated that he would supplement his principals' responses to the interrogatories promptly.

10. On November 16, 2001, Counsel again wrote to Counsel for Defendants in an attempt to ascertain the status of the discovery request. A true and correct copy of the correspondence is attached hereto, made part hereof and marked Exhibit "8".

11. On November 28, 2001, Counsel for Plaintiff again wrote to Counsel for Defendant in an effort to secure the interrogatory answers without the necessity of Court intervention. A true and correct copy of the letter of November 28, 2001 is attached hereto, made part hereof and marked Exhibit "9".

12. On January 2, 2002, Counsel for Defendants wrote to Counsel for Plaintiff indicating that he would be supplying the Answer to Interrogatories "shortly." A true and correct copy of said letter is attached hereto, made part hereof and marked Exhibit "10".

13. Upon receipt of the letter marked Exhibit "10", Counsel for Plaintiff telephoned Counsel for Defendant and asked how long "shortly" meant.

14. At that time, Counsel for Defendants indicated that he would supply the answers within two (2) weeks.

15. More than two (2) weeks have now passed since Counsel agreed to supply supplemental responses, in despite said agreement, Counsel for Defendants have not supply supplemental responses.

16. Plaintiff require the supplemental responses to Interrogatories in order to properly prepare for the trial of this cause.

17. Plaintiff will be severely hampered if full and complete Supplemental Answers are not supplied.

WHEREFORE, Plaintiff prays this Honorable Court entered the attached Order compelling Counsel for Defendants, DuBois Regional Medical Center and George Palmer, Jr., D.O. to file full and complete Supplemental Answers to Interrogatories 6, 7 and 10 within ten (10) days or suffer sanctions.

Respectfully submitted:



SAMUEL COHEN

Dated: 2/8/02



**CERTIFICATION OF SERVICE**

I, Samuel Cohen, certify that a true and correct copy of the within Motion to Compel upon Defendants DuBois Regional Medical Center and George Palmer Jr., D.O. for failure to make discovery in accordance with Pa. R.C.P. was forwarded via regular mail through the United States

Postal Service on

to:

John L. McIntyre, Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648-0533

Marian Patchen Schleppy, Esquire  
Gaca Matis Baum & Rizza  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

KATZ, COHEN & PRICE, P.C.

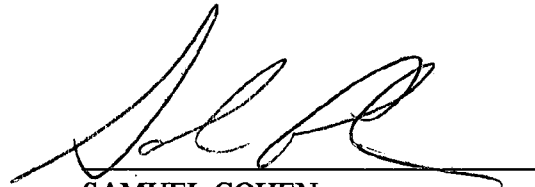


By: SAMUEL COHEN

Dated: 2/8/02

**VERIFICATION**

I, SAMUEL COHEN, verify that I am the attorney for Plaintiff, Kimberly Miller, Administratrix of the Estate of Dorothy Srock, Individually and on Behalf of the Estate of Dorothy Srock named herein, and that the averments of fact set forth in the foregoing Motion to Compel upon Defendants DuBois Regional Medical Center and George Palmer, Jr., D.O. for Failure to Make Discovery in Accordance with Pa. R.C.P. are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
SAMUEL COHEN

Dated: 2/18/02

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix** :  
**of the ESTATE OF DOROTHY SROCK** :  
**Individually and on Behalf of the Next** :  
**of Kin of DOROTHY SROCK** :

**COURT OF COMMON PLEAS**

**vs.**

**CLEARFIELD COUNTY**

**DUBOIS REGIONAL MEDICAL CENTER:** :  
**GEORGE PALMER, JR., D.O. and** :  
**REYNOLDSVILLE MEDICAL CENTER** :  
**P.C. and ALBERT L. VARACALLO, MD** :

**NO.: 00-623-CD**

**MEMORANDUM OF LAW**

The pertinent facts of this matter are set forth in detail in the Motion and the Motion is incorporated by reference herein. Counsel for Defendants agreed to supply Supplemental Answers and it is not done so despite this agreement.

Where Counsel for parties agrees to supply Supplemental Discovery and then fails to do so, the Court has the implicit power to enter an Order to Compel.

Accordingly, Plaintiff requests this Honorable Court enter the attached Order Compelling Defendants, DuBois Regional Medical Center and George Palmer, Jr., D.O. to Supplement their Answers to Interrogatories as agreed.

Respectfully submitted:

  
SAMUEL COHEN

Dated: 2/2/02

LAW OFFICES

KATZ, COHEN & PRICE, P.C.

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN

MICHAEL G. PRICE\*

\*PA AND NJ BAR

SAMUEL C. KATZ

OF COUNSEL

June 9, 2000

DuBois Regional Medical Center  
c/o Frank J. Hartye, Esquire  
Pfaff, McIntyre, Dugas, Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648-0533

Re: Kimberly M. Miller, Administratrix  
of the Estate of Dorothy Srock,  
Individually and on Behalf of the Next  
of Kin of Dorothy M. Srock

vs.

DuBois Regional Medical Center,  
George Palmer, Jr., D.O., Reynoldsville  
Medical Center, P.C. and  
Albert L. Varacallo, M.D.  
C.C.P., Clearfield County  
No.: 00-623-CD

Dear Mr. Hartye:

Enclosed herewith you will find an original set of Interrogatories to Defendants for the captioned matter. Please respond to said Discovery requests within the time prescribed by the Pennsylvania Rules of Civil Procedure.

Thank you for your anticipated cooperation.

Very truly yours,

SAMUEL COHEN

SC/law  
Enclosures

Dictated but not read

Certified Mail Receipt No.: 7099 3400 0002 2228 3793  
Show to Whom Delivered and Date

EXHIBIT "1"

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:  
**Frank J. Hartye (DUBOIS)**

Postage	\$ <b>2.09</b>
Certified Fee	<b>1.40</b>
Return Receipt Fee (Endorsement Required)	<b>1.25</b>
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.74</b>

Name (Please Print Clearly) (to be completed by mailer)  
**Frank J. Hartye, Esquire**  
Street, Apt. No., or PO Box No.  
**P.O. Box 533**  
City, State, ZIP+4  
**Hollidaysburg PA 16648-0533**

PS Form 3800, July 1999 See Reverse for Instructions

7099 3400 0002 2228 3793

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: <b>Frank J. Hartye, Esquire</b> <b>Pfaff, McIntyre, Pugas, Hartye</b> <b>+ Schmitt</b> <b>P.O. Box 533</b> <b>Hollidaysburg, PA 16648-0533</b></p>	<p>A. Received by (Please Print Clearly) B. Date of Delivery</p> <p>C. Signature <b>X Angela Dodson</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Copy from service label) <b>7099 3400 0002 2228 3793</b></p>	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

EXHIBIT "2"

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. No.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix**  
**of the ESTATE OF DOROTHY SROCK,**  
**Individually and on Behalf of the Next**  
**of Kin of DOROTHY M. SROCK**

**COURT OF COMMON PLEAS**

**CLEARFIELD COUNTY**

**vs.**

**DUBOIS REGIONAL MEDICAL**  
**CENTER, GEORGE PALMER, JR., D.O.**  
**REYNOLDSVILLE MEDICAL CENTER**  
**P.C. and ALBERT L. VARACALLO, M.D.**

**No.: 00-623-CD**

**PLAINTIFF'S INTERROGATORIES ADDRESSED TO DEFENDANTS**  
**DUBOIS REGIONAL MEDICAL CENTER**

The Plaintiff, by his attorneys, Katz, Cohen & Price, P.C. and Samuel Cohen, hereby propounds the following Interrogatories under and pursuant to the Pennsylvania Rules of Civil Procedure No.: 4005. These Interrogatories are deemed to be continuing and information secured subsequent to the filing of these Answers is to be furnished without notice.

A. The term "Plaintiff", as used herein, means the Plaintiff's decedent, Dorothy M. Srock, and each and every person (as person is defined below) acting or purporting to act on his behalf.

B. The term "Defendants", as used herein, mean the Defendants, DuBois Regional Medical Center, George Palmer, Jr., D.O., Reynoldsville Medical Center, P.C. and Albert L.

*EXHIBIT "3"*

**KATZ; COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. No.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix** :  
**of the ESTATE OF DOROTHY SROCK,** :  
**Individually and on Behalf of the Next** :  
**of Kin of DOROTHY M. SROCK** :

**COURT OF COMMON PLEAS**

**CLEARFIELD COUNTY**

**vs.**

**DUBOIS REGIONAL MEDICAL** :  
**CENTER, GEORGE PALMER, JR., D.O.** :  
**REYNOLDSVILLE MEDICAL CENTER** :  
**P.C. and ALBERT L. VARACALLO, M.D.** :

**No.: 00-623-CD**

**PLAINTIFF'S INTERROGATORIES ADDRESSED TO DEFENDANTS**  
**REYNOLDSVILLE MEDICAL CENTER, P.C.**

The Plaintiff, by his attorneys, Katz, Cohen & Price, P.C. and Samuel Cohen, hereby propounds the following Interrogatories under and pursuant to the Pennsylvania Rules of Civil Procedure No.: 4005. These Interrogatories are deemed to be continuing and information secured subsequent to the filing of these Answers is to be furnished without notice.

A. The term "Plaintiff", as used herein, means the Plaintiff's decedent, Dorothy M. Srock, and each and every person (as person is defined below) acting or purporting to act on his behalf.

B. The term "Defendants", as used herein, mean the Defendants, DuBois Regional Medical Center, George Palmer, Jr., D.O., Reynoldsville Medical Center, P.C. and Albert L.

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. No.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

---

**ATTORNEY FOR PLAINTIFF**

KIMBERLY M. MILLER, Administratrix :  
of the ESTATE OF DOROTHY SROCK, :  
Individually and on Behalf of the Next :  
of Kin of DOROTHY M. SROCK :

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

DUBOIS REGIONAL MEDICAL :  
CENTER, GEORGE PALMER, JR., D.O. :  
REYNOLDSVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, M.D. :

No.: 00-623-CD

**PLAINTIFF'S INTERROGATORIES ADDRESSED TO DEFENDANTS**  
**ALBERT L. VARACALLO, M.D.**

The Plaintiff, by his attorneys, Katz, Cohen & Price, P.C. and Samuel Cohen, hereby propounds the following Interrogatories under and pursuant to the Pennsylvania Rules of Civil Procedure No.: 4005. These Interrogatories are deemed to be continuing and information secured subsequent to the filing of these Answers is to be furnished without notice.

A. The term "Plaintiff", as used herein, means the Plaintiff's decedent, Dorothy M. Srock, and each and every person (as person is defined below) acting or purporting to act on his behalf

B. The term "Defendants", as used herein, mean the Defendants, DuBois Regional Medical Center, George Palmer, Jr., D.O., Reynoldsville Medical Center, P.C. and Albert L.



Varacallo, M.D. and each and every person (as person is defined below) acting or purporting on his behalf.

C. The term "person", as used herein, means any natural person, partnership, association, corporation, governmental unit/entity, organization, or other entity (including nonprofit organizations) and all present and former officers, directors, managers, agents, employees, attorneys, and other acting or purporting to act on behalf of such natural person, partnership, association, corporation, governmental unit/entity, organization or other entity.

D. The terms "document", "report", and "record", as used herein, mean the original, or if no original is available, all copies of any written, printed, typed or other graphic matter of any kind or nature and any other tangible thing in the possession, custody or control of Defendant (as Defendant is defined above) or known by Defendant (as Defendant is defined above) to exist, including but not limited to:

(i) All contracts, agreements, letter agreements, representatives, warranties, certificates and opinions;

(ii) All letters or other forms of correspondence or communication (as correspondence and communication are defined below), including but not limited to envelopes, notes, telegrams, cables, telex messages and messages, in addition to all notes, memoranda, or other tangible things relating to any telephone conversations, conferences, or other verbal communications;

- (iii) All memoranda, test results, test data, financial statements, notes, scripts, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, corporate records, expressions or statements of policy, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical statements, compilation, and opinions of any person (as person is defined above);
- (iv) All minutes, notes, transcripts, or any other tangible things relating to any meetings or conferences, in addition to any lists or other tangible things which may provide the names of any person (as person is defined above) who attended such meetings or conference;
- (v) All desk calendars, appointment books and diaries;
- (vi) All summaries or other tangible things relating to any interviews conducted relative in any way to this action;
- (vii) All books, articles, press releases, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, instructions and manuals (whether published or unpublished);

(viii) All motion pictures and photographs (whether developed or undeveloped), tape recordings (regardless of the medium), microfilms, phonographs, tapes, punch cards, magnetic tapes, discs, data cells, drums, print-outs, and other data compilations from which information can be obtained;

(ix) All drafts of any documents and revisions of drafts of any documents, in addition to any original or preliminary notes which are in any way related to such documents (as documents are defined herein);

(x) All doctor's notes, nurse's notes, progress notes, written medical papers, or any other tangible things relating to any medical aspect of this action;

(xi) All tangible things derived from any work done by any person (as person is defined above) which are in any way related to this action.

E. The terms "communication" and "correspondence", as used herein, means all statements, admissions, denials, inquiries, discussions, conversations, negotiations, letters, memoranda, agreements (document, document(s) is defined above), contracts, understandings, meetings, telephone conversations, notes, telegrams, telexes, advertisements or any other form of written or verbal intercourse.

F. The terms "relates to" and "relative to", as used herein, means, constitutes, reflects, refers to, concerns, pertains to or any way logically or factually connects the matter described in a particular Interrogatory with this action.

### **RULES OF CONSTRUCTION**

In construing these Interrogatories:

- A. The singular shall include the plural and the plural shall include the singular.
- B. A masculine, feminine or neuter pronoun shall not exclude the other gender.
- C. The tense (past, present and future) used in a particular Interrogatory to denote a particular point in time is not to be construed to exclude any other tense.

### **INSTRUCTIONS FOR INTERROGATORIES**

- A. Each Interrogatory is to be answered in writing within thirty (30) days after receipt of service of same.
- B. In answering these Interrogatories, the answering party shall furnish all information available to said party or within said party's possession, custody or control, or in the possession, custody or control of any person (as person is defined above) acting or purporting to act on said party's behalf.
- C. Each Interrogatory shall be answered separately and as completely as possible. The fact that investigation is continuing but is not complete is not an excuse for failure to answer each Interrogatory as fully as possible. If unable to answer an Interrogatory completely after there has been an attempt to obtain the requested information, the answering party is to answer that particular Interrogatory to the extent possible. The party answering these Interrogatories is to further provide what information said party has concerning the unanswered portion of the particular Interrogatory.

D. If any form of privilege or other protection from disclosure is claimed as a ground for withholding responsive information as requested in a particular Interrogatory, the answering party is to set forth with respect to that information the date, title, identity of author, subject matter (without revealing the information for which the privilege is claimed), and any and all facts and reasons supporting such grounds. The claim should contain such specificity as to permit the Court to make a full determination of its validity.

E. If any Interrogatory or any part of any Interrogatory is objected to, state the objection and proceed to answer the remaining Interrogatories and their sub-parts. The fact that an objection is made is not an excuse of failing to answer the remaining Interrogatories or any of their sub-parts. The fact that an objection is made to a sub-part of any Interrogatory is no excuse for failing to answer the remaining sub-parts of that Interrogatory or any other Interrogatory. Accordingly, answer each and every Interrogatory and sub-part thereof unless specifically objected to in the space provided.

F. For each Interrogatory, identify the person who has answered the Interrogatory.

G. When any of the aforesaid items or information is requested, they are to include, not only those in the answering party's possession, custody or control, but likewise, that of said party's attorneys, consultants, sureties, indemnitors, insurers, agents, and/or person (as person is defined above) acting or purporting to act on said party's behalf.

H. These Interrogatories are deemed to be continuing insofar as any additional information is secured or comes within the control of the party to whom the Interrogatories are directed subsequent to the date herein.

I. In accordance with the applicable Pennsylvania Rules of Civil Procedure, written answers shall be inserted in the spaces provided in the Interrogatories. If there is insufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

J. No answer is to be left blank. If the answer to an Interrogatory or sub-part of an Interrogatory is "none" or "unknown" such statement must be written in the answer. If the question is inapplicable, "N/A" must be written in the answer.

1. State your name, address and telephone number (both professional and residential).

2. To the extent you were associated or in partnership with any other medical practitioner at the time of the occurrences complained of in this action, state:

a. The name, address, telephone number, and specialty and qualifications of each person with whom you were associated or in partnership;

b. The nature of your business relationship;

c. The date you formed the relationship;

d. Whether the relationship still exists, and, if not, the reason and date it was terminated; and

e. Whether any written agreement existed between you and your associates or partners, and, if so, the name, address and telephone number of the person who has custody of the agreement.

3. What is the name and address of each medical school you attended, and the inclusive dates you attended each school and state whether you graduated.

4. What is the name and address of the medical institution at which you served your internship and the inclusive dates you served such internship?

5. In what states are you now, or have you ever been licensed to practice medicine, and in which year did you receive your license to practice in each such state?

6. If you ever had a medical license suspended, revoked or terminated in any state or county, for each such license indicate:

a. The state or authority which granted it; and

b. Whether it was suspended, revoked or terminated, and whether it was ever reinstated or renewed, and, if so, on what date.



7. If you have confined your medical practice to any particular specialty, state:

a. The name of each specialty; and

b. The inclusive dates you have practiced such specialty.

8. If you have had training in a medical specialty, for each such training, state:

a. The name of the specialty involved;

b. The name, address and telephone number of each institution where you  
trained;

c. The inclusive dates of your training;

d. A description of the training program;

e. The length of time you spent in each of the following:

f. The diagnosis, treatment, and operative and post-operative care of problems in the specialty; and

g. The application of the basic sciences such as anatomy, pathology, zoology, bacteriology and biochemistry to the specialty.

9. If you are now, or ever have been, a member or diplomat of any specialty board, for each specialty board, state:

- a. The name, address and telephone number of the speciality board;
- b. The inclusive dates of your membership;
- c. If no longer a member, the reason for the termination of your membership;
- d. The qualifications required in order to take the membership examination;
- e. The date you qualified to take the membership examination;
- f. The number of times you took the examination and the dates thereof; and

g. The place you took the examination.

10. If you have or ever have had any staff privileges at, or association with, any hospital, for each hospital, state:

a. Its name, address and telephone number;

b. The nature of your relationship to it;

c. A description of each such privilege granted to you; and

d. The inclusive dates each such privilege was held by you.

11. If you have ever had any staff privilege revoked or curtailed at any hospital, for each such privilege, state:

a. A description of it;

b. Whether it was revoked or curtailed, and, if curtailed, in what way;

c. The date it was revoked or curtailed;

d. The reason it was revoked or curtailed; and

e. The name of the disciplinary body which evoked or curtailed it.

12. If you have ever been connected in a teaching capacity with any medical institution, for each institution, state:

a. Its name, address and telephone number;

b. A description or designation of each position you hold or held and the inclusive dates thereof; and

c. The name of each subject taught by you.

13. If you have ever written, co-written or contributed to a medical textbook, paper or article, state:

a. Its title;

b. If you were a co-author, the name, address and telephone number or each other author;

c. The name and address of the publisher;

d. The date of the original publication and of each reprint;

e. If you were a co-author, what part was written by you;

f. Whether you have ever made any alterations in it, and, if so, which part you altered and for what reason;

g. Whether it is a required book in a medical school;

h. The subject matter on which you wrote; and

i. The title, edition, and name and address of the publisher of each printed publication in which it has appeared.

14. If at any time in your medical career you have received any award or honor, for each award or honor, state:

a. A description or designation of it;

b. The name, address, and telephone number of the institution from which it came;

c. The achievement for which it was given; and

d. The date and place you received it.



15. If you referred to, or relied on, any book or publication in treating plaintiff's decedent or in forming an opinion concerning the diagnosis and treatment of plaintiff's decedent condition, for each book or publication, state:

a. The title, the name of the author, the name of the publisher and the date of publication;

b. The page reference of the part you referred to;

c. The reason you referred to this particular book; and

d. The date and place of each occasion when you referred to it.

16. If the relationship of physician and patient existed between you and plaintiff's decedent, state the date, place and reason for each professional dealing or contact you had with plaintiff's decedent.

17. If you ever made any agreements, oral or in writing, with the plaintiff's decedent concerning his/her treatment, for each agreement, state:

a. The date and place it was made;

b. A description of each promise made by you under the agreement;

c. A description of each promise made by plaintiff under the agreement;

d. The name, address, and telephone number of each person present at the time it was made;

e. If oral, whether a written record was made of the agreement, and, if so, the name, address, and telephone number of the person who has custody of any written record;

f. If written, name, address, telephone number and present whereabouts of person having custody of same; and

g. Please attach a copy of any written agreement made between you and plaintiff's decedent.

18. To the extent you ever represented that you could successfully treat or cure plaintiff's decedent's complaint, for each representation, state:

a. A description of it;

b. The date and place you made it; and

c. The name, address, and telephone number of each person to whom you made it.

19. To the extent you ever refused to attend to plaintiff's decedent or indicated that you were unable to do so, for each such occasion, state:

a. Whether you refused or whether you were unable to attend to Plaintiff's decedent;

b. The date and time of such refusal or inability; and

c. The reason you refused or were unable to attend to plaintiff's decedent.

20. State the date the physician/patient relationship between you and plaintiff's decedent terminated, and your version of the facts which caused the termination of the relationship.

21. To the extent you obtained any information concerning plaintiff's decedent medical history prior to treatment and/or operating, for each occasion when you obtained such information, state:

a. Whether you obtained the information from plaintiff's decedent;

b. Whether you obtained the information from a person other than plaintiff's decedent, and, if so, the name, address, telephone number and relationship to plaintiff's decedent of each such person;

c. The date and place you obtained the information;

d. A description of the information you obtained; and

e. Identify each record you made of the information.

22. If you made a physical examination of plaintiff's decedent, for each examination, state:

- a. The date and place it was made;
- b. The reason it was made;
- c. A description of each procedure used in making it;
- d. The name of the instrument(s) used in making it;
- e. The information plaintiff's decedent gave you concerning each complaint suffered by her at the time;

f. The conclusions you drew concerning plaintiff's decedent physical condition as a result of this examination;

g. If a written record was made of the examination, in what record and at what time; and

h. Please attach a copy of any records made concerning examination of plaintiff's decedent.

23. If you had Plaintiff's decedent undergo a laboratory test, such as a blood count, urinalysis, or any other test, for each test state:

a. The name and description of the test;

b. The date and time it was made;

c. The name, address and telephone number of the place where it was made;

d. The name, address, capacity or job title, and qualifications of each person who made it;

e. The name and description of the procedure used in making it;

f. The name or description of each instrument used in making it;

g. The result;

h. The conclusion or interpretation you made from each result;



i. If a record or report was made of the test, the name of each record or report, the date each record or report was made and the name and address of the person who has custody of each record or report; and

j. If in your possession, attach a copy of any and all results of the laboratory tests taken.

24. If you personally took or had a third person take x-rays of the plaintiff's decedent, including arteriograms, venograms, or other like tests, for each occasion that an x-ray, arteriogram, venogram, etc. was taken, state:

a. The date and place;

b. The number of x-rays taken;

c. Whether taken by roentgenogram or fluoroscope;

d. Each view taken;

e. The name, address, telephone number, job title or capacity of the person  
who took the x-rays;

f. The name, address, telephone number, job title or capacity, and qualifications  
in radiography of the person who evaluated the x-rays;

g. The date each x-ray was evaluated;

h. The nature of the evaluation made of each x-ray;

i. The date you first saw each x-ray;

j. Whether you examined each x-ray;

k. A description of the findings you made from each x-ray;

l. The name, address, and telephone number of the person who has custody of  
each x-ray;

m. If any record or report was made of the x-rays, the name, address and telephone number of the person who has custody of each record or report; and

n. If in your possession, please attach a copy of any and all x-ray reports concerning the plaintiff's decedent.

25. To the extent you made a diagnosis of plaintiff's decedent condition, for each diagnosis, state:

a. The date and time you made it;

b. Whether it was a preliminary or final diagnosis;

c. A description of the diagnosis you made;

d. A description of the symptoms or facts on which you based your diagnosis;

e. If you consulted anyone or studied some medical treatise in arriving at the diagnosis, the name, address and telephone number of each person consulted and the titles, name, author and page reference of each medical treatise you consulted; and

f. If you made a record of the diagnosis, whether the record is in your custody or control; and, if so, please attach a copy of said record(s).

26. If you ever changed any diagnosis you made of plaintiff's decedent condition, for each change, state:

a. A description of it;

b. The date and time you made it; and

c. The reason that you made the change, indicating each fact on which the change in diagnosis was based.

27. To the extent you ever consulted with or called in any other medical practitioner concerning the diagnosis and treatment of plaintiff's decedent condition, for each practitioner you consulted, state:

a. His name, address, telephone number, and specialty and qualifications;

b. Each date you consulted him;

c. The method by which you communicated with him;

d. The reason that you consulted him;

e. A description of each matter concerning plaintiff's decedent about which you consulted him;

f. A description of each opinion and piece of advice he gave;

g. Whether you agreed with his opinion or advice, and, if not, a description of each matter in which you disagreed and of the reason you disagreed;

h. If a record was made of the consultation, identify each record and the name and address of the person who has custody of it; and

i. If said consultation record is in your possession, please attach a copy of any and all records.

28. To the extent you ever advised plaintiff's decedent to seek additional medical help, for each occasion you so advised plaintiff's decedent, state:

a. The date and place; and

b. A description of the reason that prompted you to give plaintiff's decedent such advise.

29. To the extent you ever referred plaintiff's decedent to another medical practitioner, for each such referral, state:

a. The name, address, telephone number, specialty, and qualifications of each practitioner to whom you referred the Plaintiff;

b. The date; and



c. A description of the reason that prompted you to refer plaintiff to each such practitioner.

30. If you prescribed or administered any drug or medication to plaintiff's decedent for each such drug or medication, state:

a. Its name, or description;

b. The name of its manufacturer;

c. The date and time of each occasion when you prescribed or administered it;

d. For what length of time you prescribed or administered it;

e. The dosage and concentration you prescribed or administered;

f. Whether you made each prescription in writing or by telephone;

g. A description of the purpose for which you prescribed or administered it;

h. A description of the effect it had on plaintiff's decedent; and

i. A description of all side effects.

31. To the extent you were ever aware that plaintiff's decedent condition was not responding satisfactorily to your treatment, for each such occasion that led to such awareness, state:

a. The date and time;

b. The means by which you received the notice;

c. The name, address, and telephone number of each person who gave you notice;  
and

d. If you changed the treatment or took any other action, indicate the change made or action taken, the date and the result.

32. If at the time of the occurrences complained of in this action, there was a policy of insurance covering you against claims arising out of malpractice, for each policy, state:

a. The name, address, and telephone number of the insurer;

b. The number of the policy;

c. The effective dates of the policy;

d. The limits of liability;

e. The name, address and telephone number of the custodian of the policy; and

f. The named assured on said policy.

33. To the extent you have or know of the existence of any report, correspondence, or other record relating to the treatment of plaintiff's decedent, for each such document, state:

a. Its identity and subject matter;

b. The date it was made;

c. The name, address and telephone number of each person who made it;

d. The reason it was made; and

e. The name, address and telephone number of the person who has custody of it.

34. If you have ever been an expert witness in a malpractice suit, for each lawsuit appearance, state:

a. The names of the parties to the suit;

b. A description of the suit involved;

c. The name of the party for whom you gave evidence;

d. The name of the Court in which the suit was filed: and

e. The name of the attorney representing the part for whom you gave evidence.

35. To the extent you contend that a person other than yourself was responsible for plaintiff's decedent injuries, for each such person, state:

a. His name, address, telephone number, job title or capacity; and

b. The facts on which you base your contention that he was responsible for plaintiff's decedent injuries.

36. If any statements were obtained by you or on your behalf from any person concerning any matter relating to this action, for each statement state:

a. The name, address, telephone number and occupation of the person who made it;

b. The name, address, telephone number and occupation of the person who obtained it;

c. The date and time it was obtained; and

d. Whether written, sound recorded or oral, and if written or sound recorded, the name, address and telephone number of the person who has custody of it.

37. Please attach a copy of each statement to your answers to these interrogatories.

38. If there are any individuals who have knowledge or information concerning this case whose name and address is not listed in the preceding answers to interrogatories, for each such person, state:

a. His name, address and telephone number;

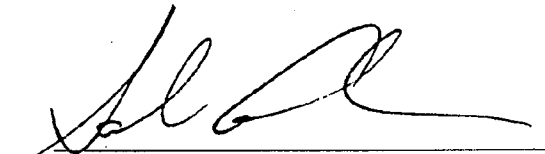
b. The address of the place where he is employed; and

c. His occupation and job title.

39. To the extent you believe that there are any errors, whether typographical or otherwise, contained within any medical records involved in the instant action, describe in detail the error which you believe exists, and what you believe the record should state.

40. Please provide information and/or copies of any transcripts, tape recordings, interview, computer tapes - floppies or hard drives, relating to any interviews or this client's case in general.

KATZ, COHEN & PRICE, P.C.

  
\_\_\_\_\_  
SAMUEL COHEN

Dated: 5/8/00

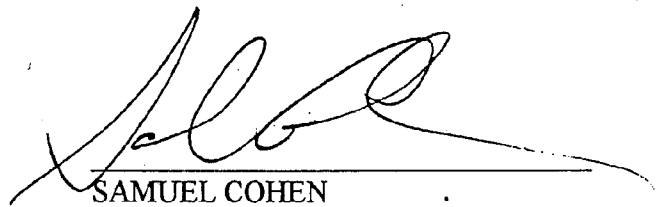


c. His occupation and job title.

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KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

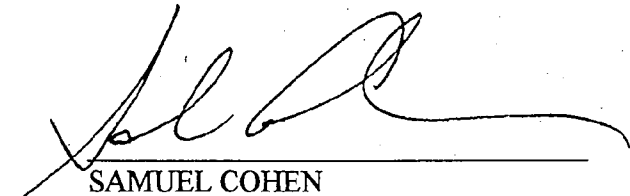
Dated: 6/8/00

c. His occupation and job title.

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KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

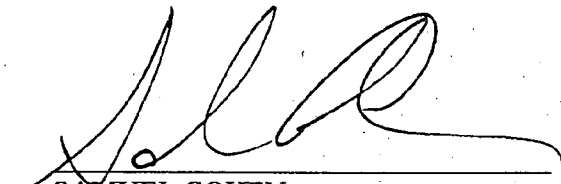
Dated: 6/8/00

c. His occupation and job title.

39. To the extent you believe that there are any errors, whether typographical or otherwise, contained within any medical records involved in the instant action, describe in detail the error which you believe exists, and what you believe the record should state.

40. Please provide information and/or copies of any transcripts, tape recordings, interview, computer tapes - floppies or hard drives, relating to any interviews or this client's case in general.

KATZ, COHEN & PRICE, P.C.

  
A handwritten signature in black ink, appearing to read 'S. Cohen', is written over a horizontal line. Below the line, the name 'SAMUEL COHEN' is printed in a sans-serif font.

Dated: 5/8/00

LAW OFFICES  
**PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT**

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August 8, 2001

Our Reference: MIIX 093 MH

Samuel Cohen, Esquire  
KATZ, COHEN & PRICE, P.C.  
117 S. 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

Re: Kimberly M. Miller, Admx. of the Estate of Dorothy M. Srock,  
Indiv. and on behalf of the next of kin of Dorothy M. Srock vs.  
DuBois Regional Medical Center, George Palmer, Jr., D.O.,  
Reynoldsville Medical Center, PC and Albert L. Varacallo, MD  
No. 00 - 623 CD

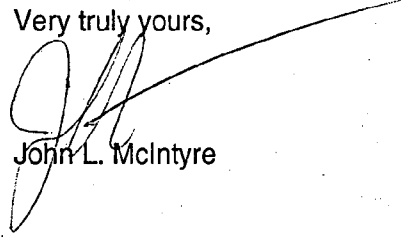
Dear Mr. Cohen:

Enclosed please find the Answers to Plaintiff's Discovery of behalf of Dr. Palmer and DuBois Regional Medical Center. I am enclosing the Hospital's Answers to Interrogatories, Expert Interrogatories, and Responses for Request for Production of Documents.

Dr. Palmer has also responded to Interrogatories, Expert Interrogatories, and Plaintiff's Request for Production of Documents.

With regard to the depositions of Dr. Palmer and Shirley McNaulty, please let me know when you intend to schedule them in the future. We will be more than happy to try and accommodate everyone's schedules. Thank you.

Very truly yours,

  
John L. McIntyre

JLM:jlc  
Enclosure

cc: Marian Patchen Schleppy, Esquire

EXHIBIT "4"

KATZ, COHEN & PRICE, P.C.  
By: SAMUEL COHEN  
ATTORNEY I.D. NO.: 27544  
117 SOUTH 17th STREET  
SUITE 2010  
PHILADELPHIA, PA 19103  
(215) 636-0400

ATTORNEY FOR PLAINTIFF

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M.  
SROCK, Individually and on Behalf  
of the Next of Kin of DOROTHY M.  
SROCK

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

NO.: 00-623 CD

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR., D.O.  
REYNOLDESVILLE MEDICAL CENTER  
P.C. and ALBERT L. VARACALLO, M.D.

**DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER'S, ANSWERS TO  
PLAINTIFF'S INTERROGATORIES ADDRESSED TO EACH DEFENDANT**

The Plaintiff, by his attorneys, Katz, Cohen & Price, P.C. and Samuel Cohen, hereby propounds the following Interrogatories under and pursuant to the Pennsylvania Rules of Civil Procedure No.: 4005. These Interrogatories are deemed to be continuing and information secured subsequent to the filing of these Answers is to be furnished without notice.

A. The term "Plaintiff", as used herein, means the Plaintiff's Decedent, Dorothy M. Srock, and each and every person (as person is defined below) acting or purporting to act on his behalf.

B. The term "Defendants", as used herein, mean the Defendants, DuBois Regional Medical Center, George Palmer, Jr., D.O., Reynoldesville Medical Center, P.C. and Albert L. Varacallo, M.D. and each and every person (as person is defined below) acting or purporting on his behalf.

EXHIBIT "5"

C. The term "person", as used herein, means any natural person, partnership, association, corporation, governmental unit/entity, organization, or other entity (including nonprofit organizations) and all present and former officers, directors, managers, agents, employees, attorneys, and other acting or purporting to act on behalf of such natural person, partnership, association, corporation, governmental unit/entity, organization or other entity.

D. The terms "document", "report", and "record", as used herein, mean the original, or if no original is available, all copies of any written, printed, typed or other graphic matter of any kind or nature and any other tangible thing in the possession, custody or control of Defendant (as Defendant is defined above) or known by Defendant (as Defendant is defined above) to exist, including but not limited to:

- (i) All contracts, agreements, letter agreements, representatives, warranties, certificates and opinions;
- (ii) All letters or other forms of correspondence or communication (as correspondence and communication are defined below), including but not limited to envelopes, notes, telegrams, cables, telex messages and messages, in addition to all notes, memoranda, or other tangible things relating to any telephone conversations, conferences, or other verbal communications;
- (iii) All memoranda, test results, test data, financial statements, notes, scripts, transcripts, tabulations, studies, analyses, evaluations, projections, work

papers, corporate records, expressions or statements of policy, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical statements, compilation, and opinions of any person (as person is defined above);

(iv) All minutes, notes, transcripts, or any other tangible things relating to any meetings or conferences, in addition to any lists or other tangible things which may provide the names of any person (as person is defined above) who attended such meetings or conference;

(v) All desk calendars, appointment books and diaries;

(vi) All summaries or other tangible things relating to any interviews conducted relative in any way to this action;

(vii) All books, articles, press releases, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, instructions and manuals (whether published or unpublished);

(viii) All motion pictures and photographs (whether developed or undeveloped), tape recordings (regardless of the medium), microfilms, phonographs, tapes, punch cards, magnetic tapes, discs, data cells, drums, print-outs, and other data compilations from which information can be obtained;

(ix) All drafts of any documents and revisions of drafts of any documents, in addition to any original or preliminary notes which are in any way related to such documents (as documents are defined herein);

(x) All doctor's notes, nurse's notes, progress notes, written medical papers,  
or any other tangible things relating to any medical aspect of this action;

(xi) All tangible things derived from any work done by any person (as person is  
defined above) which are in any way related to this action.

E. The terms "communication" and "correspondence", as used herein, means all  
statements, admissions, denials, inquiries, discussions, conversations, negotiations, letters,  
memoranda, agreements (document, document(s) is defined above), contracts, understandings,  
meetings, telephone conversations, notes, telegrams, telexes, advertisements or any other form of  
written or verbal intercourse.

F. The terms "relates to" and "relative to", as used herein, means, constitutes, reflects,  
refers to, concerns, pertains to or any way logically or factually connects the matter described in  
a particular Interrogatory with this action.

#### **RULES OF CONSTRUCTION**

In construing these Interrogatories:

A. The singular shall include the plural and the plural shall include the singular.

B. A masculine, feminine or neuter pronoun shall not exclude the other gender.

C. The tense (past, present and future) used in a particular Interrogatory to denote a  
particular point in time is not to be construed to exclude any other tense.



### INSTRUCTIONS FOR INTERROGATORIES

A. Each Interrogatory is to be answered in writing within thirty (30) days after receipt of service of same.

B. In answering these Interrogatories, the answering party shall furnish all information available to said party or within said party's possession, custody or control, or in the possession, custody or control of any person (as person is defined above) acting or purporting to act on said party's behalf.

C. Each Interrogatory shall be answered separately and as completely as possible. The fact that investigation is continuing but is not complete is not an excuse for failure to answer each Interrogatory as fully as possible. If unable to answer an Interrogatory completely after there has been an attempt to obtain the requested information, the answering party is to answer that particular Interrogatory to the extent possible. The party answering these Interrogatories is to further provide what information said party has concerning the unanswered portion of the particular Interrogatory.

D. If any form of privilege or other protection from disclosure is claimed as a ground for withholding responsive information as requested in a particular Interrogatory, the answering party is to set forth with respect to that information the date, title, identity of author, subject matter (without revealing the information for which the privilege is claimed), and any and all facts and reasons supporting such grounds. The claim should contain such specificity as to permit the Court to make a full determination of its validity.

E. If any Interrogatory or any part of any Interrogatory is objected to, state the objection and proceed to answer the remaining Interrogatories and their sub-parts. The fact that an objection is made is not an excuse of failing to answer the remaining Interrogatories or any of their sub-parts. The fact that an objection is made to a sub-part of any Interrogatory is no excuse for failing to answer the remaining sub-parts of that Interrogatory or any other Interrogatory. Accordingly, answer each and every Interrogatory and sub-part thereof unless specifically objected to in the space provided.

F. For each Interrogatory, identify the person who has answered the Interrogatory.

G. When any of the aforesaid items or information is requested, they are to include, not only those in the answering party's possession, custody or control, but likewise, that of said party's attorneys, consultants, sureties, indemnitor, insurers, agents, and/or person (as person is defined above) acting or purporting to act on said party's behalf.

H. These Interrogatories are deemed to be continuing insofar as any additional information is secured or comes within the control of the party to whom the Interrogatories are directed subsequent to the date herein.

I. In accordance with the applicable Pennsylvania Rules of Civil Procedure, written answers shall be inserted in the spaces provided in the Interrogatories. If there is insufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

J. No answer is to be left blank. If the answer to an Interrogatory or sub-part of an Interrogatory is "none" or "unknown" such statement must be written in the answer. If the question is inapplicable, "N/A" must be written in the answer.

1. Are Defendants Health care providers?

YES

2. If the Defendants are incorporated, state:

(a) The name and address of each Defendant;

DuBois Regional Medical Center  
100 Hospital Avenue  
DuBois, Pennsylvania

(b) State of Incorporation; and  
Pennsylvania

(c) Date of Incorporation.

April 1, 1985

3. If the Defendants are a Corporation, with respect to each, state:

(a) Whether it is a profit or non-profit;  
non-profit

(b) Names, addresses and telephone numbers of the Corporate Officers;

(c) Names, addresses and telephone numbers of Members of the Board;

(d) Names, addresses and telephone numbers of any Stockholders who hold more than ten percent (10%) of the outstanding stock issued as of the date of the incident in question;

and

(a) - (d) These Interrogatories are objected to as requesting information which is overly burdensome, vexatious and not designed to lead to any relevant discovery on any issues pertaining to the litigation filed in this matter.

(e) Name, address and telephone number of the Hospital Administrator.

4. If Defendants are licensed by the Commonwealth of Pennsylvania for each state:

(a) The date of licensing; and

(b) The nature of the services provided.

**Please see attached license.**

5. To the extent that there are any governmental restrictions or limitations on the nature of the Health care services provided by Defendants, state for each;

(a) Nature of limitations or restrictions;

(b) The reason for the limitations or restrictions;

(c) Name, address and telephone number of the entity that placed the restriction upon each Defendant; and

(d) The date these limitations or restrictions were imposed.

**None.**

6. Please set forth the exact inclusive dates when Plaintiff's decedent was a patient at any of Defendants' facility.

The decedent, Dorothy Srock, was a patient at DuBois Regional Medical Center on June 5, 1998 at approximately 10:30 p.m. If plaintiff is seeking other dates, please advise.

7. With regard to each of the preceding dates, under whose service was Plaintiff's Decedent provided care?

This Interrogatory is objected to as requiring a legal/medical conclusion. The records speak for those physicians who rendered care and treatment to the plaintiff's decedent at the time she came in on June 5, 1998. By way of further answer, see the Answer and New Matter of DRMC and George Palmer, Jr., D.O.

8. To the extent Plaintiff's Decedent made any agreements, oral or in writing, with any of the Defendants' concerning the nature of the treatment, procedure, operations or tests to be administered, for each agreement, state:

(a) The date and place it was made;

(b) A description of each promise made by Plaintiff's Decedent under the agreement;

(c) A description of each promise made by Defendant's under the agreement;

(d) The name, address and telephone number of each person present at the time it was made; and

(e) If written, the name, address and telephone number of person having custody of same.

N/A

9. To the extent Defendants, through its agents and employees, engaged in conversation with Plaintiff's Decedent or members of Plaintiff's Decedent's family concerning the risks involved in any tests or surgical procedures, for each conversation state:

(a) Date and place;

(b) Name, address and telephone number of person so engaged;

(c) Substance of said conversation;

(d) Names, addresses and telephone numbers of other persons present;

(e) If oral, whether a written memorandum was made of the conversation; and

(f) If written, name, address and telephone number of person having custody of same.

N/A

10. State the name, address and telephone number and present whereabouts of each employee of Defendant institution who rendered medical, psychiatric or nursing services while Plaintiff's Decedent was a patient, and, with regard to each individual named above, state:

(a) Nature of the services rendered;

(b) Dates said services were rendered;

(c) Place where said services were rendered; and

(d) Reason for refusal or inability to attend to Plaintiff's Decedent.

See the medical record, which plaintiff has in her possession regarding the names of those persons who provided treatment to Dorothy Srock on June 5, 1998.

11. If Plaintiff's Decedent, while a patient on Defendant's premises, underwent any surgical procedure, state:

(a) Exact time and date of said procedure;

(b) Exact time Plaintiff's Decedent was prepared for surgery;

(c) Trade name and dosage of all types of anesthesia used;

(d) Exact time the surgical procedure commenced; and

(e) Exact time the surgical procedure terminated.

N/A

12. Are Defendants in possession of the complete set of medical records pertaining to all care and treatment by Defendants to Plaintiff's Decedent at any time?

Yes

13. If any additions, deletions or corrections were made to said records following the date of completion, please state:

(a) Date of any addition, deletion or correction;  
To the best of this answering defendant's knowledge and belief, there was no additions, deletions or corrections made to the medical records following the date that the medical records would have been completed.

(b) Name, address and telephone number and present whereabouts of the person who made same;

N/A

(c) Reason for any additions, deletion or corrections;

N/A



(d) Name, address and telephone number and present whereabouts of the person who authorized said additions, deletions or corrections;

N/A

(e) Place where said additions, deletions or correction was made; and

N/A

(f) State the nature of the said change(s).

N/A

14. If any physician had access to Plaintiff's Decedent's medical records following the date said records were completed, state:

(a) Name, address and telephone number and present whereabouts of said physician;

(b) Date he/she had access to said records;

(c) Reason the access to said records was necessitated; and

(d) Name, address, telephone number and present whereabouts of any of Defendant's employees present when said records were made available.

N/A

15. If x-rays were taken of Plaintiff's Decedent, for each such occasion an x-ray was taken, state:

(a) Date and place;

(b) Number of x-rays taken;

(c) Whether x-rays were taken by roentgenogram or fluoroscope;

(d) Each view taken;

(e) Name, address, telephone number, job title or capacity of the person who took the x-rays;

(f) Name, address, telephone number, job title or capacity and qualifications in radiology of the person who evaluated the x-ray;

(g) The interpretation made of each x-ray; and

(h) Name, address and telephone number of person who had custody of each x-ray.

**Please refer to the medical records in question.**

16. If any report was made of the x-ray, give name, address and telephone number of the person who has custody of each record or report.

**Please see answer to Interrogatory 15.**

17. If x-ray plates or films were reviewed by any physician other than those referred to in previous interrogatories subsequent to the time of their initial reading, state:

(a) Date and place;

(b) Name, address, telephone number and job title or capacity of the person reviewing same; and

(c) Name, address, telephone number and present whereabouts of the person who authorized said review.

None.

18. If at the time of the occurrences complained of in this action, there was a policy of insurance covering you against claims arising out of malpractice for each policy state:

(a) Name, address and telephone number of the insurer;

**Medical Inter-Insurance Exchange**

(b) Number of the policy;

(c) Effective dates of the policy;

(d) Limits of liability in dollars; and

(e) Name, address and telephone number of the custodian of the policy.  
**The policy with MIIX was in full force and effect on June 5, 1998. The primary limits were \$300,000.00. The CAT Fund provided the remainder of the money up to \$1.2 million.**

19. To the extent you contend to the person or persons other than those employed by Defendants was/were responsible for Plaintiff's Decedent death, for each person state:

(a) Name, address, telephone number and job title;

**Discovery is ongoing and pursuant to the allegations in the Complaint, others may be responsible for the decedent's death. This will be fully answered at the time any information is available.**

(b) Facts upon which you base your contention that he or she was responsible for Plaintiff's Decedent's death.

20. If any statements were obtained by you or on your behalf from any person concerning any matter relating to this action, for each statement, state:

(a) Name, address, telephone number and occupation of person who made it;

(b) Name, address, telephone number and occupation of person who obtained it;

and

(c) Whether written, sound recorded or oral, and if written or sound recorded, the name, address and telephone number of the person who has custody of it.

None.

21. Please attach any statements referred to in the preceding interrogatories to your answers to these interrogatories.

None

22. To the extent there is a person who has knowledge or information concerning this case, whose name and address is not listed in the preceding answers to interrogatories, for each such person state:

(a) Name, address and telephone number;

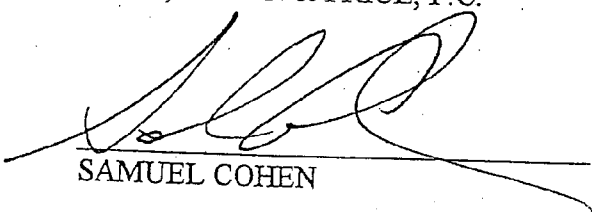
(b) Address of the place where he/she is employed; and

(c) His/her occupation and job title;

See those individuals who are identified in the medical records.

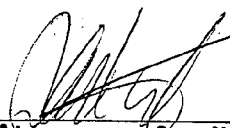
23. To the extent you believe that there are any errors, whether typographical or otherwise, contained within any medical records involved in the instant action, describe in detail the error which you believe exists, and what you believe the error should state.  
Please see attached.

KATZ, COHEN & PRICE, P.C.

  
SAMUEL COHEN

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT

  
Attorneys for Named Defendant  
DUBOIS REGIONAL MEDICAL CENTER  
JOHN L. McINTYRE, ESQUIRE  
PA ID# 28015  
P.O. Box 533  
Hollidaysburg, PA 16648-0533

Dated: 4/3/01

23. There is an error on the emergency department records. The registration time states: "17:17". This is the time Dorothy M. Srock came for outpatient testing. The outpatient testing was ordered by Dr. Varacallo.

The actual time of presentation to the emergency room was 22:30 hours, approximately five plus hours after the tests ordered by Dr. Varacallo. To the best of answering Defendants knowledge and belief, there are no other errors in the chart, although if any are found, the same will be supplemented.

File # MIIX 093 MH

**VERIFICATION**

I, **GREGORY VOLPE, Risk Manager**, do hereby verify that I have read the foregoing  
**DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER'S ANSWERS TO PLAINTIFF'S**  
**INTERROGATORIES.** The statements therein are correct to the best of my personal knowledge or  
information and belief.

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

**DUBOIS REGIONAL MEDICAL CENTER**

  
Gregory Volpe, Risk Manager

Date: 8-2-01



# Commonwealth of Pennsylvania



## DEPARTMENT OF HEALTH

LICENSE # 0262-17

### LICENSE TO OPERATE A GENERAL HOSPITAL

This is to certify that

DUBOIS REGIONAL MEDICAL CENTER

Located at P. O. Box 447, 100 Hospital Avenue, Dubois, Pennsylvania  
 By DuBois Regional Medical Center Is Hereby Granted This License Owned/Operated  
 To Conduct and Maintain a Hospital. The Maximum Number of Inpatient Beds Shall Not Exceed 218 Beds  
 This Shall Be Effective From April 1, 19 97, Until April 1, 19 99  
 In Accordance With Law.

Given Under My Hand and the Seal of the Department of Health of the Commonwealth of

Pennsylvania at Harrisburg, this 14th Day of April

In the Year of our Lord Nineteen and Nine Hundred and Ninety-seven

Andrew M. ...  
 Issuing Officer

Paul F. Hoffmann  
 Secretary of Health

NOTE: THIS LICENSE MUST BE POSTED IN A PROMINENT PLACE ON THE PREMISES.

KATZ, COHEN & PRICE, P.C.  
By: SAMUEL COHEN  
ATTORNEY I.D. NO.: 27544  
117 SOUTH 17th STREET  
SUITE 2010  
PHILADELPHIA, PA 19103  
(215) 636-0400

ATTORNEY FOR PLAINTIFF

KIMBERLY M. MILLER, Administratrix :  
of the ESTATE OF DOROTHY M. :  
SROCK, Individually and on Behalf :  
of the Next of Kin of DOROTHY M. :  
SROCK :

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

NO.: 00-623 CD

DUBOIS REGIONAL MEDICAL :  
CENTER, GEORGE PALMER, JR., D.O. :  
REYNOLDESVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, M.D. :

**DEFENDANT, GEORGE PALMER, JR., D.O.'S ANSWERS TO  
PLAINTIFF'S INTERROGATORIES ADDRESSED TO EACH DEFENDANT**

The Plaintiff, by his attorneys, Katz, Cohen & Price, P.C. and Samuel Cohen, hereby propounds the following Interrogatories under and pursuant to the Pennsylvania Rules of Civil Procedure No.: 4005. These Interrogatories are deemed to be continuing and information secured subsequent to the filing of these Answers is to be furnished without notice.

A. The term "Plaintiff", as used herein, means the Plaintiff's Decedent, Dorothy M. Srock, and each and every person (as person is defined below) acting or purporting to act on his behalf.

B. The term "Defendants", as used herein, mean the Defendants, DuBois Regional Medical Center, George Palmer, Jr., D.O., Reynoldesville Medical Center, P.C. and Albert L. Varacallo, M.D. and each and every person (as person is defined below) acting or purporting on his behalf.

C. The term "person", as used herein, means any natural person, partnership, association, corporation, governmental unit/entity, organization, or other entity (including nonprofit organizations) and all present and former officers, directors, managers, agents, employees, attorneys, and other acting or purporting to act on behalf of such natural person, partnership, association, corporation, governmental unit/entity, organization or other entity.

D. The terms "document", "report", and "record", as used herein, mean the original, or if no original is available, all copies of any written, printed, typed or other graphic matter of any kind or nature and any other tangible thing in the possession, custody or control of Defendant (as Defendant is defined above) or known by Defendant (as Defendant is defined above) to exist, including but not limited to:

- (i) All contracts, agreements, letter agreements, representatives, warranties, certificates and opinions;
- (ii) All letters or other forms of correspondence or communication (as correspondence and communication are defined below), including but not limited to envelopes, notes, telegrams, cables, telex messages and messages, in addition to all notes, memoranda, or other tangible things relating to any telephone conversations, conferences, or other verbal communications;
- (iii) All memoranda, test results, test data, financial statements, notes, scripts, transcripts, tabulations, studies, analyses, evaluations, projections, work

papers, corporate records, expressions or statements of policy, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical statements, compilation, and opinions of any person (as person is defined above);

(iv) All minutes, notes, transcripts, or any other tangible things relating to any meetings or conferences, in addition to any lists or other tangible things which may provide the names of any person (as person is defined above) who attended such meetings or conference;

(v) All desk calendars, appointment books and diaries;

(vi) All summaries or other tangible things relating to any interviews conducted relative in any way to this action;

(vii) All books, articles, press releases, magazines, newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, instructions and manuals (whether published or unpublished);

(viii) All motion pictures and photographs (whether developed or undeveloped), tape recordings (regardless of the medium), microfilms, phonographs, tapes, punch cards, magnetic tapes, discs, data cells, drums, print-outs, and other data compilations from which information can be obtained;

(ix) All drafts of any documents and revisions of drafts of any documents, in addition to any original or preliminary notes which are in any way related to such documents (as documents are defined herein);

(x) All doctor's notes, nurse's notes, progress notes, written medical papers,  
or any other tangible things relating to any medical aspect of this action;

(xi) All tangible things derived from any work done by any person (as person is  
defined above) which are in any way related to this action.

E. The terms "communication" and "correspondence", as used herein, means all  
statements, admissions, denials, inquiries, discussions, conversations, negotiations, letters,  
memoranda, agreements (document, document(s) is defined above), contracts, understandings,  
meetings, telephone conversations, notes, telegrams, telexes, advertisements or any other form of  
written or verbal intercourse.

F. The terms "relates to" and "relative to", as used herein, means, constitutes, reflects,  
refers to, concerns, pertains to or any way logically or factually connects the matter described in  
a particular Interrogatory with this action.

#### **RULES OF CONSTRUCTION**

In construing these Interrogatories:

A. The singular shall include the plural and the plural shall include the singular.

B. A masculine, feminine or neuter pronoun shall not exclude the other gender.

C. The tense (past, present and future) used in a particular Interrogatory to denote a  
particular point in time is not to be construed to exclude any other tense.

### INSTRUCTIONS FOR INTERROGATORIES

A. Each Interrogatory is to be answered in writing within thirty (30) days after receipt of service of same.

B. In answering these Interrogatories, the answering party shall furnish all information available to said party or within said party's possession, custody or control, or in the possession, custody or control of any person (as person is defined above) acting or purporting to act on said party's behalf.

C. Each Interrogatory shall be answered separately and as completely as possible. The fact that investigation is continuing but is not complete is not an excuse for failure to answer each Interrogatory as fully as possible. If unable to answer an Interrogatory completely after there has been an attempt to obtain the requested information, the answering party is to answer that particular Interrogatory to the extent possible. The party answering these Interrogatories is to further provide what information said party has concerning the unanswered portion of the particular Interrogatory.

D. If any form of privilege or other protection from disclosure is claimed as a ground for withholding responsive information as requested in a particular Interrogatory, the answering party is to set forth with respect to that information the date, title, identity of author, subject matter (without revealing the information for which the privilege is claimed), and any and all facts and reasons supporting such grounds. The claim should contain such specificity as to permit the Court to make a full determination of its validity.

E. If any Interrogatory or any part of any Interrogatory is objected to, state the objection and proceed to answer the remaining Interrogatories and their sub-parts. The fact that an objection is made is not an excuse of failing to answer the remaining Interrogatories or any of their sub-parts. The fact that an objection is made to a sub-part of any Interrogatory is no excuse for failing to answer the remaining sub-parts of that Interrogatory or any other Interrogatory. Accordingly, answer each and every Interrogatory and sub-part thereof unless specifically objected to in the space provided.

F. For each Interrogatory, identify the person who has answered the Interrogatory.

G. When any of the aforesaid items or information is requested, they are to include, not only those in the answering party's possession, custody or control, but likewise, that of said party's attorneys, consultants, sureties, indemnitor, insurers, agents, and/or person (as person is defined above) acting or purporting to act on said party's behalf.

H. These Interrogatories are deemed to be continuing insofar as any additional information is secured or comes within the control of the party to whom the Interrogatories are directed subsequent to the date herein.

I. In accordance with the applicable Pennsylvania Rules of Civil Procedure, written answers shall be inserted in the spaces provided in the Interrogatories. If there is insufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

J. No answer is to be left blank. If the answer to an Interrogatory or sub-part of an Interrogatory is "none" or "unknown" such statement must be written in the answer. If the question is inapplicable, "N/A" must be written in the answer.

1. Are Defendants Health care providers?

Yes.

2. If the Defendants are incorporated, state:

No.

(a) The name and address of each Defendant;

(b) State of Incorporation; and

(c) Date of Incorporation.

3. If the Defendants are a Corporation, with respect to each, state:

(a) Whether it is a profit or non-profit;

(b) Names, addresses and telephone numbers of the Corporate Officers;

(c) Names, addresses and telephone numbers of Members of the Board;

(d) Names, addresses and telephone numbers of any Stockholders who hold more than ten percent (10%) of the outstanding stock issued as of the date of the incident in question; and



(e) Name, address and telephone number of the Hospital Administrator.

N/A

4. If Defendants are licensed by the Commonwealth of Pennsylvania for each state:

(a) The date of licensing; and

(b) The nature of the services provided.  
Please see attached copy of license.

5. To the extent that there are any governmental restrictions or limitations on the nature of the Health care services provided by Defendants, state for each;

(a) Nature of limitations or restrictions;

(b) The reason for the limitations or restrictions;

(c) Name, address and telephone number of the entity that placed the restriction upon each Defendant; and

(d) The date these limitations or restrictions were imposed.

None

6. Please set forth the exact inclusive dates when Plaintiff's decedent was a patient at any of Defendants' facility.

The plaintiff's decedent was not a patient at any facility of Dr. Palmer.

7. With regard to each of the preceding dates, under whose service was Plaintiff's Decedent provided care?

N/A

8. To the extent Plaintiff's Decedent made any agreements, oral or in writing, with any of the Defendants' concerning the nature of the treatment, procedure, operations or tests to be administered, for each agreement, state:

(a) The date and place it was made;

(b) A description of each promise made by Plaintiff's Decedent under the agreement;

(c) A description of each promise made by Defendant's under the agreement;

(d) The name, address and telephone number of each person present at the time it was made; and

(e) If written, the name, address and telephone number of person having custody of same.

None.

9. To the extent Defendants, through its agents and employees, engaged in conversation with Plaintiff's Decedent or members of Plaintiff's Decedent's family concerning the risks involved in any tests or surgical procedures, for each conversation state:

(a) Date and place;

(b) Name, address and telephone number of person so engaged;

(c) Substance of said conversation;

(d) Names, addresses and telephone numbers of other persons present;

(e) If oral, whether a written memorandum was made of the conversation; and

(f) If written, name, address and telephone number of person having custody of same.

**None.**

10. State the name, address and telephone number and present whereabouts of each employee of Defendant institution who rendered medical, psychiatric or nursing services while Plaintiff's Decedent was a patient, and, with regard to each individual named above, state:

(a) Nature of the services rendered;

(b) Dates said services were rendered;

(c) Place where said services were rendered; and

(d) Reason for refusal or inability to attend to Plaintiff's Decedent.

**Please see DuBois Regional Medical Center's Answers to Interrogatories.**

11. If Plaintiff's Decedent, while a patient on Defendant's premises, underwent any surgical procedure, state:

(a) Exact time and date of said procedure;

(b) Exact time Plaintiff's Decedent was prepared for surgery;

(c) Trade name and dosage of all types of anesthesia used;

(d) Exact time the surgical procedure commenced; and

(e) Exact time the surgical procedure terminated.

None.

12. Are Defendants in possession of the complete set of medical records pertaining to all care and treatment by Defendants to Plaintiff's Decedent at any time?

**Please see DuBois Regional Medical Center's Answers to Interrogatories.**

13. If any additions, deletions or corrections were made to said records following the date of completion, please state:

(a) Date of any addition, deletion or correction;

(b) Name, address and telephone number and present whereabouts of the person who made same;

(c) Reason for any additions, deletion or corrections;

(d) Name, address and telephone number and present whereabouts of the person who authorized said additions, deletions or corrections;

(e) Place where said additions, deletions or correction was made; and

(f) State the nature of the said change(s).

To the best of Dr. Palmer's knowledge and belief, the answer is none.

14. If any physician had access to Plaintiff's Decedent's medical records following the date said records were completed, state:

(a) Name, address and telephone number and present whereabouts of said physician;

(b) Date he/she had access to said records;

(c) Reason the access to said records was necessitated; and

(d) Name, address, telephone number and present whereabouts of any of Defendant's employees present when said records were made available.

**Please see DuBois Regional Medical Center's Answers to Interrogatories.**

15. If x-rays were taken of Plaintiff's Decedent, for each such occasion an x-ray was taken, state:

(a) Date and place;

(b) Number of x-rays taken;

(c) Whether x-rays were taken by roentgenogram or fluoroscope;

(d) Each view taken;

(e) Name, address, telephone number, job title or capacity of the person who took the x-rays;

(f) Name, address, telephone number, job title or capacity and qualifications in radiology of the person who evaluated the x-ray;

(g) The interpretation made of each x-ray; and

(h) Name, address and telephone number of person who had custody of each x-ray.

**Please see the medical records.**

16. If any report was made of the x-ray, give name, address and telephone number of the person who has custody of each record or report.

**Please see the medical records.**

17. If x-ray plates or films were reviewed by any physician other than those referred to in previous interrogatories subsequent to the time of their initial reading, state:

(a) Date and place;

(b) Name, address, telephone number and job title or capacity of the person reviewing same; and



(c) Name, address, telephone number and present whereabouts of the person who authorized said review.

Please see the medical records.

18. If at the time of the occurrences complained of in this action, there was a policy of insurance covering you against claims arising out of malpractice for each policy state:

Yes.

(a) Name, address and telephone number of the insurer;  
Medical Inter-Insurance Exchange provided primary liability coverage on the date of the incident in question. Said policy was in full force and effect. The primary limits are \$300,000.00. The CAT Fund is responsible for the additional coverage up to \$1.2 million.  
(b) Number of the policy;

(c) Effective dates of the policy;

(d) Limits of liability in dollars; and

(e) Name, address and telephone number of the custodian of the policy.

19. To the extent you contend to the person or persons other than those employed by Defendants was/were responsible for Plaintiff's Decedent death, for each person state:

(a) Name, address, telephone number and job title;

(b) Facts upon which you base your contention that he or she was responsible for Plaintiff's Decedent's death.

Discovery is ongoing and pursuant to the allegations in the Complaint, others may be responsible for the decedent's death.

This will be fully answered at the time any information is available.

20. If any statements were obtained by you or on your behalf from any person concerning any matter relating to this action, for each statement, state:

(a) Name, address, telephone number and occupation of person who made it;

(b) Name, address, telephone number and occupation of person who obtained it;

and

(c) Whether written, sound recorded or oral, and if written or sound recorded, the name, address and telephone number of the person who has custody of it.

None.

21. Please attach any statements referred to in the preceding interrogatories to your answers to these interrogatories.

N/A

22. To the extent there is a person who has knowledge or information concerning this case, whose name and address is not listed in the preceding answers to interrogatories, for each such person state:

(a) Name, address and telephone number;

(b) Address of the place where he/she is employed; and

(c) His/her occupation and job title;  
Please see the medical records.

23. To the extent you believe that there are any errors, whether typographical or otherwise, contained within any medical records involved in the instant action, describe in detail the error which you believe exists, and what you believe the error should state  
Please see attached.

KATZ, COHEN & PRICE, P.C.

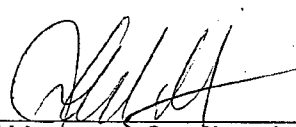


SAMUEL COHEN

Dated: 4/3/01

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE  
& SCHMITT



Attorneys for Named Defendant  
George Palmer, Jr., D.O.  
JOHN L. McINTYRE, ESQUIRE  
PA ID# 28015  
P.O. Box 533

23. There is an error on the emergency department records. The registration time states: "17:17". This is the time Dorothy M. Srock came for outpatient testing. The outpatient testing was ordered by Dr. Varacallo.


The actual time of presentation to the emergency room was 22:30 hours, approximately five plus hours after the tests ordered by Dr. Varacallo. To the best of answering Defendants knowledge and belief, there are no other errors in the chart, although if any are found, the same will be supplemented.

File # MIIX 093 MH

VERIFICATION

I, **George Palmer, Jr., D.O.**, do hereby verify that I have read the foregoing **DEFENDANT, GEROGE PALMER, JR., D.O.'S ANSWERS TO PLAINTIFF'S INTERROGATORIES**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

  
George Palmer, Jr., D.O.

Date: 5-15-01

LAW OFFICES

KATZ, COHEN & PRICE, P.C.

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

E-MAIL KCPATTORNEYS@AOL.COM

123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN  
MICHAEL G. PRICE\*  
\*PA AND NJ BAR

SAMUEL C. KATZ  
OF COUNSEL

September 14, 2001

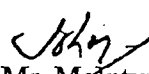
John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye, & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

Re: Kimberly M. Miller, et al

vs.

DuBois Regional Medical Center, et al

No.: 00-623-CD

  
Dear Mr. McIntyre:

In reviewing the answers of DuBois Regional Medical Center to Plaintiff's interrogatories, you do not indicate that she was a patient at DuBois Regional Medical Center on June 5, 1998 at approximately 5:17p.m. Is it your contention that she was not a patient at the hospital at that time? The records would appear to indicate otherwise.

If you determine after receiving this letter that your answer to interrogatory 6 is incomplete by virtue of the record of 5:17p.m. on June 5, 1998, please supplement your answers to interrogatories promptly.

With regard to interrogatory 7, I can not understand how same could require any kind of conclusion at all, either legal or medical. Is it your contention that at any given time you can not determine under whose service a patient is receiving treatment?

With regard to interrogatory 10, I would appreciate your responding same in the context of the approximately 5:17p.m. at approximately 10:30p.m. records of Ms. Srock. In light of the allegations in the complaint, certainly interrogatory 10(d) is not addressed by a simple reference to the records.

With regard to the response to request for production of documents, I note that there are no documents attached. Would you kindly advise us as to whether the copies of the records which were supplied by way of response to Defendants' request are full, complete and accurate.

I look forward to hearing from you with regard to each of the matters set forth herein.

Thank you for your anticipated cooperation.

Very truly yours,

  
SAMUEL COHEN

SC/law

EXHIBIT "6"

LAW OFFICES

KATZ, COHEN & PRICE, P.C.

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

E-MAIL KCPATTORNEYS@AOL.COM

123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN  
MICHAEL G. PRICE\*  
\*PA AND NJ BAR

SAMUEL C. KATZ  
OF COUNSEL

October 1, 2001

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye, & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

SECOND REQUEST

Re: Kimberly M. Miller, et al

vs.

DuBois Regional Medical Center, et al

No.: 00-623-CD

Dear Mr. McIntyre:

In reviewing the answers of DuBois Regional Medical Center to Plaintiff's interrogatories, you do not indicate that she was a patient at DuBois Regional Medical Center on June 5, 1998 at approximately 5:17p.m. Is it your contention that she was not a patient at the hospital at that time? The records would appear to indicate otherwise.

If you determine after receiving this letter that your answer to interrogatory 6 is incomplete by virtue of the record of 5:17p.m. on June 5, 1998, please supplement your answers to interrogatories promptly.

With regard to interrogatory 7, I can not understand how same could require any kind of conclusion at all, either legal or medical. Is it your contention that at any given time you can not determine under whose service a patient is receiving treatment?

With regard to interrogatory 10, I would appreciate your responding same in the context of the approximately 5:17p.m. at approximately 10:30p.m. records of Ms. Srock. In light of the allegations in the complaint, certainly interrogatory 10(d) is not addressed by a simple reference to the records.

With regard to the response to request for production of documents, I note that there are no documents attached. Would you kindly advise us as to whether the copies of the records which were supplied by way of response to Defendants' request are full, complete and accurate.

I look forward to hearing from you with regard to each of the matters set forth herein.

Thank you for your anticipated cooperation.

Very truly yours,

  
SAMUEL COHEN

SC/law

EXHIBIT "7"

LAW OFFICES

**KATZ, COHEN & PRICE, P.C.**

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

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123A WEST CLEMENTS BRIDGE ROAD

BARRINGTON, N.J. 08007

856-547-4201

FAX 856-547-1710

SAMUEL COHEN  
MICHAEL G. PRICE\*  
\*PA AND NJ BAR

SAMUEL C. KATZ  
OF COUNSEL

November 16, 2001

Marian Patchen Schleppy, Esquire  
Gaca Matis Baum & Rizza  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

Re: Kimberly M. Miller, Administratrix  
of the Estate of Dorothy Srock vs.  
DuBois Regional Medical Center, et al  
C.C.P., Clearfield County  
No.: 00-623-CD

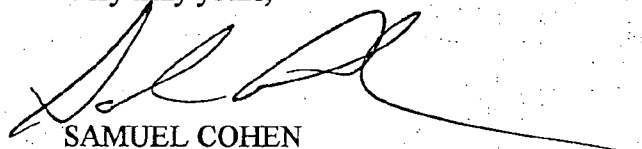
**SECOND REQUEST**

Dear Counsel:

Would you kindly advise us to the status of your responses to our discovery requests.

Thank you for your cooperation.

Very truly yours,

  
SAMUEL COHEN

SC/law

EXHIBIT "8"



LAW OFFICES

KATZ, COHEN & PRICE, P.C.

SUITE 2010

117 S. 17TH STREET

PHILADELPHIA, PA 19103

215-636-0400

FAX 215-636-0403

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856-547-4201

FAX 856-547-1710

SAMUEL COHEN

MICHAEL G. PRICE\*

\*PA AND NJ BAR

SAMUEL C. KATZ

OF COUNSEL

November 28, 2001

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas, Hartye, & Schmitt  
P. O. Box 533  
Hollidaysburg, PA 16648

Re: Kimberly M. Miller, et al

vs.

DuBois Regional Medical Center, et al

No.: 00-623-CD

Dear Mr. McIntyre:

I refer you to our previous correspondence dated September 14, 2001 and October 1, 2001. Subsequent to our October 1, 2001, you indicated that you would supply amended responses to our discovery request. You indicated that same would be forthcoming within two (2) weeks. It has now been approximately two (2) months and depositions are scheduled.

At this point, I must insist on full and complete responses within one (1) weeks or I shall have no alternative but to file an appropriate motion. It is my hope that same will not be necessary in view of our past cordial dealings.

Please give this matter your prompt attention.

Very truly yours,



SAMUEL COHEN

SC/law

EXHIBIT "9"

LAW OFFICES  
**McINTYRE, DUGAS, HARTYE & SCHMITT**

JOHN L. McINTYRE  
STEPHEN L. DUGAS  
FRANK J. HARTYE  
LOUIS C. SCHMITT, JR.  
HEATHER A. HARRINGTON  
MICHAEL A. SOSNOWSKI  
KAREN L. GRABILL

P. O. BOX 533  
HOLLIDAYSBURG, PA 16648-0533

(814) 696-3581  
FAX (814) 696-9399  
[www.mdhslaw.com](http://www.mdhslaw.com)

January 2, 2002

Our Reference: MIIX 093 MH

Samuel Cohen, Esquire  
KATZ, COHEN & PRICE, P.C.  
117 S. 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

Re: Kimberly M. Miller, Admx. of the Estate of Dorothy M. Srock,  
Indiv. and on behalf of the next of kin of Dorothy M. Srock vs.  
DuBois Regional Medical Center, George Palmer, Jr., D.O.,  
Reynoldsville Medical Center, PC and Albert L. Varacallo, MD  
No. 00 - 623 CD

Dear Mr. Cohen:

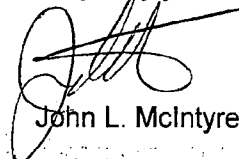
I am writing to inform you that DRMC will be filing Supplemental Answers to Plaintiff's Interrogatories #6, #7, and #10. These should be to you shortly.

In looking at the discovery which has been conducted to date, I note that I do not have plaintiff's Responses to the hospital's Request for Production of Documents. I am sure this was an oversight on your part. Would you please provide me with Responses and appropriate documents at your convenience.

I looked at the hospital's Response to plaintiff's Request for Production of Documents and there are no additional documents requested, which need to be produced.

If you have any questions or would like to discuss the above, please feel free to call. Thanks for your cooperation. Happy holidays to you and your family.

Very truly yours,



John L. McIntyre

JLM/eh

EXHIBIT "10"

FILED

MAY 13 2003

William A. Shaw  
Prothonotary

**KATZ, COHEN & PRICE, P.C.**  
**By: SAMUEL COHEN**  
**ATTORNEY I.D. NO.: 27544**  
**117 SOUTH 17th STREET**  
**SUITE 2010**  
**PHILADELPHIA, PA 19103**  
**(215) 636-0400**

**ATTORNEY FOR PLAINTIFF**

**KIMBERLY M. MILLER, Administratrix**  
**of the ESTATE OF DOROTHY SROCK**  
**Individually and on Behalf of the Next**  
**of Kin of DOROTHY SROCK**

**COURT OF COMMON PLEAS**

vs.

**CLEARFIELD COUNTY**

**DUBOIS REGIONAL MEDICAL CENTER:**  
**GEORGE PALMER, JR., D.O. and**  
**REYNOLDSVILLE MEDICAL CENTER**  
**P.C. and ALBERT L. VARACALLO, MD**

**NO.: 00-623-CD**

**ORDER**

AND NOW, this *13<sup>th</sup>* day of *May*, 2003 upon consideration of the within

Petition for consideration for approval of compromise settlement and apportionment of  
proceeds, it is hereby ORDERED and DECREED that the Petition is APPROVED;

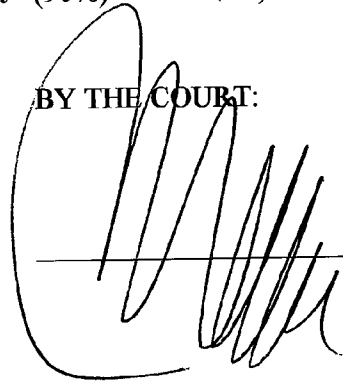
It is further ORDERED and DECREED, that distribution be made as follows:

To:	Katz, Cohen & Price, P.C. (reimbursement of costs)	\$2,942.03
To:	Katz, Cohen & Price, P.C. (counsel fee)	\$35,000.00

To: Survival Act - (10%) \$6,705.80

To: Wrongful Death Act - (90%) \$60,352.17

BY THE COURT:



J.

FILED

100

MAY 13 2003

William A. Shaw  
Prothonotary

Atty. N. Ignat  
for Atty. Cohen

FILED

MAY 13 2003

William A. Shaw  
Prothonotary

ATTORNEY FOR PLAINTIFF

KATZ, COHEN & PRICE, P.C.  
By: SAMUEL COHEN  
ATTORNEY I.D. NO.: 27544  
117 SOUTH 17th STREET  
SUITE 2010  
PHILADELPHIA, PA 19103  
(215) 636-0400

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY SROCK  
Individually and on Behalf of the Next  
of Kin of DOROTHY SROCK

vs.

DUBOIS REGIONAL MEDICAL CENTER:  
GEORGE PALMER, JR., D.O. and  
REYNOLDSVILLE MEDICAL CENTER  
P.C. and ALBERT L. VARACALLO, MD

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

NO.: 00-623-CD

**PETITION FOR APPROVAL OF COMPROMISE  
SETTLEMENT AND DISTRIBUTION OF PROCEEDS**

Pursuant to Rule 2206 of the Pennsylvania Rules of Civil Procedure, Plaintiff, Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock by her attorneys, Katz, Cohen and Price, P.C., respectfully petitions this Honorable Court for an Order approving the Compromise Settlement and Apportionment of Proceeds and in support thereof asserts the following:

1. The within matter was commenced by the filing of a Writ of Summons on May 25, 2000.

2. On August 7, 2000, an Amended Civil Action Complaint was filed which sets forth the pertinent facts. A true and correct copy of said Amended Civil Action Complaint is attached hereto and marked Exhibit 1.

3. At the time of her death, Ms. Srock was sixty-two (62) years of age.

4. At the time of the filing of the Complaint, Dorothy Srock had two (2) survivors, her mother and her daughter, however, her died during the pendency of this lawsuit

5. An offer has been made to settle the claims of the survivors and Estate of Dorothy Srock for the sum of \$105,000.00, with \$90,000.00 to be paid by Defendant Reynoldsville Medical Center and \$15,000.00 to be paid by Defendant Dubois Regional Medical Center.

6. All remaining Defendants have been dismissed voluntarily from the lawsuit.

7. In order to recognize the significant disparity in the amount of damages that would have been awarded under the Wrongful Death Claim as compared to those damages that would have been awarded under the Survival Claim, counsel for Plaintiff respectfully submits that the settlement be apportioned 90% under Wrongful Death Act and 10% under the Survival Act.

8. With respect to the Survival Claim, Plaintiff would have difficulty in attempting to prove pain and suffering for more than a period of several hours. Plaintiff lost no potential earnings as she had not worked for a considerable period of time before her death. The significantly larger part of this case would have fallen under the Wrongful Death Act for Mrs. Srock's adult daughter's non-pecuniary damages for the loss of her mother.

9. Counsel for Plaintiff believes that the proposed settlement and apportionment of proceeds is fair and reasonable. (See attached statement of counsel)

10. Administratrix Kimberly M. Miller, daughter of Dorothy Srock, deceased, concurs and believes that the proposed settlement and apportionment of proceeds is fair and reasonable. (See attached verification).

11. Pursuant to a written agreement between Plaintiff's and Counsel for Plaintiff, the law firm of Katz, Cohen & Price, P.C. has charged and Plaintiffs have agreed to pay a one-third (1/3) contingency fee.

12. The costs incurred to date for litigation for this matter, which Plaintiffs have agreed to reimburse counsel, are set forth below:

Register of Wills-Letters of Administration	\$38.00
Clearfield County Legal Journal- Advertising	\$32.00
The Clearfield Progress-Advertising	\$51.53
Summons- filing fee	\$80.00
Expert statement	\$412.59
Constable fees	\$145.00
Reimbursement-Travel Expenses-Deposition	\$374.79
Reimbursement-Travel Expenses-Deposition	\$359.43
Sargent's Court Reporting Service Inc.-Depositions 12/3/01	\$639.20
Reimbursement -Travel Expenses-Deposition	\$304.10
MLP Reporting, Inc., Depositions 5/22/02	\$461.79
436 Photostatic Copies	\$43.60
<b>TOTAL</b>	<b>\$2, 942.03</b>

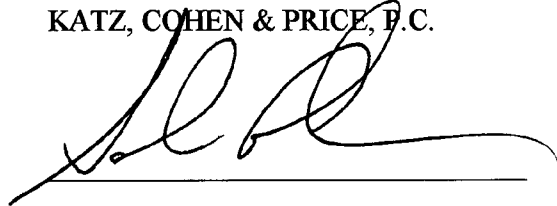
13. The beneficiary of Plaintiff's Decedent's Estate is her adult child, Kimberly Miller Administratrix of the Estate of Dorothy Srock.



WHEREFORE, Plaintiff respectfully request this Honorable Court to approve the proposed settlement and apportionment and enter an Order in the form attached hereto.

Respectfully submitted,

KATZ, COHEN & PRICE, P.C.

A handwritten signature in black ink, appearing to read 'S. Cohen', is written over a horizontal line.

SAMUEL COHEN

Dated: 4/23/03

**STATEMENT OF COUNSEL**

Samuel Cohen, Esquire of the law firm of Katz, Cohen & Price, P.C., being duly sworn according to law, hereby deposes and says that he is the attorney for the plaintiff herein and that the proposed settlement and distribution of proceeds as set forth herein is fair and reasonable.

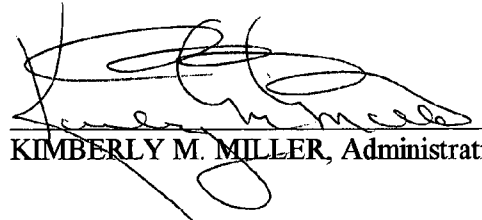
  
\_\_\_\_\_  
SAMUEL COHEN

Dated: 4/23/03

**VERIFICATION**

I, Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock deceased, state that I have read the foregoing Petition for Approval of Settlement; and that I hereby approve of the settlement and distribution and apportionment of the proceeds as set forth herein; and requests the Honorable Court to approve same.

Further, as Administratrix of the Estate, I approve of the fee and expenses of counsel as set forth herein, and requests this Honorable Court to hereby approve same for reimbursement to counsel.

  
KIMBERLY M. MILLER, Administratrix


Sworn to and subscribed  
before me this 6 day  
of May, 2003

  
\_\_\_\_\_  
Notary Public

Notarial Seal  
Nancy Collins, Notary Public  
Pike Twp., Clearfield County  
My Commission Expires Mar. 24, 2007  
Member, Pennsylvania Association of Notaries

**VERIFICATION**

I, Kimberly M. Miller, state that I am the Administratrix for the Estate of Dorothy Srock, deceased; that I am acquainted with the facts set forth in the foregoing Petition to Approve Settlement; that the facts contained therein are true and correct to the best of my knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

  
KIMBERLY M. MILLER

Dated: 5/6/03

Exhibit 1

THIS IS NOT AN ARBITRATION MATTER.  
JURY TRIAL DEMANDED  
AN ASSESSMENT OF DAMAGES HEARING WILL BE  
NECESSARY.  
RULE 238 DELAY DAMAGES DEMANDED

KATZ, COHEN & PRICE, P.C.  
By: SAMUEL COHEN  
ATTORNEY LD. NO.: 27544  
117 SOUTH 17th STREET  
SUITE 2010  
PHILADELPHIA, PA 19103  
(215) 636-0400

ATTORNEY FOR PLAINTIFF

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY SROCK  
Individually and on Behalf of the Next  
of Kin of DOROTHY SROCK

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

vs.

NO.: 00-623-CD

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR., D.O.  
REYNOLDSVILLE MEDICAL CENTER  
P.C. and ALBERT L. VARACALLO, MD

I hereby certify that the  
above stated copy of the original  
statement filed in this case.

AUG 17 2000

AMENDED  
CIVIL ACTION COMPLAINT

Attest:

*William L. Shaw*  
Prothonotary

COMES NOW, Plaintiff Kimberly M. Miller, as Administratrix of the Estate of  
Dorothy M. Srock, individually, and on behalf of the next of kin of Dorothy M. Srock, by her  
attorney Samuel Cohen and, Katz, Cohen & Price, P.C., and desiring to recover compensation  
as permitted by law due to the negligence, carelessness, recklessness and malpractice of  
Defendants avers in support thereof the following:

1. Plaintiff Kimberly M. Miller, is an adult individual who was duly appointed  
Administratrix of the Estate of Dorothy M. Srock by the Registrar of Wills of Clearfield

County and who is a citizen and resident of the Commonwealth of Pennsylvania residing at 511 South Main Street, DuBois, Clearfield County.

2. Defendant DuBois Regional Medical Center is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania having an office address at 100 Hospital Avenue, DuBois, PA 15801, Clearfield County.

3. Defendant George Palmer, Jr. is an adult individual who is licensed to practice medicine in the Commonwealth of Pennsylvania and who regularly conducts business at the DuBois Regional Medical Center, 100 Hospital Avenue, DuBois, PA 15801.

4. Defendant Reynoldsville Medical Center, P.C., is a professional corporation organized and existing under the laws of the Commonwealth of Pennsylvania having an office address at 5 North Third Street, Reynoldsville, PA 15851, Clearfield County.

5. Defendant Albert L. Varacallo is an adult individual who is licensed to practice medicine in the Commonwealth of Pennsylvania and who regularly conducts business at Reynoldsville Medical Center, 5 North Third Street, Reynoldsville, PA 15851, Clearfield County.

6. This action is brought against each Defendant under Pennsylvania Rules of Civil Procedure Section 2201 et seq. and 42 Pa. C.S.A. Section 8301 ("Wrongful Death Actions") and 42 Pa. C.S.A. Section 8302 ("Survival Actions").

7. Defendants DuBois Regional Medical Center and Reynoldsville Medical Center, P.C. (herein after the "corporate defendants") are corporations where patients were received and treated and did, for valuable consideration, provide medical care of patients.

8. Defendants George Palmer, Jr. and Albert L. Varacallo are individuals licensed to practice medicine in the Commonwealth of Pennsylvania and at all times relevant hereto held themselves out to the public as skilled and competent providers of medical care, who received and treated patients for valuable consideration.

9. Defendants at all times relevant hereto acted by and through their authorized agents, servants, workmen and/or employees, each of whom was acting within the course and scope of his/her agency and/or employment with said Defendants.

10. Additionally, each of the individual Defendants, also acted individually.

11. When used hereinafter the term "patient" shall refer to Dorothy M. Srock, deceased.

12. On or about June 5, 1998, Defendants, for a compensation which the "patient" agreed to pay, undertook the care of the "patient" and further agreed to perform all reasonable and necessary procedures, and to use due, reasonable and proper skills in rendering such care.

13. The "patient" came under the care of Defendants as a patient for the purpose of treatment and/or examinations by the individual defendants and by the doctors, nurses, staff and other agents, servants and employees of all of the Defendants.

14. The acts performed by the various nurses, doctors, attendants and technicians in the treatment and/or examination of the "patient" were done individually and/or in connection with their duties as agents and/or servants of Defendants, and said nurses, doctors, attendants and technicians were acting in and about the discharge of their respective duties individually and/or as agents and/or servants of Defendants on behalf of said Defendants and within the scope of their authority.

15. On the morning of June 5, 1998, the "patient" was not feeling well and attempted to schedule an appointment with Defendants Reynoldsville Medical Center and Albert L. Varacallo.

16. On or about the aforementioned date, an appointment was scheduled for the "patient" to be seen at 4:00p.m. at the offices of Defendants Albert L. Varacallo and Reynoldsville Medical Center.

17. On or about the aforementioned date, at or about 4:00p.m., Plaintiff was seen by an individual known as "Chip" who, upon information and belief, was the agent, servant, workman and/or employee of Defendant Albert L. Varacallo and Reynoldsville Medical Center, P.C.

18. At the time of the aforementioned appointment, "Chip" informed the "patient" that he believed her heart was fine and instructed her to go to the DuBois Regional Medical Center for some testing.

19. On or about June 5, 1998, shortly after 5:00p.m., the "patient" arrived at the DuBois Regional Medical Center, and went for various tests including, but not limited to blood tests, urinalysis, x-rays and an electrocardiogram.

20. At the time of her visit at approximately 5:00p.m. on June 5, 1998, Defendant George Palmer, Jr. was the Emergency Room Physician in charge of the "patient's" care.

21. At the conclusion of the various testing the "patient" was discharged from the hospital and then sent home.



22. During the course of the evening of June 5, 1998, the "patient" continued not to feel well.

23. At or about 10:00p.m. on June 5, 1998, Plaintiff contacted the physician on call at Defendant Reynoldsville Medical Center and was instructed to report to the Emergency Room of Defendant DuBois Regional Medical Center immediately.

24. The "patient" immediately reported to the Emergency Room of the DuBois Regional Medical Center and was admitted suffering inter alia, with cardiogenic shock, pulmonary edema and unstable angina.

25. At approximately 1:00a.m., the "patient" was life-flighted to West Penn Hospital where she subsequently died as a result of her heart problems.

26. The care and treatment rendered to the "patient" by Defendants was performed carelessly and negligently and, as a result, the "patient" was caused to suffer sever and serious injuries and damages which resulted in her death.

27. The injuries, losses, damages and death of the "patient" were caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants, Reynoldsville Medical Center and Albert L. Varacallo, M.D.

- a. Failing to recognize the "patient's" condition at the time of the examination;
- b. In luring the "patient" into a false sense of security concerning her medical condition;
- c. In failing to discover the true nature of the "patient's" condition;
- d. In failing to properly and promptly diagnose the "patient's" condition;

e. In failing to ascertain that the "patient" was suffering from heart problems at the time of the evaluation;

f. In failing to take proper tests to determine the "patient's" condition;

g. In failing to follow-up with the "patient" relative to her medical condition;

h. In failing to discover the true nature and extent of the "patient's" condition;

i. No act or failure to act on the part of the "patient" causing and contributed to the happening of her death which in nature and/or extent of her injuries which resulted in her death.

28. The injuries, losses, damages and death of the "patient" were also caused as the direct and proximate result of the carelessness, negligence and malpractice of Defendants Dubois Regional Medical Center and George Palmer, Jr. in any and all the following respects:

a. Failure to obtain a thorough medical evaluation.

b. Failure to perform a full, complete and proper physical examination.

c. Failure to obtain a proper history.

d. Failure to obtain information from family and friends.

e. Failure to properly and adequately diagnose the "patient's" heart condition.

f. Failure to recognize the "patient's" abnormal heart condition.

g. Failure to properly and promptly read the electrocardiogram which was taken shortly after 5:00p.m. on June 5, 1998.

h. Allowing the "patient" to leave the hospital after her initial visit on June 5, 1998.

i. Failure to take steps to minimize the "patient's" injuries as a result of the heart condition that was taking place at the time of her initial Emergency Room visit on June 5, 1998.

j. Depriving the "patient" of her opportunity to recover from the heart condition which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

k. Failing to take steps to remedy the heart condition which was taking place at the time of her initial Emergency Room visit on June 5, 1998.

l. Providing the "patient" with adequate, inaccurate and improper information at the time of her discharge, at the time of her initial Emergency Room visit on June 5, 1998.

m. Failing to immediately admit the "patient" to the hospital at the time of her Emergency Room visit on the afternoon of June 5, 1998;

n. Failing to properly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

o. Failing to promptly evaluate the various tests that were performed on the "patient" at the time of her initial visit to the Emergency Room on June 5, 1998.

p. Failing to enact or promulgate, or if enacted or promulgated, in failing to enforce sufficient rules and regulations relating to the treatment and care of patients with the heart condition of this "patient" as described above; and

q. Failing to provide adequate supervision of its staff to ensure the proper hospital practice and procedures were followed with regard to a patient having the heart condition of the "patient".

**COUNT I**  
**WRONGFUL DEATH**

29. Plaintiff hereby incorporates by reference the allegations set forth in paragraphs 1 through 28, inclusive, as fully as if the same were set forth at length herein at length.

30. This count is brought pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. Section 8301 and pursuant to Rule 2201 of the Pennsylvania Rules of Civil Procedure.

31. Plaintiff's decedent did not bring an action for personal injuries during her lifetime and no other action for the death of the decedent has been commenced against the Defendants herein.

32. Plaintiff's decedent, Dorothy Srock, was sixty-two (62) years of age at the time of her death and left surviving her the following persons entitled to recover damages for her death and on whose behalf this action is brought:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
Kimberly M. Miller	511 South Main Street, DuBois, PA 15801	Daughter
Grace Hilliard	1006 West Long Avenue, DuBois, PA 15801	Mother

33. By reason of the death of Plaintiff's decedent, her survivors have suffered pecuniary loss, including, but not limited to funeral expenses and medical bills.

34. As a further result of the death of Plaintiff's decedent, her survivors have suffered in the past and will, for an indefinite time into the future, suffer a loss of services she would have continued to provide, but for her premature death.

35. As a further result of the death of Plaintiff's decedent, her survivors have suffered the loss of support, guidance, society, comfort, services and/or care which decedent would have continued to provide to them in the future, but for her premature death.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor and against Defendants for a sum in excess of Twenty Thousand Dollars (\$20,000.00).

**COUNT II**  
**SURVIVAL ACTION**

36. Plaintiff hereby incorporates by reference the allegations set forth in paragraph 1 through 35, inclusive, as fully as if the same were set forth at length herein at length.

37. This count is brought pursuant to the Pennsylvania Survival Act 42 Pa. C.S.A. Section 8302 and 20 Pa. C.S.A. Section 3371

38. As a direct and proximate result of the negligence, carelessness, recklessness and other liability-producing conduct of the Defendants herein, individually, and/or severally, as set forth herein, Plaintiff's decedent suffered conscious pain, mental anguish and suffering and fear of impending death prior to her death.

39. Plaintiff claims, on behalf of his decedent's Estate, the pecuniary damages suffered by reason of the death of the decedent as well as for the physical pain and emotional pain and suffering suffered by his decedent.

40. Plaintiff also claims on behalf of his decedent's Estate the loss of earnings and/or earning capacity, occasioned by the death of decedent.

41. Plaintiff also claims on behalf of his decedent's Estate various other expenses, losses and damages for an indefinite time into the future.

WHEREFORE, Plaintiff prays this Honorable Court enter judgment in his favor for a sum in excess of Twenty Thousand Dollars (\$20,000.00).

KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN

Dated: 4/2/00

**VERIFICATION**

I, SAMUEL COHEN, verify that I am the attorney for Plaintiff, Kimberly M. Miller, Administratrix of the Estate of Dorothy Srock, individually and on Behalf of the Next of Kin named herein, and that the averments of fact set forth in the foregoing Amended Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.



SAMUEL COHEN

Dated: 8/7/00

FILED

Ad 1780  
MAR 13 2003

100

Atty. Milgrob  
for Atty. Cohen

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER,  
Administratrix of the Estate of  
DOROTHY M. SROCK, Individually  
and on Behalf of the Next of Kin of  
DOROTHY M. SROCK,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C., and ALBERT  
VARACALLO, M.D.,

Defendants.

CIVIL DIVISION

No. 00-623-CD

Code:

Issue No:

**NOTICE OF SERVICE OF  
ANSWERS TO  
INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS**

Filed on behalf of Reynoldsville  
Medical Center, P.C., and Albert  
Varacallo, M.D., Defendants

Counsel of Record for This Party:

Marian Patchen Schleppey, Esquire  
PA I.D. #72880

GACA MATIS BAUM & RIZZA  
Firm #983  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

(412) 338-4750

JURY TRIAL DEMANDED

**FILED**

MAR 18 2002

m/10.46/noc

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER,  
Administratrix of the Estate of  
DOROTHY M. SROCK, Individually  
and on Behalf of the Next of Kin of  
DOROTHY M. SROCK,

Plaintiff,

vs.

) CIVIL DIVISION  
)  
)  
) No. 00-623-CD  
)  
)  
)  
)  
)  
)

DUBOIS REGIONAL MEDICAL  
CENTER, GEORGE PALMER, JR.,  
D.O., REYNOLDSVILLE MEDICAL  
CENTER, P.C., and ALBERT  
VARACALLO, M.D.,

Defendants.

NOTICE OF SERVICE OF INTERROGATORIES

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Please take notice that on the 15th day of March, 2002, we served Reynoldsville Medical Center's Answers to Interrogatories, Albert L. Varacallo M.D.'s Answers to Interrogatories and Response to Request for Production of Documents upon Kimberly Miller's attorney, Samuel Cohen, Esquire .

GACA MATIS BAUM & RIZZA

By: 

Marian Patchen Schleppy, Esquire  
Attorneys for Reynoldsville Medical Center,  
P.C., and Albert Varacallo, M.D.,  
Defendants

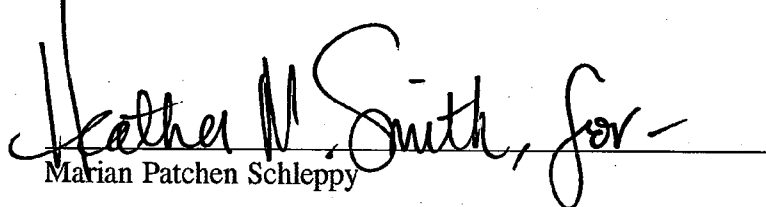
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing Notice of Service of Answers to Interrogatories and Request for Production of Documents upon all counsel of record by United States, First-class mail, postage prepaid, this 15 day of March, 2002.

Samuel Cohen, Esquire  
117 South 17<sup>th</sup> Street  
Suite 2010  
Philadelphia, PA 19103

John L. McIntyre, Esquire  
Pfaff, McIntyre, Dugas Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648  
814-696-3581/FAX 696-9399

GACA MATIS BAUM & RIZZA

  
Marian Patchen Schleppy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

KIMBERLY M. MILLER, Administratrix of \*  
the ESTATE OF DOROTHY SROCK INDIVIDUALLY  
and on behalf of the next of kin of \*  
DOROTHY SROCK \*

PLAINTIFF

VS

DEFENDENT

\* NO. 00-623-CD  
\*  
\*

DRMC GEORGE PALMER, JR. and REYNOLDS  
VILLE MEDICAL CENTER P.C. AND ALBERT  
L. VARACCALLO, MD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

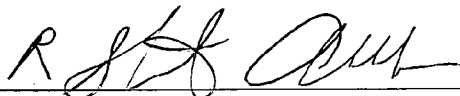
SS:

COUNTY OF CLEARFIELD

I, R. STUART AUBER, BEING FIRST DULY SWORN AND ACCORDING TO  
LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD  
AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE  
WITHIN ACTION.

2. THAT ON THE 16 DAY OF JULY, 2002, HE SERVED A  
TRUE AND CORRECT COPY OF A SUBPOENA UPON  
DR. JAY ASEELAN AMBROSE, AT HOSPITAL AVE. SUITE 113,  
IN THE CITY, BORO, VILLAGE OF DUBOIS, TOWNSHIP OF  
                    , COUNTY OF CLEARFIELD PENNSYLVANIA,  
BY THEN AND THERE AT THE PLACE AND TIME NOTED ABOVE,  
DELIVERED TO ROSE ANN SCHOEDEL RN A TRUE AND CORRECT  
COPY OF THE ABOVE STATED DOCUMENTS. TIME OF THIS SERVICE  
WAS AT 1320 HOURS.

  
R. STUART AUBER, CONSTABLE  
215 1/2 STATE STREET  
CURWENSVILLE, PA 16833  
(814) 236-1407

FILED

JUL 18 2002

William A. Shaw  
Prothonotary

FILED

013:0981  
JUL 18 2002

NR  
RET

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

Defendants

No. 00 – 623 CD

**ISSUE:**  
**PROPOSED ORDER OF COURT**

Filed on Behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and  
GEORGE PALMER, JR., D.O.

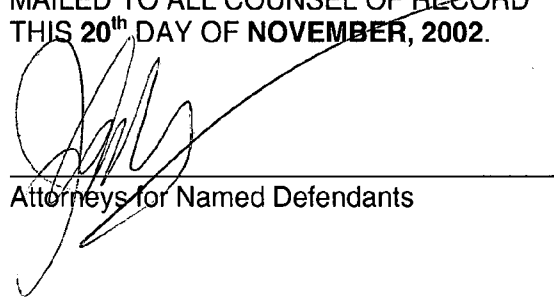
Attorney of Record for These Parties:

**JOHN L. McINTYRE, ESQUIRE**  
**PA I.D. #28015**

McINTYRE, DUGAS, HARTYE  
& SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 20<sup>th</sup> DAY OF NOVEMBER, 2002.

  
Attorneys for Named Defendants

**FILED**

NOV 22 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix : No. 00 – 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
Individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff :

vs. :

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

Defendants :

JURY TRIAL DEMANDED

**PROPOSED ORDER OF COURT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, pursuant to the  
Stipulation executed by all counsel, it is hereby ORDERED, JUDGED and DECREED  
that George Palmer, Jr., D.O. is hereby dismissed from the within litigation, with  
prejudice. The Prothonotary is directed to remove the name of George Palmer, Jr., D.O.  
from the caption of the within litigation.

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix : No. 00 - 623 CD  
of the ESTATE OF DOROTHY M. SROCK, :  
individually and on Behalf of the Next of :  
Kin of DOROTHY M. SROCK, :

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER, :  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
PC, and ALBERT L. VARACALLO, MD, :

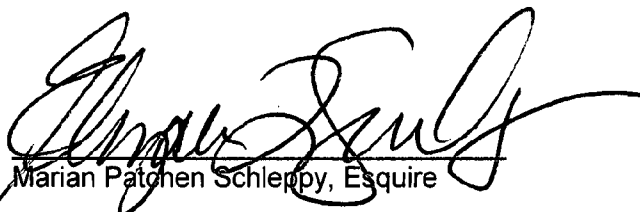
Defendants

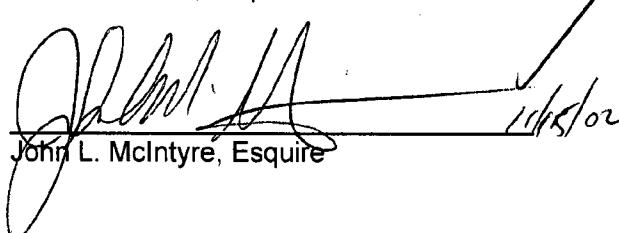
JURY TRIAL DEMANDED

**STIPULATION TO DISMISS GEORGE PALMER, JR., D.O.**

AND NOW, this \_\_\_\_\_ day of July 2002, it is hereby agreed amongst all  
counsel and their clients, that George Palmer, D.O. is hereby dismissed from the within  
litigation, with prejudice.

\_\_\_\_\_  
Samuel Cohen, Esquire

  
\_\_\_\_\_  
Marian Patchen Schleppey, Esquire

  
\_\_\_\_\_  
John L. McIntyre, Esquire

FILED

NOV 22 2002

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KIMBERLY M. MILLER, Administratrix  
of the ESTATE OF DOROTHY M. SROCK,  
Individually and on Behalf of the Next of  
Kin of DOROTHY M. SROCK,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,  
GEORGE PALMER, JR., D.O.,  
REYNOLDSVILLE MEDICAL CENTER,  
PC, and ALBERT L. VARACALLO, MD,

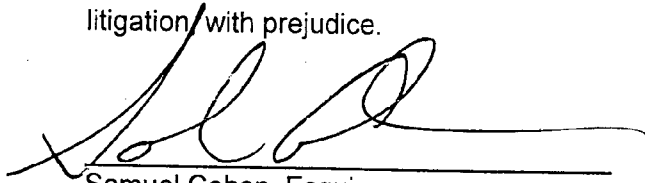
Defendants

No. 00 - 623 CD

JURY TRIAL DEMANDED

STIPULATION TO DISMISS GEORGE PALMER, JR., D.O.

AND NOW, this \_\_\_\_\_ day of July 2002, it is hereby agreed amongst all  
counsel and their clients, that George Palmer, D.O. is hereby dismissed from the within  
litigation with prejudice.

  
\_\_\_\_\_  
Samuel Cohen, Esquire

\_\_\_\_\_  
Marian Patchen Schleppey, Esquire

\_\_\_\_\_  
John L. McIntyre, Esquire

FILED NO CC  
10:00 AM  
NOV 22 2002  
EAS

William A. Shaw  
Prothonotary

CA  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

KIMBERLY M. MILLER, Administratrix :  
the ESTATE OF DOROTHY M. SROCK, :  
individually and on behalf of the Next of :  
Kin of DOROTHY M. SROCK :

-vs-

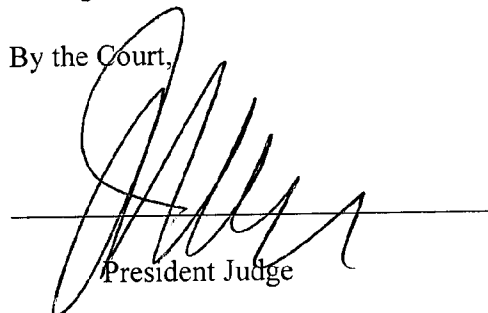
No. 00 - 623 - CD

DUBOIS REGIONAL MEDICAL CENTER:  
GEORGE PALMER, JR., D.O., :  
REYNOLDSVILLE MEDICAL CENTER, :  
P.C., and ALBERT L. VARACALLO, M.D.:

**ORDER**

NOW, this 22<sup>nd</sup> day of November, 2002, pursuant to the Stipulation executed by all counsel, it is hereby ORDERED that George Palmer, Jr., D.O. is hereby dismissed from the within litigation, with prejudice. The Prothonotary is directed to remove the name of George Palmer, Jr., D.O. from the caption of the within litigation.

By the Court,



President Judge

FILED

NOV 22 2002

William A. Shaw  
Prothonotary

see our  
instructions

FILED

9/3:53  
NOV 22 2007

William A. Shaw  
Prothonotary

2 CC Atty Cohen

2 CC Atty Schlepny

2 CC Atty McIntyre



CP

**IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA**

KIMBERLY M. MILLER,  
Administratrix of the Estate of  
DOROTHY M. SROCK, Individually  
and on Behalf of the Next of Kin of  
DOROTHY M. SROCK,

Plaintiff,

vs.

DuBOIS REGIONAL MEDICAL  
CENTER, REYNOLDSVILLE  
MEDICAL CENTER, P.C., and  
ALBERT VARACALLO, M.D.,

Defendants.

CIVIL DIVISION

No. 00-623-CD

Code:

Issue No.:

**STIPULATION TO DISMISS**

Filed on behalf of Reynoldsville Medical  
Center, P.C., and Albert Varacallo,  
M.D., Defendants

Counsel of Record for This Party:

Marian Patchen Schleppy, Esquire  
PA I.D. #72880

GACA MATIS BAUM & RIZZA  
Firm #983  
300 Four PPG Place  
Pittsburgh, PA 15222-5404

(412) 338-4750

JURY TRIAL DEMANDED

**FILED**

MAY 06 2003

William A. Shaw  
Prothonotary

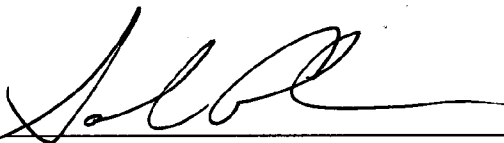
**IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA**

KIMBERLY M. MILLER,	)	CIVIL DIVISION
Administratrix of the Estate of	)	
DOROTHY M. SROCK, Individually	)	No. 00-623-CD
and on Behalf of the Next of Kin of	)	
DOROTHY M. SROCK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
DuBOIS REGIONAL MEDICAL	)	
CENTER, REYNOLDSVILLE	)	
MEDICAL CENTER, P.C., and	)	
ALBERT VARACALLO, M.D.,	)	
	)	
Defendants.	)	
	)	

**STIPULATION TO DISMISS**

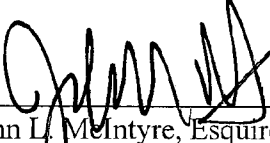
WE, the attorneys for the respective parties, do hereby stipulate that Albert L. Varacallo, M.D., be dismissed from this action with prejudice, without the payment of any money, and that the Prothonotary is directed to indicate the dismissal on the docket.

KATZ, COHEN & PRICE, P.C.

By   
\_\_\_\_\_  
Samuel Cohen, Esquire  
Attorneys for Kimberly M. Miller,  
Administratrix of the Estate of Dorothy  
M. Srock, Individually and on Behalf  
of the Next of Kin of Dorothy M. Srock,  
Plaintiff

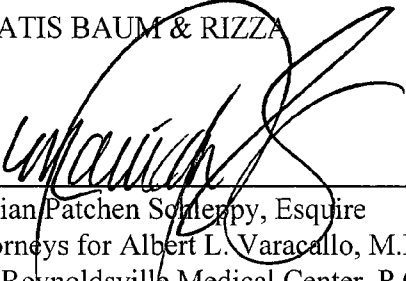
McINTYRE, DUGAS, HARTYE & SCHMITT

By

  
John L. McIntyre, Esquire  
Attorneys for DuBois Regional Medical,  
Defendant

GACA MATIS BAUM & RIZZA

By

  
Marian Patchen Sommerpy, Esquire  
Attorneys for Albert L. Varacallo, M.D.,  
and Reynoldsville Medical Center, P.C.,  
Defendants

FILED

MAY 10 10:53 AM  
MAY 08 2003

William A. Shaw  
Prothonotary

NO cc  
KPS



IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KIMBERLY M. MILLER,  
Administratrix of the Estate of  
DOROTHY M. SROCK, Individually  
and on Behalf of the Next of Kin of  
DOROTHY M. SROCK,

Plaintiff,

vs.

DuBOIS REGIONAL MEDICAL  
CENTER, REYNOLDSVILLE  
MEDICAL CENTER, P.C., and  
ALBERT VARACALLO, M.D.,

Defendants.

) CIVIL DIVISION

) No. 00-623-CD

FILED

MAY 13 2003

William A. Shaw  
Prothonotary

ORDER OF COURT

AND NOW, to wit, this 12<sup>th</sup> day of May, 2003, Albert L.

Varacallo, M.D., is hereby dismissed from this case with prejudice. The caption shall be amended to the following:

Kimberly M. Miller, Administratrix of the Estate of Dorothy M. Srock,  
Individually and on Behalf of the Next of Kin of Dorothy M. Srock,

Plaintiff,

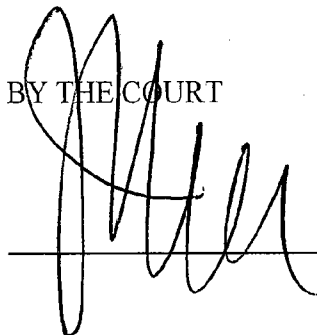
vs.

DuBois Regional Medical Center and Reynoldsville Medical Center, P.C.,

Defendants.

IT IS SO ORDERED.

BY THE COURT



J.

**FILED** 2cc Atty Milgrub  
010.4784  
MAY 13 2003  
for Atty Schupp  
William A. Shaw  
Prothonotary

KATZ, COHEN & PRICE, P.C.  
By: SAMUEL COHEN, ESQUIRE  
Attorney I.D. #27544  
117 S. 17th Street  
Suite 2010  
Philadelphia, Pa. 19103  
(215) 636-0400

Attorney for Plaintiff

KIMBERLY M. MILLER, Administratrix :  
of the ESTATE OF DOROTHY SROCK :  
Individually and on Behalf of the Next :  
of Kin of DOROTHY SROCK :

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

CIVIL DIVISION

VS.

DUBOIS REGIONAL MEDICAL CENTER:  
GEORGE PALMER, JR., D.O. and :  
REYNOLDSVILLE MEDICAL CENTER :  
P.C. and ALBERT L. VARACALLO, MD :

NO.: 00-623-CD

ORDER TO SETTLE, DISCONTINUE and END

TO THE PROTHONOTARY:

Kindly mark the captioned matter settled, discontinued and ended upon  
payment of your costs only.

  
SAMUEL COHEN, ESQUIRE  
Attorney for Plaintiff

**FILED**

JUL 30 2003

William A. Shaw  
Prothonotary

1

**FILED**

*secret file to  
copy below*  
IN JUL 30 2003

William A. Shaw  
Prothonotary

7. 5

**IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**Kimberly M. Miller  
Dorothy M. Srock**

**No. 2000-00623-CD**

**Vs.  
DuBois Regional Medical Center  
Reynoldsville Medical Center, PC**

**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 July 30, 2003, marked:

Settled, Discontinued and Ended.

Record costs in the sum of \$83.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of July A.D. 2003.

\_\_\_\_\_  
William A. Shaw, Prothonotary

CIVIL ACTION

DOCKET 282

SEPTEMBER 2000

William R.  
Strong, Esq.IN RE: CONDEMNATION OF REAL  
ESTATE OF GREENDOT, INC.SEPTEMBER 1, 2000, DECLARATION OF TAKING BY THE DUBOIS AREA SCHOOL  
DISTRICT, filed by William R. Strong, Esq.  
Three Certified Copies to Attorney ✓

SEPTEMBER 1, 2000, MEMORANDUM, filed. /s/William R. Strong, Esq. ✓

OCT. 05, 2000, CERTIFICATE OF SERVICE, NOTICE OF CONDEMNATION and the  
DECLARATION OF TAKING, UPON JOHN B. OGDENSHOCK, s/WILLIAM R. STRONG, ESQ. ✓OCTOBER 6, 2000, CONDEMNEE'S PRELIMINARY OBJECTIONS TO DECLARATION  
OF TAKING, filed by Atty. One Cert. to Atty. Stevenson ✓

00-1081-CD

OCTOBER 16, 2000, PRAECIPE TO ENTER APPEARANCE, filed by Atty.  
Stevenson ✓Kathryn J.  
Stevenson  
Atty. for  
Condemnee's  
(Green-Dot, INC)OCT. 30, 2000, CONDEMNOR'S ANSWER TO PRELIMINARY OBJECTIONS, filed  
by s/WILLIAM R. STRONG, ESQ. ✓  
VERIFICATION

Pro BY ATTY 80.00

OCT. 30, 2000, CERTIFICATE OF SERVICE, ANSWER UPON KATHRYN J.  
STEVENSON, ESQ.: s/WILLIAM R. STRONG, ESQ. ✓

PLEASE REFER TO COMPUTER  
FOR FURTHER ENTRIES

Printed by: IMS Limited Form 1411 E500008