

00-713-CD
FRANCELLA WEIDENBOERNER -vs- DUBOIS REGIONAL MEDICAL CENTER et al

Printed By: INR Limited- Form H-611 E0000984

Judd F.
Crosby

FRANCELIA WEIDENBOERNER

① JUNE 15, 2000, COMPLAINT IN CIVIL ACTION, filed by Judd F. Crosby, Attorney for the Plaintiff
Four Certified Copies to Sheriff

00-713-CD

② JUN 28, 2000, PRAECIPE FOR ENTRY OF APPEARANCE, filed. NO CC
Please enter our appearance on behalf of the Defendant, DENNIS SEAN PARLAVECCHIO, M.D., in the above matter.
We are authorized to accept service on his behalf.
s/JOHN W. BLASKO, ESQ.

③ CERTIFICATE OF SERVICE, filed.

John L.
Mc Intyre

DUBOIS REGIONAL MEDICAL

④ JUN 28, 2000, SHERIFF RETURN, COMPLAINT SERVED UPON DEFENDANTS: SO ANSWERS, CHESTER A. HAWKINS, SHERIFF by s/Marilyn Hamm

CENTER, a corporation,

⑤ JUL 03, 2000, PRAECIPE FOR APPEARANCE, filed by s/JOHN L. MCINTYRE, ESQUIRE NO C/C

* John W.
Blasko
+ Marian Patchen
+ Schleppey
+ Walter
Fredrick Wall

* DENNIS SEAN PARLAVECCHIO, MD,

⑥ JUL 03, 2000, AMENDED COMPLAINT, filed by s/JUDD F. CROSBY, ESQ. VERIFICATION, s/DENNIS WEIDENBOERNER
CERTIFICATE OF SERVICE, filed.

+ THOMAS JOSEPH BRADLEY, MD,

⑦ JUL 05, 2000, PRAECIPE FOR APPEARANCE, filed by s/MARIAN PATCHEN SCHLEPPY, ESQUIRE
CERTIFICATE OF SERVICE, filed.

and ANNE MATHEWS, MD

⑧ JUL 05, 2000, PRAECIPE FOR ENTRY OF APPEARANCE, filed by s/Walter Fredrick Wall, Esquire

Pro BY ATTY

80.00

⑨ JUL 10, 2000, PRELIMINARY OBJECTIONS OF THE DEFENDANT, DR. PARLAVECCHIO, filed by, s/ALLEN P. NEELY, ESQ.
CERTIFICATE OF SERVICE, filed.

Shff

By Atty

86.21

⑩ JUL 10, 2000, CERTIFICATE OF SERVICE, DEFENDANT DENNIS S. PARLAVECCHIO, M.D.'s INTERROGATORIES for ANSWER by PLAINTIFF, REQUEST for PRODUCTION SETS ONE and TWO and EXPERT INTERROGATORIES on all counsel of record or PARTIES: s/KAY ELLIOTT ZEIGLER, M.S.

⑪ JUL 26, 2000, CERTIFICATE OF SERVICE, INTERROGATORIES DIRECTED TO PLAINTIFF ON BEHALF OF DEFENDANT, ANNE MATHEWS, M.D.; UPON COUNSEL OF RECORD: filed by s/WALTER FREDRICK WALL, ESQUIRE

⑫ JULY 31, 2000, NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF, filed by /s/John McIntyre, Esq. NO CERT COPIES

⑬ AUG. 09, 2000, ANSWER AND NEW MATTER, filed by s/WALTER FREDRICK WALL, ESQUIRE
VERIFICATION, s/ANNE MATHEWS, M.D.
CERTIFICATE of SERVICE, filed.

⑭ AUG. 14, 2000, CERTIFICATE OF SERVICE, REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF on behalf of DEFENDANT, ANNE MATHEWS, M.D., upon COUNSEL OF RECORD: s/WALTER FREDRICK WALL, ESQ.

⑮ AUG. 16, 2000, ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT, filed by s/JOHN L. MCINTYRE, ESQ.
VERIFICATION, s/GREGORY VOLPE

⑯ SEP. 05, 2000, PRELIMINARY OBJECTIONS, filed by s/MARIAN PATCHEN SCHLEPPY, ESQ.
CERTIFICATE OF SERVICE, filed.

SEP. 07, 2000, PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT ANNE MATHEWS, M.D., filed by s/JUDD F. CROSBY, ESQ.

⑰ VERIFICATION, s/Dennis Weidenboerner
CERTIFICATE OF SERVICE, filed.

SEP. 07, 2000, PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT DUBOIS REGIONAL MEDICAL CENTER, filed by s/JUDD F. CROSBY, ESQ.

⑱ VERIFICATION, s/Dennis Weidenboerner
CERTIFICATE OF SERVICE, filed.

⑲ OCTOBER 13, 2000, ORDER, filed, Cert to Crosby, Neely, Schleppey & McIntyre
NOW, this 12th day of October, 2000, following arguments and briefs into P.O. filed on behalf of Defendant Bradley, it is the Order: (See Original Order) s/JKR, JR., P.J.

⑳ OCTOBER 13, 2000, ORDER, filed. Cert. to Crosby, Neely, Schleppey & McIntyre
NOW, this 12th day of October, 2000, following arguments and briefs into P.O. filed on behalf of Defendant Dennis Sean Parlavecchio, it is the ORDER: (See Original Order) s/JKR, JR., P.J.

PLEASE REFER TO COMPUTER

FOR FURTHER DETAILS

Date: 11/18/2002

Clearfield County Court of Common Pleas

User: DGREGG

Time: 09:16 AM

ROA Report

Page 2 of 2

Case: 2000-00713-CD

Current Judge: Fredric J. Ammerman

eidenboerner vs. DuBois Regional Medical Center, Dennis Sean Parlavechio MD, Thomas Joseph Bradley MD, Anne Mathews
Civil Other

Date		Judge
07/09/2002	✓ Order, NOW, this 26th day of June, 2002, in consideration of Defendants' Motion for Protective Order relating to the upcoming deposition, Order that during the deposition in question of Ray Graeca that either the daughter of the Plaintiff, Linda Ferraraccio, or her husband, Blaise Ferraraccio, Esq., be permitted to attend the deposition. During the deposition, the individual who is chosen to attend shall at all times remain silent other than speaking privately with counsel for the Plaintiff. All individuals involved shall conduct themselves in an appropriate and dignified fashion. BY THE COURT: /s/Fredric J. Ammerman, Judge Two CC Attorney Crosby, McIntyre, Blasko, Schleppey, and Wall	Fredric J. Ammerman
11/04/2002	✓ Motion To Compel Palintiff to Produce Expert Reports. filed by s/Mary Lou Maierhofer, Esqurie Certificate of Service no cc	Fredric J. Ammerman
11/06/2002	✓ ORDER OF COURT, NOW, this 6th day of Nov. 2002, re: PLAINTIFF to produce expert report against Dr. Mathews within 60 days from the date of the Court's Order. by the Court, s/FJA,J. 1 cc Atty Maierhofer	Fredric J. Ammerman
11/08/2002	✓ Filing: Certificate of Service of Order of Court dated Nov. 7, 2002. No cc.	Fredric J. Ammerman
11/13/2002	✓ Motion to Compel Plaintiff to Produce Expert Reports. filed by s/John L. McIntyre, Esq. no cc	Fredric J. Ammerman
11/15/2002	Plaintiff's Motion To Extend Time For Filing Preliminary Expert Report Regarding Defendant Mathews. filed by s/Judd F. Crosby, Esq. Praecipe For Argument s/Judd F. Crosby, Esq. Certificate of Service 1 cc to Atty Crosby	Fredric J. Ammerman
	✓ ORDER OF COURT, AND NOW, this 14th day of November, 2002, re: Plaintiff is to produce any and all expert reports against DuBois Regional Medical Center within 60 days, or suffer canctions, from the date of this Court's Order. by the Court, s/FJA,J. 2 cc Atty McIntyre	Fredric J. Ammerman

eldenboerner vs. DuBois Regional Medical Center, Dennis Sean Parlavechio MD, Thomas Joseph Bradley MD, Anne Mathews
Civil Other

Date		Judge
11/13/2000	✓ Please refer to docket book for entries prior to November, 2000.	No Judge
	✓ Response To Plaintiff's Request For Production of Documents. filed by s/Marian Patchen Schleppy, Esq. Cert. of Service	No Judge
	✓ Notice of Service of Interrogatories, filed by s/Marian Patchen Schleppy, Esq. Cert. of Service	No Judge
01/24/2001	✓ Praeipce, re: List Motion for argument list. Filed by s/Karen L. Grabill, Esq. no cc Copy to CA	No Judge
	Motion to Compel, filed by s/Karen L. Grabill, Esq. no cc	No Judge
01/26/2001	✓ Order, re: Argument on Atty Gragill's Motion to Compel scheduled for Mar. 22, 2001. By the Court, s/FJA,J. 4 cc atty McIntyre, w/letter to CA	No Judge
02/01/2001	✓ Affidavit of Service, Motion to Comple, upon Counsel of Record. s/John L. McIntyre, Esq. no cc	Fredric J. Ammerman
05/31/2001	✓ Plaintiff's Notice of Deposition of Defendant Thomas Joseph Bradley, M.D. filed by s/Judd F. Crosby, Esq. no cc Cert of Svc	Fredric J. Ammerman
06/12/2001	✓ Notice of Deposition of Linda Ferraraccio, filed by s/Mary Lou Maierhofer, Esq. No CC	Fredric J. Ammerman
	✓ Notice of Deposition of Blaise Ferraraccio, filed by s/Mary Lou Maierhofer, Esq. No CC	Fredric J. Ammerman
07/13/2001	✓ Second Notice of Deposition To Blaise Ferraraccio, filed by s/Mary Lou Maierhofer, Esq. No CC	Fredric J. Ammerman
	✓ Second Notice of Deposition To: Linda Ferraraccio, filed by s/Mary Lou Maierhofer, Esq. No CC	Fredric J. Ammerman
08/09/2001	✓ Answer with New Matter of Defendant, Dr. Parlavechio, filed by Atty. Neel No Cert. Copies	Fredric J. Ammerman
10/09/2001	✓ Third Notice of Deposition of Linda Ferraracio. Filed by s/Mary Lou Maierhofer, Esq. Cert of Svc no cc	Fredric J. Ammerman
10/10/2001	✓ Answer, on Behalf of Thomas J. Bradley, M.D., Defendant. Filed by s/Marian Patchen Schleppy, Esq. Verification, s/Thomas J. Bradley, M.D. Cert of Svc. no cc	Fredric J. Ammerman
10/17/2001	✓ Fourth Notice of Deposition of Linda Ferraraccio. Filed by s/Mary Lou Maierhofer, Esq. Cert of Svc no cc	Fredric J. Ammerman
12/07/2001	✓ Plaintiff's Motion to Compel Discovery. Filed by s/Judd F. Crosby, Esq. Cert of Svc 1 cc to Atty	Fredric J. Ammerman
	✓ Plaintiff's Praeipce For Argument. Filed by s/Judd F. Crosby, Esq. Cert of Svc 1 cc to Atty	Fredric J. Ammerman
12/11/2001	✓ ORDER, AND NOW, this 10th day of Dec. 2001, re: Argument on Plaintiff's Motion to Compel Discovery has been scheduled for Jan. 07, 2002, at 2:00 p.m. by the Court, s/FJA,J. 5 cc Atty Crosby	Fredric J. Ammerman
12/17/2001	✓ ORDER, AND NOW, this 14th day of Dec. 2001, re: Argument on Plaintiff's Motion to Compel Discovery rescheduled to Jan. 25, 2002, at 2:30 p.m. by the Court, s/FJA,J. 1 cc Atty McIntyre, Schleppy, Crosby, Neely, and Wall	Fredric J. Ammerman
01/23/2002	✓ Notice of Service of Answers to Plaintiff's Interrogatories and Request for Production of Records upon Judd F. Crosby, Esq. Filed by s/John L. McIntyre, Esq. no cc	Fredric J. Ammerman
05/06/2002	✓ Notice of Service of Supplemental Answers To Plaintiff's Discovery, Upon JUDD F. CROSBY, ESQ. Filed by s/John L. McIntyre, Esq. no cc	Fredric J. Ammerman
06/13/2002	✓ Motion For Protective Order. Filed by s/Heather A. Harrington, Esquire cc	Fredric J. Ammerman
06/18/2002	✓ RULE RETURNABLE, AND NOW, this 17th day of June, 2002, Issued upon Plaintiff, returnable on the 26th day of June, 2002, at 11:00 a.m. by the Court, s/FJA,J. 1 cc Atty Harrington	Fredric J. Ammerman

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(1)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

(39) FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

(119) DUBOIS REGIONAL MEDICAL CENTER,
a corporation; (24) DENNIS SEAN
PARLAVECCHIO, M.D.; (4) THOMAS
JOSEPH BRADLEY, M.D.; and (5) ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

JUN 15 2000

William A. Shaw
Prothonotary

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Mr. David Meholick
Court Administrator
1 North Second Street
Clearfield, PA 16830
814-765-2641 ext. 32

COMPLAINT

Francelia Weidenboerner, plaintiff, brings this civil action against DuBois Regional Medical Center, a corporation, defendant; Dennis Sean Parlavecchio, Thomas Joseph Bradley and Anne Mathews, defendants, to recover damages upon causes of action whereof the following are statements:

COUNT I

FRANCELIA WEIDENBOERNER
VS.
DUBOIS REGIONAL MEDICAL CENTER,
a corporation

1. Plaintiff Francelia Weidenboerner is an adult individual who resides in Clearfield County, Pennsylvania.

2. Defendant DuBois Regional Medical Center is a corporation organized under the laws of the Commonwealth of Pennsylvania and engages in the business of operating a hospital located on 100 Hospital Avenue in DuBois, Clearfield County, Pennsylvania.

3. Defendant Dennis Sean Parlavecchio is an adult individual who resides in Clearfield County, Pennsylvania, and who at all times relevant hereto was duly licensed to practice medicine by the Commonwealth of Pennsylvania and who held himself out to plaintiff and the public as a skillful physician in the area of family practice and who at all times relevant hereto was an agent and employee (and/or ostensibly) of defendant DuBois Regional Medical Center.

4. Defendant Thomas Joseph Bradley is an adult individual who resides in Clearfield County, Pennsylvania, and who at all times relevant hereto was duly licensed to practice medicine by the Commonwealth of Pennsylvania and who held himself out to plaintiff and the public as a skillful physician in the area of family practice and who at all times relevant hereto was an agent and employee (and/or ostensibly) of defendant DuBois Regional Medical Center.

5. Defendant Anne Mathews is an adult individual who resides in Clearfield County, Pennsylvania, and who at all times relevant hereto was duly licensed to practice medicine by the Commonwealth of Pennsylvania and who held herself out to plaintiff and to the public as a skillful physician in the area of rehabilitation medicine and who at all times relevant hereto was an agent and employee (and/or ostensibly) of defendant DuBois Regional Medical Center.

6. On or about July 16, 1998, plaintiff presented to the Emergency Room of defendant DuBois Regional Medical Center with lethargy, fever and a cough and was admitted to said defendant Center on that day under the care and direction of defendant Parlavecchio who was covering for defendant Bradley.

7. At said time defendant DuBois Regional Medical Center was operating said business through its staff, nurses, physicians and other employees acting within the course and scope of their authority and employment.

8. On and for a long time prior to July 16, 1998, plaintiff was maintained on anti-coagulant medication including Heparin and/or Coumadin. This medication was intended as stroke prophylaxis therapy.

9. Following plaintiff's admission to defendant hospital at approximately 11:30 P.M. on July 16, 1998, it was noted by nurse Kim Wanson at 1:00 A.M. on July 17, 1998, that plaintiff's current medications included Heparin, 5000 units subcutaneously once per day.

10. At approximately 7:30 A.M. on July 17, 1998, defendant Parlavecchio performed an evaluation, including a history and physical exam of plaintiff, which past medical history included reference to a cerebral infarction in June, 1997, known history of hypertension, atrial fibrillation and previous hospitalizations for TIA symptoms amongst other problems.

11. Said evaluation listed current medications but omitted any reference to Heparin or other anti-coagulant therapy.

12. Other evaluations of plaintiff by defendant doctors and/or other employees of defendant DuBois Regional Medical Center occurred as follows:

- a. Doctor Parlavecchio approximately 7:00 A.M. on July 18, 1998;
- b. Doctor Szumski at 9:00 A.M. on July 18, 1998;
- c. Doctor Parlavecchio on July 19, 1998;
- d. Defendant Bradley on July 20, 1998;
- e. Defendant Mathews at 5:40 P.M. on July 20, 1998;
- f. Defendant Bradley at 8:00 P.M. on July 20, 1998;
- g. Defendant Bradley on July 21, 1998;
- h. Defendant Bradley on July 22, 1998;
- i. Defendant Mathews at approximately 9:30 P.M. on July 22, 1998;
- j. Defendant Bradley on July 23, 1998;
- k. Defendant Mathews on July 23, 1998, upon admission to the rehabilitation unit of defendant DuBois Regional Medical Center at approximately 1:06 P.M. at which time the past medical history of atrial fibrillation is noted but no reference is made to past medication regimen.

13. At approximately 5:30 P.M. on July 24, 1998, plaintiff was found unresponsive sitting in a wheelchair by nurse Betty Hannold.

14. Various testing modalities were ordered including a STAT CT scan of plaintiff's head by defendant Mathews which was subsequently canceled and scratched from the chart by defendant Mathews.

15. On July 24, 1998, at approximately 5:45 o'clock defendant DuBois Regional Medical Center staff was informed by plaintiff's daughter that her mother prior to admission to the Center on July 16 had been under treatment with doses of blood thinner and expressed concern about the absence of said therapeutic modalities.

16. Finally, at 7:10 P.M. on July 24, 1998, defendant Bradley gave a verbal order to nurse Hannold to administer 7500 units of Heparin subcutaneously STAT and start a maintenance dose of Heparin 5000 units subcutaneously every 12 hours.

17. As a result of plaintiff's caregivers' failure to continue plaintiff on Heparin and/or other appropriate medication from the time of her admission to the hospital on July 16, 1998, up until July 24, 1998, plaintiff suffered serious and severe injuries including embolic events and infarction and numerous serious neurological deficits.

18. The injuries and damage hereinafter set forth were caused by, and were the direct and proximate result of the negligence and wantonness of defendant, DuBois Regional Medical Center, as aforesaid, in the following particulars:

- a. In discontinuing plaintiff's therapeutic Heparin treatment on admission to the hospital on July 16, 1998.
- b. In causing multiple ischemic injuries and embolic events to plaintiff.

- c. In failing to know and to notify the appropriate personnel that plaintiff had been on Heparin and was in need of ongoing stroke prophylaxis therapy.
- d. In failing to properly, adequately and timely discover the lack of plaintiff's ongoing need for stroke prophylaxis therapy.
- e. In failing to properly review plaintiff's earlier hospital admission from the Summer of 1997 and to make appropriate notes in the admission records of 1998.
- f. In failing to provide plaintiff with properly trained and qualified medical and rehabilitation doctors and nurses.
- g. In the nursing personnel failing to call to the attention of plaintiff's treating physicians her past medical and medication history.
- h. In failing to adopt policies and procedures requiring nursing personnel to notify plaintiff's treating physicians of past and current medication modalities.
- i. In permitting and allowing its physician employees and staff physicians to fail to prescribe the correct anti-coagulant medication for cerebrovascular accident prophylaxis in an individual with atrial fibrillation which caused and greatly increased the risk of harm to plaintiff.
- j. In failing to provide checks and balances, rules, policies and procedures to insure that a patient on admission who has been on anti-coagulant medication for cerebrovascular accident prophylaxis is continued on said therapy while a patient in the hospital.

19. Plaintiff sustained the following serious and severe injuries, some or all of which may be permanent in nature:

- a. Multiple ischemic injuries;
- b. Multiple embolic events;
- c. Multiple neurological deficits leaving plaintiff crippled and deformed;

- d. Shock and injuries to the nerves and nervous system;
- e. Internal injuries;
- f. Other serious and severe injuries.

20. As a result of the injuries aforesaid, plaintiff has been damaged as follows:

- a. She has suffered and will suffer great pain, inconvenience, embarrassment and mental anguish.
- b. She has been and will be required to expend large sums of money for medical attention, nursing services, hospitalization, medical supplies, medicines, physician services and other related services.
- c. Her earning power has been reduced and permanently impaired.
- d. She has been disfigured.
- e. Her general health, strength and vitality have been impaired.

WHEREFORE, plaintiff demands judgment against defendant DuBois Regional Medical Center in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT II

FRANCELIA WEIDENBOERNER
VS.
DEFENDANT DENNIS SEAN PARLAVECCHIO

21. The allegations set forth in paragraphs numbered 1 through 20 above are hereby incorporated herein by reference as though the same were set forth at length herein.

22. The injuries and damage herein above set forth were caused by, and were the direct and proximate result of the negligence and wantonness of defendant Dennis Sean Parlavecchio in the following particulars:

- a. In causing plaintiff to suffer embolic events.
- b. In failing to obtain an accurate past medical and medication history on plaintiff.
- c. In failing to review and appreciate plaintiff's prior medical history and medication history as contained in the medical records of defendant hospital.
- d. In failing to identify and appreciate plaintiff's high risk factors associated with atrial fibrillation and potential thromboembolic events.
- e. In failing to prescribe for plaintiff anti-hypertensive, anti-coagulant and other medications for cerebrovascular accident prophylaxis.
- f. In failing to diagnose, appreciate and treat the atrial fibrillation which had caused and increased the risk of harm to plaintiff.
- g. In discontinuing plaintiff's Heparin therapy on admission to defendant hospital under circumstances where he knew or should have known that plaintiff was at extremely high risk of embolic infarction without said therapy.
- h. In discontinuing plaintiff's Heparin therapy on admission to defendant hospital when no medical justification existed for such discontinuance.

WHEREFORE, plaintiff demands judgment of defendant Dennis Sean Parlavecchio in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT III

FRANCELIA WEIDENBOERNER
VS.
THOMAS JOSEPH BRADLEY

23. The allegations in paragraphs numbered 1 through 22 above are hereby incorporated herein by reference as though the same were fully set forth at length herein.

24. The injuries and damage herein above set forth were caused by, and were the direct and proximate result of the negligence and wantonness of defendant Thomas Joseph Bradley in the following particulars:

- a. In causing plaintiff to suffer multiple embolic events.
- b. In failing to obtain and to appreciate plaintiff's past medical and medication history.
- c. In knowingly disregarding plaintiff's prior medical history and medication history as contained in the medical records.
- d. In failing to identify, diagnose and appreciate plaintiff's high risk factors associated with atrial fibrillation and potential thromboembolic events.
- e. In failing to properly, accurately and timely inform the physician who would cover for him with regard to plaintiff of her prior medical and medication history.
- f. In failing to prescribe anti-hypertensive and anti-coagulant medications for cerebrovascular accident prophylaxis.
- g. In failing to diagnose, appreciate and treat the atrial fibrillation which had caused and increased the harm to plaintiff.

- h. In failing to timely, properly and adequately perform diagnostic studies after plaintiff displayed clinical manifestations of multiple cerebral infarctions.
- i. In knowingly allowing himself and others to discontinue plaintiff's medications for cerebrovascular accident prophylaxis.
- j. In failing to read and appreciate the significance of plaintiff's hospital chart of defendant hospital.

WHEREFORE, plaintiff demands judgment against defendant Thomas Joseph Bradley in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT IV

FRANCELIA WEIDENBOERNER
VS.
ANNE MATHEWS

25. The allegations set forth in paragraphs 1 through 24 above are hereby incorporated herein by reference as though the same were fully set forth at length herein.

26. The injuries and damage herein above set forth were caused by, and were the direct and proximate result of the negligence and wantonness of defendant Anne Mathews in the following particulars:

- a. In causing plaintiff to suffer multiple embolic events.

- b. In failing to obtain an accurate past medical and medication history on plaintiff.
- c. In failing to appreciate plaintiff's prior medical history as contained in the medical records available to defendant on a daily basis.
- d. In failing to identify and appreciate plaintiff's high risk factors associated with atrial fibrillation and potential thromboembolic events.
- e. In failing to continue to prescribe anti-hypertensive and anti-coagulant medications for cerebrovascular accident prophylaxis.
- f. In failing to appreciate, diagnose and treat the atrial fibrillation which had caused and increased the harm to plaintiff.
- g. In failing to diagnose and treat the manifestations of cerebrovascular accident on July 24, 1998, and otherwise.
- h. In failing to perform diagnostic studies on July 24, 1998, to identify the cerebrovascular accident.
- i. In failing to perform diagnostic and other studies on July 25, 1998, and thereafter after plaintiff displayed manifestations of multiple cerebral infarctions.
- j. In causing and allowing plaintiff's Heparin therapy to be discontinued when defendant knew or should have known that plaintiff was at extremely high risk for embolic infarction without said therapy.

WHEREFORE, Plaintiff demands judgment against defendant Anne Mathews in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

COUNT V

FRANCELIA WEIDENBOERNER
VS.
DUBOIS REGIONAL MEDICAL CENTER
DENNIS SEAN PARLAVECCHIO, M.D.
THOMAS JOSEPH BRADLEY, M.D.
ANNE MATHEWS, M.D.

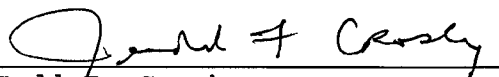
27. The allegations in paragraphs 1 through 26 above are hereby incorporated herein by reference as though the same were fully set forth at length herein.

28. The injuries and damage herein above set forth were caused by and were the direct and proximate result of the aforesaid negligence and wantonness of defendants DuBois Regional Medical Center, Dennis Sean Parlavecchio, Thomas Joseph Bradley and Anne Mathews, then and there concurring.

WHEREFORE, plaintiff demands judgment against defendants DuBois Regional Medical Center, Dennis Sean Parlavecchio, Thomas Joseph Bradley and Anne Mathews, in an amount in excess of \$25,000.00.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,


Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

VERIFICATION

I, Dennis Weidenboerner, per power of attorney of Francelia Weidenboerner, plaintiff herein, state that the averments of fact set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief.

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


Dennis Weidenboerner

Dated: 6-10-2000

FILED

For

JUN 15 2000

William A. Shaw

Prothonotary

10/3/35/4

Sherry

atty

pa \$80.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation, DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATTHEWS, M.D.,

Defendants.

No.: 00713-00

Type of Case: Civil Action

JURY TRIAL DEMANDED

Type of Pleading:
PRAECIPE FOR ENTRY OF
APPEARANCE

Filed on Behalf of Defendant
Dennis S. Parlavecchio M.D.

Counsel of Record for this
Party: JOHN W. BLASKO

Court I.D. No.: 06787

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

811 University Drive
State College, PA 16801
(814) 238-4926

Counsel of Record for
Adverse Party:
JUDD F. CROSBY

Dated: June 27, 2000

FILED

JUN 28 2000

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN PARLAVECCHIO,)
M.D., THOMAS JOSEPH BRADLEY, M.D.)
and ANNE MATTHEWS, M.D.,)

Defendants.)

NO. 00-713-CD

JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

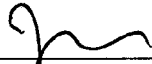
TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, DENNIS SEAN
PARLAVECCHIO, M.D., in the above matter.

We are authorized to accept service on his behalf.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By:



JOHN W. BLASKO
Attorneys for Defendant,
Dennis Sean Parlavecchio, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: June 27, 2000

JUDD F. CROSBY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WEIDENBOERNER, FRANCELIA

00-713-CB

FILED

VS

DUBOIS REGIONAL MEDICAL CENTER

JUN 22 2000

COMPLAINT

SHERIFF RETURNS

William A. Shaw
Prothonotary

ES

NOW JUNE 19, 2000 AT 1:23 PM DST SERVED THE WITHIN COMPLAINT ON DENNIS SEAN PARLAVECCHIO, M.D., DEFENDANT AT RESIDENCE 2061 GREEN GLENN DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARIE PARLAVECCHIO, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET

NOW JUNE 19, 2000 AT 11:45 AM DST SERVED THE WITHIN COMPLAINT ON DUBOIS REGIONAL MEDICAL CENTER, DEFENDANT AT EMPLOYMENT 100 HOSPITAL AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JUDITH J. STOTTISH, EX. SEC. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET

NOW JUNE 19, 2000 AT 11:50 AM DST SERVED THE WITHIN COMPLAINT ON ANNE MATHEWS, M.D., DEFENDANT AT EMPLOYMENT 145 HOSPITAL AVE., SUITE 300, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CONNIE PENDOLINO, SECRETARY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET

NOW JUNE 19, 2000 AT 12:57 PM DST SERVED THE WITHIN COMPLAINT ON THOMAS JOSEPH BRADLEY, M.D., DEFENDANT AT EMPLOYMENT PHOEBE REED TYLER BLDG., 701 MAPLE AVE, SUITE 1, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARGE SMITH, SECRETARY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET

46.21 SHFF. HAWKINS PAID BY: ATTY.
40.00 SURCHARGE PAID BY: ATTY.

SWORN TO BEFORE ME THIS

28th DAY OF June 2000
William A. Shaw

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

SO ANSWERS,

Chester A. Hawkins
My Marly Hawkins

CHESTER A. HAWKINS
SHERIFF

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
PRAECIPE FOR APPEARANCE

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

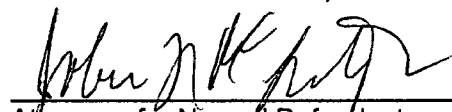
Attorney of Record for this Party:

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 29th DAY OF JUNE, 2000.


Attorneys for Named Defendant

FILED

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



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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

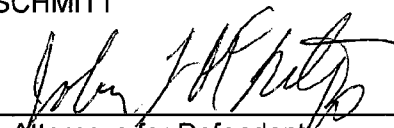
PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my Appearance as counsel of record for **Defendant, DUBOIS**

REGIONAL MEDICAL CENTER, in the above-captioned action.

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By 
Attorneys for Defendant
DUBOIS REGIONAL MEDICAL

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

AMENDED COMPLAINT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

JUL 03 2000

m/1:30 (m)
William A. Shaw
Prothonotary

NO C/C EMB

AMENDED COMPLAINT

AND NOW, comes the plaintiff by her counsel, Judd F. Crosby, and hereby files the following as to defendant, DuBois Regional Medical Center, to amend the Complaint:

2a. At all times relevant hereto, defendant, DuBois Regional Medical Center, was operating said business through its duly authorized servants, agents and employees acting within the course and scope of their said employment and authority. Said agents and servants include the nursing staff, emergency room physicians, administrators and other agents charged with those duties claimed to be violated as set forth in paragraph eighteen (18) below.

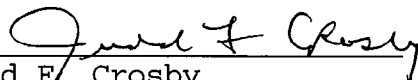
18. The injuries and damage hereinafter set forth were caused by, and were the direct and proximate result of the negligence and wantonness of defendant, DuBois Regional Medical Center, as aforesaid in paragraph 2a, in the following particulars:

Subparagraphs (a) - (j) remain unchanged.

All other allegations of the Complaint remain unchanged.

This Amended Complaint is filed with consent of John McIntyre, counsel for defendant DuBois Regional Medical Center.

Respectfully submitted,


Judd F. Crosby
Attorney for Plaintiffs

VERIFICATION

I, Dennis Weidenboerner, per power of attorney of Francelia Weidenboerner, plaintiff herein, state that the averments of fact set forth in the foregoing **Amended Complaint** are true and correct to the best of my knowledge, information and belief.

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

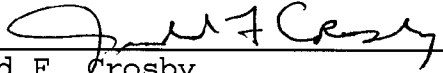

Dennis Weidenboerner

Dated: 6-28-2000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **Amended Complaint** were served this 30th day of June, 2000, by regular mail, postage prepaid, on the following counsel of record:

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



Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER; a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.
and ANNE MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code:

Issue No:

PRAECIPE FOR APPEARANCE

Filed on behalf of Thomas Joseph
Bradley, M.D., Defendant

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

JUL 05 2000
m 10:23 am
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 00-713-CD
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER; a corporation; DENNIS)	
SEAN PARLAVECCHIO, M.D.;)	
THOMAS JOSEPH BRADLEY, M.D.)	
and ANNE MATHEWS, M.D.,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

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

Kindly enter our appearance on behalf of Thomas Joseph Bradley, M.D., Defendant, in the above captioned case.

This case will be handled by Marian Patchen Schleppy, Esquire.

JURY TRIAL DEMANDED.

GACA MATIS BAUM & RIZZA

By: Marian Patchen Schleppy
Marian Patchen Schleppy, Esquire
Attorneys for Thomas Joseph Bradley,
M.D., Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing
Praeipie for Appearance upon all counsel of record by United States, First-class mail, postage
prepaid, this 3rd day of July, 2000.

Judd Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

GACA MATIS BAUM & RIZZA

Marian Patchen Schleppy
Marian Patchen Schleppy

WFW/cab/101432

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

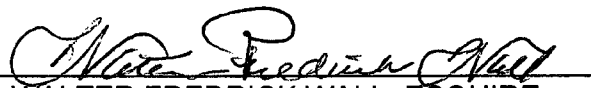
JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of WALTER FREDRICK WALL, ESQUIRE, of
MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC as Counsel of Record on
behalf of Defendant, ANNE MATHEWS, M.D., in the above-captioned matter.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, ANNE MATHEWS, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #23657

DATED: 7/3/00

FILED

JUL 05 2000

William A. Shaw
Prothonotary

A

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4. This Defendant raises Preliminary Objections pursuant to Pennsylvania Rule of Civil Procedure No. 1019(a). This Rule provides that the material facts upon which a cause of action is based shall be stated in a concise and summary form. In many respects, Plaintiff's Complaint does not comply with this rule.

5. The Plaintiff's allegations against Dr. Parlavecchio are set forth in the subparagraphs following paragraph 22. The objectionable subparagraphs are reproduced below, with the objectionable portion in bold, where appropriate:

"22. The injuries and damage herein above set forth were caused by, and were the direct and proximate result of the negligence and wantonness of defendant Dennis Sean Parlavecchio in the following particulars:

(Note: Paragraph 22 is not objected to, but is set forth above to provide context)

¹⁷
a. in **causing plaintiff to suffer embolic events.**

¹⁸
e in failing to prescribe for plaintiff anti-hypertensive, anti-coagulant, **and other medications** for cerebrovascular accident prophylaxis.

f. In failing to diagnose, appreciate **and treat** the atrial fibrillation which had caused and increased the risk of harm to plaintiff. ¹⁹

6. These allegations are so general that they could be applied to virtually any medical malpractice case.

7. Subparagraph (a) avers that Dr. Parlevecchio was negligent in causing Plaintiff to suffer embolic events. It is the Plaintiff's obligation under the Rules of Civil Procedure to specify the manner in which the Defendant allegedly caused harm to the patient. As phrased, based upon this averment, the Plaintiff could later construct virtually any argument which is even vaguely within the realm of medical malpractice.

8. At subparagraph (e), it is alleged that Dr. Parlevecchio was negligent for failing to prescribe anti-hypertensives, anti-coagulants, "and other medications." The defense is entitled to

be specifically apprized of the type of medications which Plaintiff claim to have been required. The phrase "and other medications" renders this subparagraph completely open-ended.

9. Finally, subparagraph (f) generically refers to a failure to "diagnose, appreciate and treat" the patient's condition.. This phrase could later serve as a basis for amplification of the Complaint to support any conceivable theory in a medical negligence case. Plaintiff should be required to state the type of treatment which was required and/or the manner in which Dr. Parlevocchio failed to adequately treat the patient.

10. The paragraphs and subparagraphs discussed above fail to conform to Pa.R.C.P. 1019(a), as well as the principle enunciated in Connor v. Allegheny General Hospital, 501 Pa. 306, 461 A.2d 600 (1983).

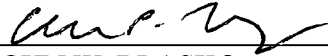
11. Because the challenged paragraphs fail to sufficiently apprise this Defendant of the tortious conduct which Plaintiffs assert, the Defendant is unable to appropriately respond or adequately prepare a defense to such allegations.

12. The foregoing factual deficiencies of the challenged allegations are prejudicial to the Defendant inasmuch as his inability to prepare a defense to these allegations may result in waiver of various defenses and objections pursuant to Pa.R.C.P. 1032.

WHEREFORE, the Defendant, Dennis Parlevocchio, M.D., respectfully requests that the within Motion to Strike / Motion for a More Specific Pleading be granted, and that subparagraphs 22 (a), (e), and (f) of Plaintiff's Complaint be stricken, or in the alternative, that Plaintiff be required to re-plead same in order to set forth a sufficient factual basis.

Respectfully Submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
ALLEN P. NEELY
Attorneys for Defendant,
Dennis Sean Parlavecchio, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: 7-7-06

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

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, DENNIS SEAN :
PARLEVECCHIO, M.D., THOMAS JOSEPH :
BRADLEY, M.D., and ANNE MATHEWS, M.D. :

Defendants.

No: 00-713-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant Dennis Sean Parlevecchio, M.D.'s
Preliminary Objections to Plaintiff's Complaint in the above-captioned matter was mailed by regular
mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 7th day of July, 2000 to
the attorney(s) of record:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

Walter F. Wall, Esquire
120 Lakemont Park Boulevard
Altoona, PA 16602

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

Allen P. Neely
Attorneys for Defendant
DENNIS SEAN PARLEVECCHIO, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

JUL 10 2011
12:07 PM
William A. Shaw
Prothonotary

WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	)	No.: 00-713-CD
)	
	)	Type of Case: Civil Action
Plaintiff,)	
	)	JURY TRIAL DEMANDED
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER, a corporation, DENNIS)	
SEAN PARLAVECCHIO, M.D.,)	
THOMAS JOSEPH BRADLEY, M.D.,)	
and ANNE MATTHEWS, M.D.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

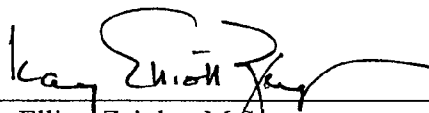
I, Kay Elliott Zeigler, a paralegal for McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., certify that I this 7th day of July, 2000, served true and correct copies of Defendant Dennis S. Parlavecchio, M.D.'s Interrogatories for Answer by Plaintiff, Request for Production Sets One and Two and Expert Interrogatories on all counsel of record or parties of interest by depositing same in the US Mail, postage prepaid, at the Post Office, State College, PA, and addressed as follows:

Judd F. Crosby, Esq.
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

Walter F. Wall, Esq.
120 Lakemont Park Boulevard
Altoona, PA 16602

FILED

JUL 10 2000
11:46 pm
William A. Shaw
Prothonotary


Kay Elliott Zeigler, M.S.
RN-Senior Paralegal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	JURY TRIAL DEMANDED
and ANNE MATHEWS, M.D.	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, WALTER F. WALL, ESQUIRE, of the Law Firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, hereby certify that on the 25th day of July, 2000, a true and correct copy of the Interrogatories Directed to Plaintiff on behalf of Defendant, Anne Mathews, M.D., was served upon Counsel for Plaintiff, with a copy to all Counsel of Record by U.S. Mail, postage prepaid, addressed as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

John W. Blasko, Esquire
811 University Drive
State College, PA 16801

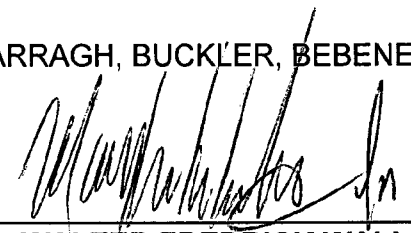
John L. McIntyre, Esquire
P. O. Box 533
Hollidaysburg PA 16648

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

FILED

JUL 26 2000

William A. Shaw
Prothonotary

BY:  6/21/00
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #23657

FILED

JUL 26 2000

MA 132/MCC

William A. Shaw
Prothonotary



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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 28th DAY OF JULY, 2000.

Attorneys for Named Defendant

FILED

JUL 31 2000

William A. Shaw
Prothonotary

FRANCELIA WEIDENBOERNER,
Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, a
corporation; DENNIS SEAN PARLAVECCHIO,
M.D.; THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.,
Defendants.

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

No. 00-713 CD

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

TO: WILLIAM SHAW, PROTHONOTARY

You are hereby notified that on the **28th** day of **JULY, 2000**, Defendant, DUBOIS REGIONAL MEDICAL CENTER, served Interrogatories and Request for Production of Documents on the Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT


Attorneys for Defendant
DUBOIS REGIONAL MEDICAL CENTER

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

15.1

FILED

JUL 31 2000

W
m/11/2000
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

JURY TRIAL DEMANDED

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

FILED


AUG 09 2000

William A. Shaw
Prothonotary

NOTICE TO PLEAD

In Accordance with Rules 1026 and 1361 of the Pennsylvania Rules of Civil Procedure, you are hereby notified to plead to the within ANSWER AND NEW MATTER within twenty (20) days from service hereof or a Default Judgment may be entered against you.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, ANNE MATHEWS, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #23657

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	JURY TRIAL DEMANDED
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	
and ANNE MATHEWS, M.D.	:	
Defendants	:	

ANSWER AND NEW MATTER

NOW COMES the Defendant, Anne Mathews, M.D., by and through her counsel,
MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and files the within
Answer and New Matter to Plaintiff's Complaint of which the following is a statement.

COUNT I

FRANCELIA WEIDENBOERNER
VS.
DUBOIS REGIONAL MEDICAL CENTER,
a corporation

1. The identity of the Plaintiff is admitted. The remaining allegations are denied
in that after reasonable investigation this Defendant lacks information sufficient upon which
to form an opinion in regard to the truth of the same. Strict proof of same is demanded at
the time of trial.

2.-4. Neither admitted nor denied in that said allegations are directed to parties

other than this answering Defendant.

5. It is specifically denied this Defendant was an agent and/or employee ostensibly or otherwise of Defendant, DuBois Regional Medical Center. It is averred that this Defendant was an independent professional who maintains an office in DuBois and employed by Liberty Physical Medicine & Rehabilitation Associates, P.C. The remaining allegations are admitted.

6. It is admitted that Plaintiff presented to the emergency room at Defendant, DuBois Regional Medical Center on or about July 16, 1998, and thereafter was admitted. It is further admitted that Plaintiff showed signs of lethargy fever and a cough. It is averred that Plaintiff was showing other symptoms as well, as now fully set forth in the Plaintiff's medical records. It is admitted that on the date and time of admission, pursuant to the medical records, Plaintiff was admitted under the direction of Defendant Parlavecchio who was covering for Defendant Bradley.

7. Neither admitted nor denied in that said allegations are directed to a party other than this answering Defendant. If such an answer is required from this Defendant, denied as conclusions of law. Strict proof of same is demanded at the time of trial.

8. Denied and on the contrary, it is averred that subsequent to the Plaintiff's release from Defendant, DuBois Regional Medical Center's facility in June of 1997, Plaintiff had appeared to have been prescribed said medications at different times. It is specifically denied this Defendant had any knowledge as to why the medication was prescribed or whether it was intended as a stroke prophylaxis therapy as this Defendant was not involved with the treatment and/or medication of the Plaintiff at that time.

9.-11. To the extent the records reflect the same, admitted. To the extent that the records do not reflect such, denied.

12. Denied as conclusions of law. It is averred that this Defendant was an independent professional under the facts and circumstances set forth in Plaintiff's Complaint. By way of further response, admitted or denied for reasons set forth below, all of which is incorporated herein as if fully set forth at length.

- a.-d. To the extent the records reflect the same, admitted. To the extent that the records do not reflect such, denied.
- e. Admitted. By way of further response, it is averred information was provided not only from the record but also from Plaintiff's daughter, Linda Ferraraccio.
- f.-h. To the extent the records reflect the same, admitted. To the extent that the records do not reflect such, denied.
- i. Admitted.
- j. To the extent the records reflect the same, admitted. To the extent that the records do not reflect such, denied.
- k. Denied as stated. It is averred that this Defendant saw Plaintiff earlier than 1:06 p.m. on July 23, 1998, however, that time reflects when the admissions note was dictated. It is averred upon admission at the rehabilitation unit this Defendant reviewed the Plaintiff's treatment and condition. It is admitted that in the admission's note, a history of atrial fibrillation is noted and no reference is made to past medication regimen, however, same was provided pursuant to the physician's order sheet and progress records of which Defendant had available to her at that time.

13. Denied as stated. It is averred Plaintiff was found unresponsive in her

wheelchair at or about 5:00 p.m. on July 24, 1998. As to the individual who found Plaintiff, to the extent the records reflect the same, admitted. To the extent the records do not reflect the same, denied.

14. Admitted. By way of further response, it is averred after Plaintiff became responsive, Defendant Mathews examined the Plaintiff and suspected a cardiac event, thereby, canceled the CT Scan but continued with the remaining testing modalities.

15. Denied in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

16. To the extent the records reflect the same, admitted. To the extent the records do not reflect such allegations, denied.

17. All allegations of injuries and/or damages are denied in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial. By way of further response, it is specifically denied that the Plaintiff suffered any embolic event and/or infarction and/or any other serious neurological deficits at the time of Plaintiff's treatment by this Defendant from July 20, 1998, up to and including her discharge.

18.a.-j. Neither admitted nor denied in that said allegations are directed to a party other than this answering Defendant.

19. All allegations of injuries and/or damages are denied in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

a.-f. Denied for reasons set forth above, all of which are incorporated herein by reference thereto as if the same were set forth at length.

20. All allegations of injuries and/or damages are denied in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

a.-e. Denied for reasons set forth above, all of which are incorporated herein by reference thereto as if the same were set forth at length.

WHEREFORE, Defendant, Anne Mathews, M.D., prays that Plaintiff's Complaint be dismissed with prejudice.

COUNT II

**FRANCELIA WEIDENBOERNER
VS.
DEFENDANT DENNIS SEAN PARLAVECCHIO**

21. The allegations set forth above are incorporated herein by reference thereto as if the same were set forth at length.

22.a.-h. Neither admitted nor denied in that said allegations are directed to a party other than this answering Defendant.

WHEREFORE, Defendant, Anne Mathews, M.D., prays that Plaintiff's Complaint be dismissed with prejudice.

COUNT III

**FRANCELIA WEIDENBOERNER
VS.
THOMAS JOSEPH BRADLEY**

23.a.-j. The allegations set forth above are incorporated herein by reference thereto as if the same were set forth at length.

24. Neither admitted nor denied in that said allegations are directed to a party other than this answering Defendant.

WHEREFORE, Defendant, Anne Mathews, M.D., prays that Plaintiff's Complaint be dismissed with prejudice.

COUNT IV

**FRANCELIA WEIDENBOERNER
VS.
ANNE MATHEWS**

25. The allegations set forth above are incorporated herein by reference thereto as if the same were set forth at length.

26. All allegations of cause, cause and effect and/or proximate cause as well as negligence and/or wantonness are denied as conclusions of law. All allegations of injuries and/or damages are denied in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

- a. It is specifically denied that Plaintiff suffered multiple embolic events under the facts and circumstances set forth in Plaintiff's Complaint. Strict proof of same is demanded at the time of trial.

- b. Denied and on the contrary, it is averred this Defendant obtained an accurate past medical and medication history on the Plaintiff under the facts and circumstances set forth in Plaintiff's Complaint.
- c. Denied and on the contrary, it is averred this Defendant appreciated the Plaintiff's prior medical history as contained in the medical records available to Defendant on a daily basis under the facts and circumstances set forth in Plaintiff's Complaint.
- d. Denied and on the contrary, it is averred this Defendant identified and appreciated Plaintiff's high risk factors associated with atrial fibrillation and potential thromboembolic events under the facts and circumstances set forth in Plaintiff's Complaint.
- e. Denied and on the contrary, it is averred that this Defendant at all times provided treatment and medication to the Plaintiff within the proper standard care under the facts and circumstances then and there existing.
- f. Denied and on the contrary, it is averred that this Defendant at all times provided treatment to the Plaintiff within the proper standard of care under the facts and circumstances then and there existing.
- g. Denied and on the contrary, it is averred that this Defendant at all times provided treatment to the Plaintiff within the proper standard of care under the facts and circumstances then and there existing. By way of further response, it is specifically denied that the Plaintiff sustained manifestations of a cerebrovascular accident on July 24, 1998, under the facts and circumstances set forth in Plaintiff's Amended Complaint.
- h. Denied and on the contrary, it is averred that this Defendant at all times provided treatment to the Plaintiff within the proper standard of care under the facts and circumstances then and there existing. By way of further response, it is specifically denied that the

Plaintiff sustained manifestations of a cerebrovascular accident on July 24, 1998, under the facts and circumstances set forth in Plaintiff's Amended Complaint.

- i. Denied and on the contrary, it is averred that this Defendant properly treated the Plaintiff within the proper standard of care under the facts and circumstances then and there existing. By way of further response, it is averred that this Defendant did not treat the Plaintiff on July 25, 1998, as she was not on call. By way of further response, denied for reasons set forth above, all of which are incorporated herein as if fully set forth at length.
- j. Denied and on the contrary, it is averred that this Defendant at all times provided medical treatment to the Plaintiff within the proper standard of care under the facts and circumstances then and there existing. It is specifically denied this Defendant caused and/or allowed Plaintiff's Heparin therapy to be discontinued and/or that the Plaintiff was at an extremely high risk for embolic infarction without said therapy under the facts and circumstances set forth in Plaintiff's Complaint. By way of further response, denied for reasons set forth above, all of which are incorporated herein as if fully set forth at length.

WHEREFORE, Defendant, Anne Mathews, M.D., prays that Plaintiff's Complaint be dismissed with prejudice.

COUNT V

FRANCELIA WEIDENBOERNER

VS.

DUBOIS REGIONAL MEDICAL CENTER

DENNIS SEAN PARLAVECCHIO, M.D.

THOMAS JOSEPH BRADLEY, M.D.

ANNE MATHEWS, M.D.

27. The allegations set forth above are incorporated herein by reference thereto as if the same were set forth at length.

28. All allegations of cause, cause and effect and/or proximate cause as well as negligence and/or wantonness are denied as conclusions of law. All allegations of injuries and/or damages are denied in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. Strict proof of same is demanded at the time of trial.

WHEREFORE, Defendant, Anne Mathews, M.D., prays that Plaintiff's Complaint be dismissed with prejudice.

NEW MATTER

29. Plaintiff's cause of action is barred in that the injuries allegedly sustained by the Plaintiff were the result of superceding, intervening events over which the Defendant had no control.

30. To the extent Plaintiff proves a right of recovery, liability for the same is the result of actions and/or inactions by others whom this Defendant had neither the ability to control nor sought control.

31. Plaintiff's injuries were the result of preexisting conditions over which the Defendant had no ability to control.

32. Plaintiff's cause of action is barred under the Comparative Negligence Act in that any injuries and/or damages suffered by the Plaintiff are the direct, sole and proximate result of Plaintiff's negligence.

33. Plaintiff's cause of action is barred under the appropriate statute of limitations.

WHEREFORE, Defendant, Anne Mathews, M.D., prays that Plaintiff's Complaint be

dismissed with prejudice.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:

A handwritten signature in cursive script, appearing to read "Walter Fredrick Wall", written over a horizontal line.

WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, ANNE MATHEWS, M.D.

120 Lakemont Park Boulevard

Altoona, PA 16602

(814) 941-4600

I.D. #23657

VERIFICATION

I, Anne Mathews, M.D., do hereby verify that I have read the foregoing **Answer and New Matter**. The statements therein are true and correct to the best of my knowledge as to part, and based upon information and belief as to the rest.

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



Anne Mathews, M.D.

DATE: 8/4/10
2:45PM

CERTIFICATE OF SERVICE

I, WALTER FREDRICK WALL, ESQUIRE, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the 8th day of August, 2000, a true and correct copy of the Answer and New Matter filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

John L. McIntyre, Esquire
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
811 University Drive
State College PA 16801

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 23657

FILED

AUG 09 2000

William A. Shaw
Secretary

9/12

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	JURY TRIAL DEMANDED
and ANNE MATHEWS, M.D.	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Walter Fredrick Wall, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC hereby certify that on this **11th day of August, 2000**, I have served Request for Production of Documents Directed to Plaintiff on behalf of Defendant, Anne Mathews, M.D., mailing same by United States first class mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

John L. McIntyre, Esquire
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

FILED

AUG 14 2000
m/2:00/ux
William A. Shaw
Prothonotary
cc c/c 12/5

By:



WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No. (814) 941-4600
I.D. #23657

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:

ANSWER AND NEW MATTER TO
PLAINTIFF'S AMENDED COMPLAINT

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

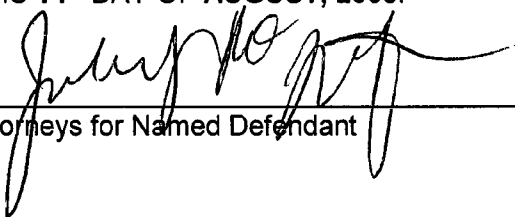
Attorney of Record for this Party:

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 14th DAY OF AUGUST, 2000.


Attorneys for Named Defendant

FILED

AUG 16 2000

W/8:30/MS
William A. Shaw
Prothonotary

no c/c



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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

**ANSWER AND NEW MATTER TO
PLAINTIFF'S AMENDED COMPLAINT**

AND NOW, comes the Defendant, DUBOIS REGIONAL MEDICAL CENTER, by its attorneys, PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Answer and New Matter to the Plaintiff's Complaint and in support sets forth the following:

1. Admitted.
2. Admitted.

2a. In response to paragraph 2a. of the plaintiff's Amended Complaint, said allegations constitute legal conclusions to which no response is required. Insofar as a response is required, it is admitted that DuBois Regional Medical Center acts through its agents, servants and employees which may include nursing staff, emergency room

physician and others. Strict proof of all agents, servants or employees of DRMC and their duties is demanded at the time of trial.

3-5. In response to paragraphs 3, 4 and 5 of the plaintiff's Complaint said averments are not directed to this answering defendant, hence, no response is required. Insofar as a response is required, it is denied that Drs. Parlavecchio, Bradley and/or Mathews were agents, servants or employees or ostensible agents of DRMC. Strict proof of these allegations is demanded at the time of trial.

6. Admitted.

7. In response to paragraph 7 of the plaintiff's Complaint, said allegations constitute a legal conclusion to which no response is required. By way of further answer, strict proof of all claims of employment and/or agency as to any individuals, relating to DRMC, is demanded at the time of trial. DRMC incorporates its prior answer to paragraph 2a of the Amended Complaint, as though the same was set forth at length.

8. In response to paragraph 8 of the plaintiff's Complaint, said averments constitute medical/legal conclusions to which no response is required. Insofar as a response is required, it is admitted that the plaintiff had been on long-term medications including Heparin and/or Coumadin. Strict proof of all allegations and the purpose of said medication is demanded at the time of trial.

9. Admitted.

10-11. In response to paragraphs 10 and 11 of the plaintiff's Complaint, said averments are not directed to this answering defendant, hence no response is required. By way of further answer, it is noted that Dr. Parlavecchio performed an examination on July 17 and that said medical records speak for themselves.

12. In response to paragraph 12 of the plaintiff's Complaint, it is acknowledged that various physicians observed and/or treated the plaintiff at or about the times mentioned in paragraph 12 a. through k. Said medical records speak for themselves as to when said visits occurred.

13. In response to paragraph 13 of the plaintiff's Complaint, it is admitted that the plaintiff was found to be in what appeared to be a unresponsive state on or about July 24 at approximately 5:30 p.m.

14. In response to paragraph 14 of the plaintiff's Complaint, said averments are directed to Dr. Mathews and not this answering defendant, hence no response is required.

15. In response to paragraph 15 of the plaintiff's Complaint, it is admitted that certain information was obtained by plaintiff's daughter and strict proof of said concerns or other discussions is demanded at the time of trial. By way of further answer, any information contained in the medical chart speaks for itself.

16. Admitted.

17. In response to paragraph 17 of the plaintiff's Complaint, said averments constitute legal/medical conclusions to which no response is required. Insofar as a response is required, it is denied that any action or inaction on the part of DRMC through its agents, servants or employees caused or contributed to the injuries complained of. By way of further answer, strict proof of all claims of injuries and damages is demanded at the time of trial.

18. In response to paragraph 18 of the plaintiff's Amended Complaint, subparagraphs a.-j., the same are all denied in accordance with Pa. R.C.P. 1029. By

way of further answer, DRMC denies generally that any action or inaction on the part of its agents, servants or employees constituted negligence or in anyway contributed to the injuries and damages complained of in the plaintiff's Complaint. At all times, the care rendered by agents, servants and employees of DRMC was appropriate and in accordance with the accepted standards of nursing, physician and/or hospital care.

At all times, the hospital had in place appropriate policies and procedures and had adequately trained nurses and physicians on staff. The nurses at all times acted appropriately and provided the treating physicians with all pertinent and appropriate medical information. Pursuant to Pa. R.C.P. 1029, strict proof of all allegations, as contained in subparagraphs a. through j. of paragraph 18 of the Amended Complaint is demanded at the time of trial.

19-20. In response to paragraphs 19 and 20 of the plaintiff's Complaint, after reasonable investigation, this answering defendant is without sufficient knowledge or information so as to form a belief as to the truth or falsity of said claims for injuries and damages and strict proof is demanded at the time of trial.

WHEREFORE, the Defendant, DuBois Regional Medical Center, respectfully requests that Count I of the plaintiff's Complaint be dismissed with prejudice and judgment entered in its favor.

COUNTS II, III, AND IV

21-26. In response to paragraphs 21 through 26 as contained in Counts II, III and IV of the plaintiff's Complaint, said allegations are not directed to this answering defendant, hence no response is required. By way of further answer, DRMC

incorporates by reference its prior answers to paragraphs 1 through 20, as though the same were set forth at length.

WHEREFORE, the Defendant, DuBois Regional Medical Center, respectfully requests that any allegations or claims against it in Counts II, III and IV be dismissed with prejudice and judgment entered in its favor.

COUNT V

27. In response to paragraph 27, DRMC hereby incorporates by reference its answers to paragraphs 1 through 26 of this Answer and New Matter, as though the same were set forth at length.

28. In response to paragraph 28 of the plaintiff's Complaint, said allegations constitute legal and medical conclusions to which no response is required. Insofar as a response is required, DRMC incorporates by reference its above responses and demands strict proof of all claims of negligence and damages at the time of trial. Further, DRMC demands strict proof as to all claims of employment and/or agency at the time of trial.

WHEREFORE, the Defendant, DuBois Regional Medical Center, respectfully requests that Count V of the plaintiff's Complaint be dismissed with prejudice and judgment entered in its favor.

NEW MATTER

By way of further answer in the nature of affirmative defenses, DuBois Regional Medical Center sets forth the following:

29. At the time complained of in the plaintiff's Complaint, Sean Parlavecchio, M.D. was not an agent, servant and/or employee of DuBois Regional Medical Center and strict proof of same is demanded at trial.

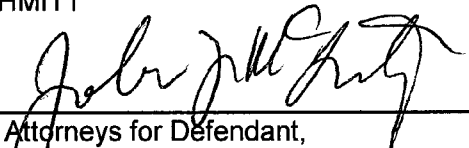
30. At the time complained of in the plaintiff's Complaint, Thomas Bradley, M.D. was not an agent, servant and/or employee of DuBois Regional Medical Center and strict proof of same is demanded at trial.

31. At the time complained of in the plaintiff's Complaint, Anne Mathews, M.D. was not an agent, servant and/or employee of DuBois Regional Medical Center and strict proof of same is demanded at trial.

32. In the event Francelia Weidenboerner sustained any injuries and damages, as claimed in her Complaint, then it is averred that same occurred as result of conduct of others, who were not agents, servants or employees of DRMC.

Respectfully submitted,

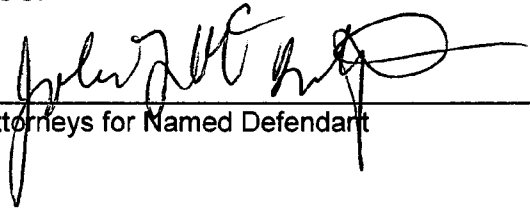
PFAFF, McINTYRE, DUGAS, HARTYE &
SCHMITT

By 
Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

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

TO: WITHIN NAMED PARTIES

YOU ARE HEREBY NOTIFIED TO PLEAD
TO THE ENCLOSED **NEW MATTER**
WITHIN **TWENTY (20) DAYS** FROM
SERVICE HEREOF OR A DEFAULT
JUDGMENT MAY BE ENTERED AGAINST
YOU.



Attorneys for Named Defendant

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: 8-10-00

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER; a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.
and ANNE MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code:

Issue No:

PRELIMINARY OBJECTIONS

Filed on behalf of Thomas Joseph
Bradley, M.D., Defendant

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

SEP 05 2000
m/10:20/625
William A. Shaw
Prothonotary
no c/c E
HOS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 00-713-CD
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER; a corporation; DENNIS)	
SEAN PARLAVECCHIO, M.D.;)	
THOMAS JOSEPH BRADLEY, M.D.)	
and ANNE MATHEWS, M.D.,)	
)	
Defendants.)	

PRELIMINARY OBJECTIONS

AND NOW, comes Defendant Thomas J. Bradley, M.D. and files the within Preliminary Objections as follows:

1. On or about June 15, 2000, the Plaintiff commenced the instant medical malpractice action by filing a Complaint.
2. Plaintiff alleges in her Complaint that the Defendant physicians failed to properly treat her with anti-hypertensive and/or anti-coagulant therapy, which caused her to suffer multiple ischemic and embolic events.
3. Rule 1019(a) of the Pennsylvania Rules of Civil Procedure requires that the material facts upon which a cause of action is based should be stated in a concise and summary form.
4. Paragraph 24(a) of Plaintiff's Complaint alleges that Dr. Bradley was negligent and wanton "in causing Plaintiff to suffer multiple embolic events." This is a broad, general allegation of negligence that contravenes the holding of the Pennsylvania Supreme Court in *Connor v. Allegheny General Hospital*, 501 Pa. 306, 461 A.2d 600 (1983).

5. In paragraphs 24 and 28 of the Complaint, Plaintiff alleges that Dr. Bradley was wanton in his care of the Plaintiff.

6. On its face, the facts averred in the Complaint do not support an allegation that Dr. Bradley acted wantonly in providing care to the Plaintiff.

WHEREFORE, Dr. Bradley respectfully requests that this Honorable Court strike subparagraph (a) of paragraph 24 of the Complaint; and strike the references to "wantonness" from paragraphs 24 and 28 of the Complaint.

GACA MATIS BAUM & RIZZA

By:



Marian Patchen Schleppy, Esquire
Michael R. Lettrich, Esquire
Attorneys for Thomas J. Bradley, M.D.,
Defendant

300 Four PPG Place
Pittsburgh, PA 15222-5404
(412) 338-4750



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing
Preliminary Objections upon all counsel of record by United States, First-class mail, postage
prepaid, this 31st day of August, 2000.

Judd Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

Allen P. Neely, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
814-238-4926/FAX 234-5620

GACA MATIS BAUM & RIZZA



Michael R. Lettrich

FILED

SEP 05 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 00-713-CD
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER; a corporation; DENNIS)	
SEAN PARLAVECCHIO, M.D.;)	
THOMAS JOSEPH BRADLEY, M.D.)	
and ANNE MATHEWS, M.D.,)	
)	
Defendants.)	

ORDER

AND NOW, this _____ day of _____, 2000, upon consideration of the foregoing Preliminary Objections of Thomas J. Bradley, M.D., it is hereby ORDERED, ADJUDGED and DECREED that paragraph 24(a) of the Complaint, and the references to "wantonness" averred in paragraphs 24 and 28 of the Complaint are hereby stricken with prejudice.

By the Court,

_____, J

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANT ANNE
MATHEWS, M.D.

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

SEP 07 2000

William A. Shaw
Prothonotary

**PLAINTIFF'S REPLY TO NEW MATTER
OF DEFENDANT ANNE MATHEWS, M.D.**

AND NOW, comes the plaintiff by her counsel, Judd F. Crosby, and hereby states as follows in Reply to New Matter of defendant Anne Mathews:

29. The allegations in Paragraph 29 of defendant's New Matter are illegal conclusions requiring no response. To the extent a response might be deemed necessary said allegations are specifically denied and in response thereto plaintiff reasserts the allegations of the Complaint.

30. The allegations in Paragraph 30 of defendant's New Matter are conclusions of law which require no response.

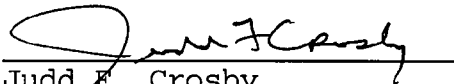
31. The allegations in Paragraph 31 of defendant's New Matter are admitted in part and denied in part. It is admitted that pre-existing conditions played a role in the events set forth in the Complaint; however, it is specifically denied that defendant had no ability to control such matters in that her responsibilities included the control of such matters and as further asserted in the Complaint.

32. The allegations in Paragraph 32 of defendant's New Matter are conclusions of law which require no response and require no response pursuant to the Rules of Civil Procedure.

33. The allegations in Paragraph 33 of defendant's New Matter are conclusions of law which require no response.

WHEREFORE, plaintiff respectfully requests that defendant's New Matter be dismissed and further reasserts the claims for relief as set forth in the Complaint.

Respectfully submitted,


Judd F. Crosby

VERIFICATION

I, Dennis Weidenboerner, per power of attorney of Francelia Weidenboerner, plaintiff herein, state that the averments of fact set forth in the foregoing Plaintiff's Reply to New Matter of Defendant Anne Mathews, M.D., are true and correct to the best of my knowledge, information and belief.

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

X 
Dennis Weidenboerner

Dated: 8 / 24 / 2000

CERTIFICATE OF SERVICE

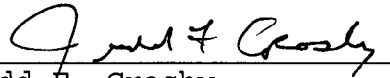
The undersigned hereby certifies that copies of the foregoing Plaintiff's Reply to New Matter of Defendant Anne Mathews, M.D. were served this 5th day of September, 2000, by regular mail, postage prepaid, on the following counsel of record:

Walter Fredrick Wall, Esq.
Meyer, Darragh, Buckler, Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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

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


Judd F. Crosby

FILED

SEP 07 2000

MAISE
William A. Shaw
Prothonotary

for

FILED

SEP 07 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANT DUBOIS
REGIONAL MEDICAL CENTER

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

SEP 07 2000

William A. Shaw
Prothonotary

**PLAINTIFF'S REPLY TO NEW MATTER
OF DEFENDANT DUBOIS REGIONAL MEDICAL CENTER**

AND NOW, comes the plaintiff by her counsel, Judd F. Crosby, and hereby responds as follows to the New Matter of defendant DuBois Regional Medical Center:

29. The allegations in Paragraph 29 of defendant's New Matter are denied and in response thereto plaintiff reasserts the allegations of the Complaint.

30. The allegations in Paragraph 30 of defendant's New Matter are denied and in response thereto plaintiff reasserts the allegations of the Complaint.

31. The allegations in Paragraph 31 of defendant's New Matter are denied and in response thereto plaintiff reasserts the allegations of the Complaint.

32. The allegations in Paragraph 32 of defendant's New Matter are denied and in response thereto plaintiff reasserts the allegations in her Complaint.

WHEREFORE, plaintiff respectfully requests that the New Matter of defendant DuBois Regional Medical Center be dismissed and further reasserts the requests for relief as set forth in the Complaint.

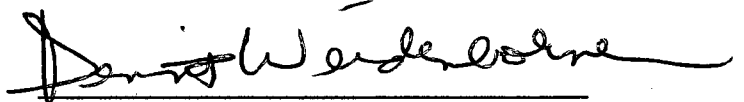
Respectfully submitted,


Judd F. Crosby

VERIFICATION

I, Dennis Weidenboerner, per power of attorney of Francelia Weidenboerner, plaintiff herein, state that the averments of fact set forth in the foregoing Plaintiff's Reply to New Matter of Defendant DuBois Regional Medical Center, are true and correct to the best of my knowledge, information and belief.

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


Dennis Weidenboerner

Dated: 8/29/2000

CERTIFICATE OF SERVICE

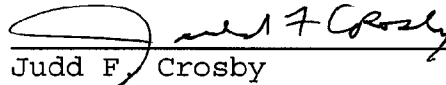
The undersigned hereby certifies that copies of the foregoing Plaintiff's Reply to New Matter of Defendant DuBois Regional Medical Center were served this 5 day of September, 2000, by regular mail, postage prepaid, on the following counsel of record:

Walter Fredrick Wall, Esq.
Meyer, Darragh, Buckler, Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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

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


Judd F. Crosby

FILED

SEP 07 2000

015711000

William A. Shaw

Prothonotary

ESD

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

FRANCELIA WEIDENBOERNER :

-vs- :

No. 00 – 713 – CD

DUBOIS REGIONAL MEDICAL CENTER: :

A corporation; DENNIS SEAN :

PARLAVECCHIO, M.D., THOMAS :

JOSEPH BRADLEY, M.D. and ANNE :

MATTHEWS, M.D. :

ORDER

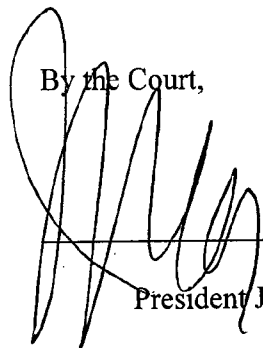
NOW, this 12th day of October, 2000, following argument and briefs into Preliminary Objections filed on behalf of Defendant Dennis Sean Parlavecchio, M.D., it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that Plaintiff's proof at trial of the allegations contained in paragraph 22(a) of her Complaint shall be limited to the specific allegations of negligence contained in paragraph 17 of said Complaint. With regards to paragraph 22(e), said objection is denied upon condition that proof of other medications shall be restricted to those to treat cerebrovascular accident prophylaxis. And finally, with regards to paragraph 22(f), proof thereof shall be restricted to the contents of Plaintiff's expert report.

FILED

OCT 13 2000

William A. Shaw
Prothonotary

By the Court,



President Judge

FILED

OCT 13 2000

OPR. 02/11 <
William A. Shaw
Prothonotary

Copy

cc atty Dosey

cc atty Neely

cc atty Schupp

cc atty McIntyre

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

FRANCELIA WEIDENBOERNER :

-vs- :

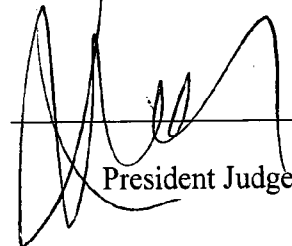
No. 00 – 713 – CD

DUBOIS REGIONAL MEDICAL CENTER: :
A corporation; DENNIS SEAN :
PARLAVECCHIO, M.D., THOMAS :
JOSEPH BRADLEY, M.D. and ANNE :
MATTHEWS, M.D. :

ORDER

NOW, this 12th day of October, 2000, following argument and briefs into Preliminary Objections filed on behalf of Defendant Thomas Joseph Bradley, M.D., it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that the allegations of negligence contained in paragraph 24(a) of Plaintiff's Complaint shall be restricted to those specific allegations of negligence contained in paragraph 17 thereof. In all other regards, said Objection be and are hereby dismissed, preserving to the Defendant the right to raise his objections to the allegation of wanton misconduct upon completion of discovery.

By the Court,



President Judge

FILED

OCT 13 2000

William A. Shaw
Prothonotary

FILED

OCT 13 2000
U.S. District Court
William A. Shaw
Prothonotary



Crosby

1ccathy Neely

1ccathy Schoppa

1ccathy McIntyre

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER; a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.
and ANNE MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

FILED

NOV 13 2000

William A. Shaw
Prothonotary

KD

RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

AND NOW, Defendant, THOMAS JOSEPH BRADLEY, M.D., by his attorneys, Gaca
Matis Baum & Rizza and Marian Patchen Schleppy, Esquire, and responds to Plaintiff's
Request for Production of Documents as follows:

1. None other than those statements contained within the medical records and nursing home records of Plaintiff.
2. No documents responsive to this request.
3. Unable to respond to this Request as it is vague and non-specific. To the extent that this Request relates to Dr. Bradley's office record, a copy of Dr. Bradley's office record is attached hereto. Dr. Bradley is not the custodian of any other "medical information of any nature" relating to Plaintiff and is unable to provide such materials.
4. No documents responsive to this Request.
5. Dr. Bradley has not determined who he will call as an expert at time of trial. No

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER; a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.
and ANNE MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

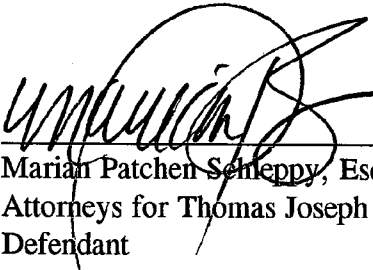
NOTICE OF SERVICE OF INTERROGATORIES

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Please take notice that on the 8th day of NOVEMBER, 2000, we served
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS upon
Plaintiff's attorney, Judd Crosby, Esquire.

GACA MATIS BAUM & RIZZA

By:


Marian Patchen Schleppey, Esquire
Attorneys for Thomas Joseph Bradley, M.D.,
Defendant

FILED

NOV 13 2000

2:07 PM

William A. Shaw
Prothonotary

EWS

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing
NOTICE OF SERVICE upon all counsel of record by United States, First-class mail, postage
prepaid, this 8th day of NOVEMBER, 2000.

Judd Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

Allen P. Neely, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
814-238-4926/FAX 234-5620

GACA MATIS BAUM & RIZZA



Marian Patchen Schleppy

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

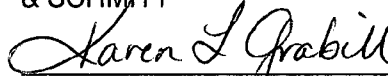
PRAECIPE

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is a Motion to Compel filed on behalf of Defendants, DUBOIS REGIONAL MEDICAL CENTER.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT



Attorneys for Defendant,
DuBois Regional Medical Center

John L. McIntyre, Esquire
Pa. I.D. #28015
Karen L. Grabill, Esquire
Pa. I.D. #80732
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

JAN 24 2001

William A. Shaw
Prothonotary

FILED

JAN 24 2001

1711001noc

William A. Shaw

Prothonotary



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

FRANCELIA WEIDENBOERNER

vs.

:
:
: No. 00-713-CD
:

DUBOIS REGIONAL MEDICAL
CENTER, a corporation,; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.; and :
ANNE MATHEWS, M.D. :

ORDER


AND NOW, this 26 day of January, 2001, it is the ORDER of
the Court that argument on Attorney Grabill's Motion to Compel in the above-
captioned matter is hereby scheduled for **Thursday, March 22, 2001 at 3:00 P.M.** in
Courtroom No. 2, Clearfield County Courthouse.

FILED

JAN 26 2001

William A. Shaw
Prothonotary

BY THE COURT:


FREDRIC J. AMMERMAN
Judge

FILED

JAN 26 2001

01/30/03/4 cc atty McIntyre

William A. Shaw

Prothonotary

Ed

W/Letter-GA

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
MOTION TO COMPEL

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

John L. McIntyre, Esquire

PA I.D. #28015

Karen L. Grabill, Esquire

PA I.D. #80732

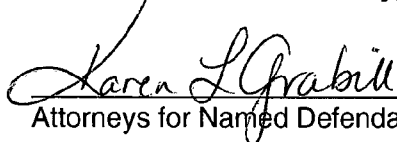
**PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT**

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 22nd DAY OF January, 2001.


Attorneys for Named Defendant

FILED

JAN 24 2001

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

MOTION TO COMPEL

AND NOW, comes the defendant, DUBOIS REGIONAL MEDICAL CENTER, by and through its attorneys, PFAFF, MCINTYRE, DUGAS, HARTYE & SCHMITT, and respectfully requests that this Honorable Court order the plaintiff to within twenty (20) days to file full, complete and responsive answers to defendant's, DUBOIS REGIONAL MEDICAL CENTER, Interrogatories, and to provide responses and documents requested by way of defendant's Request for Production of Documents, saying as follows:

1. This lawsuit arises out of incidences which occurred around July of 1998 at the DuBois Regional Medical Center.
2. On July 29, 2000, defendant, DuBois Regional Medical Center served Interrogatories and Request for Production of Documents upon the plaintiff. See attached copy of Notice of Service, marked as Exhibit "A".
3. On December 4, 2000, defendant again requested an answer and responses to its Interrogatories and Request for Production of Documents via U.S. mail. See attached copy of letter dated December 4, 2000, marked as Exhibit "B".

4. To date, the plaintiff has failed and/or refused to respond to defendant's discovery requests in any manner whatsoever.
5. The defendant's aforementioned discovery requests seek relevant information which is vital to the continued evaluation and defense of this matter. To the extent defendant, DuBois Regional Medical Center, is deprived of the information requested through discovery, it is unable to defend this matter.

WHEREFORE, defendant, DuBois Regional Medical Center, requests this Honorable Court to:

1. Schedule this matter for a hearing.
2. Enter an Order requiring plaintiff to answer and respond to the discovery requests of defendant within twenty (20) days of the date of the Court's Order.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT


Attorneys for Defendant

John L. McIntyre, Esquire

PA I.D. #28015

Karen L. Grabill, Esquire

PA I.D. #80732

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

P.O. Box 533

Hollidaysburg, PA 16648

(814) 696-3581

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 28th DAY OF JULY, 2000.

Attorneys for Named Defendant



LAW OFFICES
PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT

ROBERT J. PFAFF
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.pmdhlaw.com

December 4, 2000

Our Reference: MIIX 094 MH

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

Re: Francelia Weidenboerner vs. DuBois Regional Medical Center,
Dennis Sean Parlavecchio, M.D., Thomas Joseph Bradley, M.D.
and Anne Mathews, M.D.
No. 00 – 713 CD

Dear Mr. Crosby:

Attorney McIntyre has asked that I assist him on this matter. I note that your client has responded to discovery requests from Drs. Mathews and Parlavecchio. However, we have not received any response to the Hospital's Interrogatories and Request for Production of Documents which were served in July of this year.

Therefore, please provide full and complete responses to the discovery requests of DRMC by Friday, January 5, 2001. If the responses are not received by that point, we will proceed with the appropriate Motion.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Heather A. Harrington

HAH/slw

bcc: Marge Kennis, DuBois Regional Medical Center
Kristine Moyles, MIIX, Case File No. 37297-1



FILED

JAN 24 2001

M/11:00/1100
William A. Shaw
Prothonotary & Secy

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this _____ day of _____, 2001, upon consideration of the Motion to Compel filed on behalf of Defendant, DuBois Regional Medical Center, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The Plaintiffs shall within twenty (20) days of the date of this Order file full, complete, and responsive answers to Defendant's Interrogatories.
2. The Plaintiffs shall within twenty (20) days of the date of this Order file a written response to Defendant's Request for Production of Documents and produce all requested documents.

BY THE COURT,

J.

CA

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

FRANCELIA WEIDENBOERNER,

No. 00 – 713 CD

Plaintiff

AFFIDAVIT OF SERVICE

vs.

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.,

Attorney of Record for this Party:

John L. McIntyre, Esquire

PA I.D. No. 28015

Karen L. Grabill, Esquire

PA I.D. No. 80732

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

P.O. Box 533

Hollidaysburg, PA 16648

(814) 696-3581

Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 30th DAY OF JANUARY, 2001.


Attorneys for Named Defendant

FILED

FEB 01 2001

m 18:55/10cc

William A. Shaw

Prothonotary



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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

AFFIDAVIT OF SERVICE OF JANUARY 26, 2001 ORDER OF COURT

TO: PROTHONOTARY

You are hereby notified that on the 30th day of **JANUARY, 2001**, Defendant, DuBois Regional Medical Center, served the January 26, 2001 Order of Court, together with a copy of the Motion to Compel, on the following by mailing the original of same via First Class U.S. Mail at 5:00 p.m., postage prepaid, addressed to the following:

Counsel for Plaintiff:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

Counsel for Defendant Dennis Sean Parlavecchio, M.D.:

John W. Blasko, Esquire
811 University Drive
State College, PA 16801

Counsel for Defendant Thomas Joseph Bradley, M.D.:

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

Counsel for Defendant Anne Mathews, M.D.:

Walter F. Wall, Esquire
120 Lakemont Park Boulevard
Altoona, PA 16602

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By Karen L. Grabill
Attorneys for Defendant,
DuBois Regional Medical Center

John L. McIntyre, Esquire
PA I.D. #28015
Karen L. Grabill, Esquire
PA I.D. #80732
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S NOTICE OF
DEPOSITION OF DEFENDANT THOMAS
JOSEPH BRADLEY, M.D.

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

Sargent Court Reporters
106 North Second St.
Clearfield, PA 16830
814-765-8711

FILED

MAY 31 2001

m 12:32 pm

William A. Shaw

Prothonotary

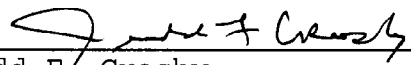
no cc

280

NOTICE OF DEPOSITION OF DEFENDANT
THOMAS JOSEPH BRADLEY, M.D.

To: Dr. Thomas Joseph Bradley
c/o Marian Patchen Schleppy, Esquire
Gaca Matis Baum & Rizza
300 Four PPG Place
Pittsburgh, PA 15222-5404

PLEASE TAKE NOTICE that the deposition of Thomas Joseph Bradley, M.D., will be taken for the purpose of discovery and use at trial pursuant to the Pennsylvania Rules of Civil Procedure, before a certified court reporter from Sargent Court Reporters, duly authorized by law to administer oaths, at their office located at 106 North Second Street, Clearfield, PA 16830, on Tuesday, July 10, 2001, at 10:00 A.M. at which time and place you are invited to appear and take such part as shall be fitting and proper.



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219-3427
(412) 471-3530

CERTIFICATE OF SERVICE

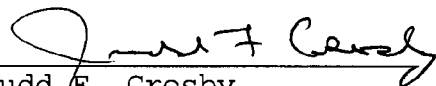
The undersigned hereby certifies that copies of the foregoing **Notice of Deposition of Defendant Thomas Joseph Bradley, M.D.**, were served this 29th day of May, 2001, by regular mail, postage prepaid, on the following counsel of record:

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

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

Walter Fredrick Wall, Esq.
Meyer, Darragh, Buckler, Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

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


Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Linda Ferraraccio
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the deposition of Linda Ferraraccio, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on Tuesday, July 10, 2001 at 1:00 p.m., at Sargent Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

FILED

JUN 12 2001

cc: Sargent Court Reporting Service, Inc.

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **11th day of June, 2001**, a true and correct copy of the Notice of Deposition of Linda Ferraraccio, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427


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

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

JUN 12 2001

Wm J. O'Connell
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Blaise Ferraraccio
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the deposition of Blaise Ferraraccio, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on Tuesday, July 10, 2001 at 3:30p.m., at Sargent Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH/BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

FILED

JUN 12 2001

William A. Shaw
Prothonotary

cc: Sargent Court Reporting Service, Inc.

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **11th day of June, 2001**, a true and correct copy of the Notice of Deposition of Blaise Ferraraccio, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

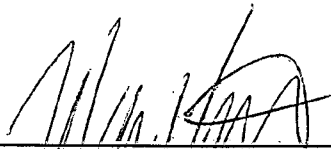
John L. McIntyre, Esquire
Pfaff, McIntyre, Dugas & Hartye
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

JUN 12 2001

WAS
by William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

SECOND NOTICE OF DEPOSITION

TO: Linda Ferraraccio
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the deposition of Linda Ferraraccio, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on Friday, September 28, 2001 at 11:00 a.m., at Sargent's Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

FILED

JUL 13 2001

William A. Shaw
Prothonotary

cc: Sargent's Court Reporting Service, Inc.

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **12th day of July, 2001**, a true and correct copy of the Second Notice of Deposition of Linda Ferraraccio, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

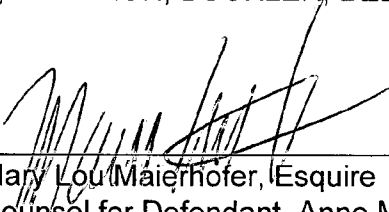
John L. McIntyre, Esquire
Pfaff, McIntyre, Dugas & Hartye
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

JUN 13 2001

William A. Shaw
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

VS.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

SECOND NOTICE OF DEPOSITION

TO: Blaise Ferraraccio
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the deposition of Blaise Ferraraccio, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on Friday, September 28, 2001 at 9:30 a.m., at Sargent's Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

FILED

cc: Sargent's Court Reporting Service, Inc.

SEP 28 2001

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **12th day of July, 2001**, a true and correct copy of the Second Notice of Deposition of Blaise Ferraraccio, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

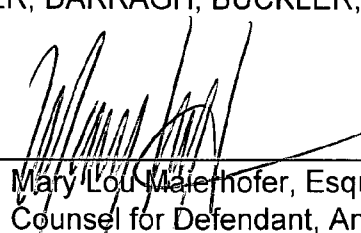
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Gaca, Matis, Baum & Rizza
300 Four PPG Place
Pittsburgh, PA 15222-5404

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED
no
cc

JUL 13 2001

for William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation, DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATTHEWS, M.D.,

Defendants.

No.: 00713-00

Type of Case: Civil Action

JURY TRIAL DEMANDED

Type of Pleading:
ANSWER WITH NEW MATTER OF
DEFENDANT, DR. PARLAVECCHIO

Filed on Behalf of Defendant
Dennis S. Parlavecchio M.D.

Counsel of Record for this
Party: JOHN W. BLASKO

Court I.D. No.: 06787

ALLEN P. NEELY
Court I.D. No.: 65302

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

811 University Drive
State College, PA 16801
(814) 238-4926

Counsel of Record for
Adverse Party:
JUDD F. CROSBY

Dated: 8-8-01

FILED

AUG 09 2001

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER)

Plaintiff,)

vs.)

DUBOIS REGIONAL MEDICAL CENTER,)
a corporation; DENNIS SEAN PARLAVECCHIO,)
M.D., THOMAS JOSEPH BRADLEY, M.D.)
and ANNE MATTHEWS, M.D.,)

Defendants.)

NO. 00-713-CD

JURY TRIAL DEMANDED

NOTICE TO PLEAD

TO: Francelia Weidenboerner, Plaintiff
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

YOU ARE HEREBY notified to plead to the within Answer with New Matter within
twenty (20) days from the date of service hereof or a default judgment may be entered against
you.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO

ALLEN P. NEELY

Attorney for Defendant

Dennis S. Parlavecchio, M.D.

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: 8-8-01

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

FRANCELIA WEIDENBOERNER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN PARLAVECCHIO,)
M.D., THOMAS JOSEPH BRADLEY, M.D.)
and ANNE MATTHEWS, M.D.,)

Defendants.)

NO. 00-713-CD

JURY TRIAL DEMANDED

ANSWER WITH NEW MATTER OF THE DEFENDANT, DR. PARLAVECCHIO

AND NOW comes the Defendant, Dennis Sean Parlavecchio, M.D., by and through his attorneys, McQUAIDE, BLASKO, SCHWARTZ, FLEMING & FAULKNER, INC., and files the within Answer with New Matter, as follows:

COUNT I

FRANCELIA WEIDENBOERNER
VS.
DUBOIS REGIONAL MEDICAL CENTER

1. Denied. After reasonable investigation, Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averments set forth at Paragraph 1. Said averments are therefore denied.

2. The averments of Paragraph 2 are directed to another person, entity and/or party and therefore, no response is required of this Defendant.

3. The averments of Paragraph 3 are responded to as follows. It is admitted that this Defendant is an adult individual who during the relevant time frame resided in Clearfield

County, was duly licensed to practice medicine in the Commonwealth of Pennsylvania and specialized in the field of family practice. The averments of Paragraph 3 that are not specifically admitted herein are expressly denied. It is specifically denied that this Defendant was at any relevant time an employee of Defendant DuBois Regional Medical Center.

4. The averments of Paragraph 4 are directed to another person, entity and/or party and therefore, no response is required of this Defendant.

5. The averments of Paragraph 5 are directed to another person, entity and/or party and therefore, no response is required of this Defendant.

6. The averments of Paragraph 6 are responded to as follows. It is admitted that the Plaintiff presented to the emergency department of Defendant DRMC on July 16, 1998. With regard to the presenting symptoms and/or complaints, the relevant medical records are hereby incorporated by reference. It is further admitted that on or about said date, this Defendant was covering for Defendant Bradley, and that this Defendant saw Plaintiff at DRMC in said capacity. With regard to the nature of this Defendant's involvement in Plaintiff's care, the relevant medical records are hereby incorporated by reference. Any averments of this Paragraph which are not specifically admitted, are denied.

7. Denied. No response is required with respect to the averments of Paragraph 7 for the reason that same constitute conclusions of law. Furthermore, said averments are denied per Pa.R.C.P. 1029(e). Furthermore, no response is required of this Defendant because the said averments are directed toward another party in the case.

8. Denied. After reasonable investigation, Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averments set forth at

Paragraph 8. Furthermore, the averments of Paragraph 8 appear to be directed to another person, entity and/or party and therefore, no response is required of this Defendant.

9. No specific response is required to this Paragraph, as the relevant medical records speak for themselves.

10. The averments of Paragraph 10 are responded to as follows. It is admitted that a history and physical examination was performed by this Defendant on July 17, 1998 at or about 7:30 a.m. With regard to the history set forth therein, the said document speaks for itself and is hereby incorporated by reference. No further response is required.

11. See response to Paragraph 10.

12. The averments of Paragraph 12 are responded to as follows. It is admitted that this Defendant examined the patient on July 18th. With regard to the precise time of the examination, after reasonable investigation, Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averment regarding said averment. With regard to those averments concerning the involvement of other physicians, no response is required because same are directed toward other Defendants. Insofar as a response would be deemed necessary, the medical records are hereby incorporated by reference.

13. The averments of Paragraph 13 are responded to as follows. Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averment regarding the alleged observation of nurse Betty Hannold. Same is admitted to the extent consistent with the relevant medical records, and to the extent said records are accurate.

14. The averments of Paragraph 14 are responded to as follows. Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averment regarding the testing modalities ordered by other persons. Said averments are

admitted to the extent consistent with the relevant medical records, and to the extent said records are accurate.

15. Denied. After reasonable investigation, Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averments set forth at Paragraph 15.

16. The averments of Paragraph 16 are responded to as follows. Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of the averments regarding orders made by another Defendant. Said averments are admitted to the extent consistent with the relevant medical records, and to the extent said records are accurate.

17. Denied. The averments of Paragraph 17 are denied per Pa.R.C.P. 1029(e). It is further denied that any damage and/or injury which may have been suffered by Plaintiff was a direct or proximate result of any action or inaction of this Defendant.

18. The averments of Paragraph 18 are directed to another person, entity and/or party and therefore, no response is required of this Defendant. Furthermore, Paragraph 18 contains averments which constitute conclusions of law, and to which no response is required. Furthermore, the averments of Paragraph 18 are denied per Pa.R.C.P. 1029(e).

19. The averments of Paragraph 19 constitute conclusions of law, to which no response is required. Said averments are therefore denied and/or are denied per Pa.C.R.P. 1029(e). Insofar as a more specific response would be deemed necessary, it is specifically denied that any damage and/or injury which may have been suffered by Plaintiff was a direct or proximate result of any action or inaction of this Defendant.

20. The averments of Paragraph 20 constitute conclusions of law, to which no response is required. Said averments are therefore denied and/or are denied per Pa.C.R.P. 1029(e). Insofar as a more specific response would be deemed necessary, it is specifically denied that any damage and/or injury which may have been suffered by Plaintiff was a direct or proximate result of any action or inaction of this Defendant.

WHEREFORE, Answering Defendant demands that Plaintiff's Complaint be dismissed, with prejudice.

COUNT II

FRANCELIA WEIDENBOERNER
VS.
DEFENDANT DENNIS SEAN PARLAVECCHIO

21. Admitted or denied as hereinbefore set forth.

22 (a)-(h). Denied. The averments of Paragraph 22 and the subparagraphs thereunder are denied for the reason that same constitute conclusions of law. Furthermore, said averments are denied pursuant to Pa.R.C.P. 1029(e). By way of a further response, it is specifically averred that all care and treatment rendered by this Defendant was reasonable and appropriate and within applicable standards of care. It is further specifically denied that any action or inaction of the Answering Defendant was the direct or proximate cause of harm to Plaintiff.

WHEREFORE, Answering Defendant demands that Plaintiff's Complaint be dismissed, with prejudice.

COUNT III

FRANCELIA WEIDENBOERNER
VS.
THOMAS JOSEPH BRADLEY

23. Admitted or denied as hereinbefore set forth.

24. The averments of Paragraph 24 are directed to another person, entity and/or party and therefore, no response is required of this Defendant.

WHEREFORE, Answering Defendant demands that Plaintiff's Complaint be dismissed, with prejudice.

COUNT IV

FRANCELIA WEIDENBOERNER
VS.
ANNE MATHEWS

25. Admitted or denied as hereinbefore set forth.

26. The averments of Paragraph 26 are directed to another person, entity and/or party and therefore, no response is required of this Defendant.

WHEREFORE, Answering Defendant demands that Plaintiff's Complaint be dismissed, with prejudice.

COUNT V

FRANCELIA WEIDENBOERNER
VS.
DUBOIS REGIONAL MEDICAL CENTER
DENNIS SEAN PARLAVECCHIO, M.D.
THOMAS JOSEPH BRADLEY, M.D.
ANNE MATHEWS, M.D.

27. Admitted or denied as hereinbefore set forth.

28. Denied. The averments of Paragraph 28 are denied for the reason that same constitute conclusions of law. Furthermore, said averments are denied pursuant to Pa.R.C.P. 1029(e). By way of a further response, it is specifically averred that all care and treatment rendered by this Defendant was reasonable and appropriate and within applicable standards of

care. It is further specifically denied that any action or inaction of the Answering Defendant was the direct or proximate cause of harm to Plaintiff.

WHEREFORE, Answering Defendant demands that Plaintiff's Complaint be dismissed, with prejudice.

NEW MATTER

29. Defendant raises all affirmative defenses of the Healthcare Services Malpractice Act, 40 P.S. §1301 et. seq. Insofar as this Defendant is considered to be a healthcare provider, he is neither a guarantor nor warrantor of care.

30. The Plaintiff fails to state a cause of action upon which relief can be granted.

31. There was no negligence or other actionable conduct committed by or on behalf of the Answering Defendant and therefore, this action should be dismissed.


32. Any alleged actions or omissions of the Answering Defendant which are alleged to constitute negligence were not a substantial cause or factor of any harm resulting to or sustained by the Plaintiff.

34 The investigation into this case is ongoing and discovery is continuing; therefore, in order to avoid waiver of any potentially applicable affirmative defenses, the Defendant hereby pleads the defenses of estoppel, release, res judicata, and statute of limitations, insofar as same may be applicable.

WHEREFORE, Answering Defendant demands that Plaintiff's Complaint be dismissed,
with prejudice.

Respectfully Submitted,

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
ALLEN P. NEELY
Attorneys for Defendant,
Dennis Sean Parlavecchio, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: 8-8-01

Weidenboerner v. Parlavecchio

VERIFICATION

The undersigned verifies that as a Defendant, he is authorized to make this verification in the within action; and that the statements made in the foregoing ANSWER WITH NEW MATTER TO PLAINTIFF'S COMPLAINT, are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. §4904, related to unsworn falsification to authority.

Dennis S. Parlavecchio MD
DENNIS S. PARLAVECCHIO, M.D.

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

FRANCELIA WEIDENBOERNER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN PARLAVECCHIO,
M.D., THOMAS JOSEPH BRADLEY, M.D.
and ANNE MATTHEWS, M.D.,

Defendants.

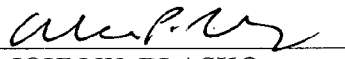
NO. 00-713-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer with New Matter of the Defendant, Dr. Parlavecchio, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 8th day of AUG., 2001, to the attorney(s) of record, Judd F. Crosby, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427, Walter F. Wall, 120 Lakemont Park Boulevard, Altoona, PA 16602, John McIntyre, P.O. Box 533, Hollidaysburg, PA 16648 and Marian Patchen-Schleppy, 300 Four PPG Place, Pittsburgh, PA 15222.

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
ALLEN P. NEELY
Attorneys for Defendant,
Dennis Sean Parlavecchio, M.D.

FILED
AUG 11 1991

William A. Shaw
Prothonotary

NO
cc

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

THIRD NOTICE OF DEPOSITION

TO: Linda Ferraraccio
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the deposition of Linda Ferraraccio, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on Wednesday, November 7, 2001 at 9:00 a.m., at Sargent's Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

FILED

OCT 09 2001

cc: Sargent's Court Reporting Service, Inc.

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **5th day of October, 2001**, a true and correct copy of the Third Notice of Deposition of Linda Ferraraccio, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

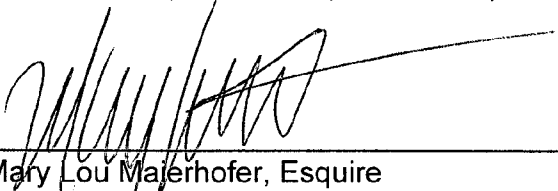
John L. McIntyre, Esquire
Pfaff, McIntyre, Dugas & Hartye
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED
OCT 11 2001
OCT 09 2001

William A. Shaw
Prothonotary

NO
cc
C. G. A.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER; a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.
and ANNE MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code:

Issue No:

ANSWER

Filed on behalf of Thomas Joseph
Bradley, M.D., Defendant

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

OCT 10 2001

m11153cm/hoc
William A. Shaw
Prothonotary

E

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

FRANCELIA WEIDENBOERNER,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 00-713-CD
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER; a corporation; DENNIS)	
SEAN PARLAVECCHIO, M.D.;)	
THOMAS JOSEPH BRADLEY, M.D.)	
and ANNE MATHEWS, M.D.,)	
)	
Defendants.)	

ANSWER

THOMAS JOSEPH BRADLEY, M.D., by and through his attorneys, Gaca Matis Baum & Rizza and Marian Patchen Schleppy, Esquire, in response to Plaintiff's Complaint, sets forth the following:

1. If any factual allegations in the Plaintiff's Complaint are not responded to in the following paragraphs, after reasonable investigation, this answering Defendant is without knowledge or information sufficient to form a belief as to the truth of said allegations.
2. Each paragraph of this Answer incorporates by reference all other paragraphs of the Answer.
3. Any allegation or implication that Defendant, Bradley, was 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 Plaintiff were either acting as independent contractors or as agents, servants and employees of other

persons or entities.

4. 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 Paragraphs 1 and 15.

5. The allegations contained within Paragraphs 2, 3, 5, 7, 14, 18, including subparagraphs (a) through and including (j), 22 including subparagraphs (a) through and including (h); 26 including subparagraphs (a) through and including (j) pertain to other Defendants and no response is required of this answering Defendant. To the extent that a response is required due to allegations of negligence, these allegations are denied.

6. Paragraph 4 is denied as stated. It is admitted that this Defendant is an adult individual, residing in Clearfield County and was licensed to practice medicine by the Commonwealth of Pennsylvania. It is specifically denied that this Defendant was, at any time relevant hereto, an agent and employee (and/or ostensibly) of Defendant, DuBois Regional Medical Center. At all times, this Defendant was an independent staff physician with privileges at DuBois Regional Medical Center.

7. Paragraph 6, 8, 9, 10, 11, 12, 13 and 15 are admitted to the extent that the said allegations contained therein are consistent with the recordations within this Defendant's office records and the records of DuBois Regional Medical Center; to the extent that these allegations are inconsistent with these recordations or are not recorded at all, 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 these paragraphs. Said averments are deemed denied and strict proof of same is demanded at time of trial.

8. The averments of Paragraphs 17, 19 including subparagraphs (a) through and including (f) and 20 including subparagraphs (a) through and including (e) are denied.

9. This answering Defendant incorporates herein by reference those paragraphs of the foregoing Answer which are responsive to paragraphs incorporated within Paragraphs 21 and 25 of Plaintiff's Complaint.

COUNT III

10. This answering Defendant incorporates herein by reference those paragraphs of the foregoing Answer which are responsive to paragraphs incorporated within Paragraph 23 Plaintiff's Complaint.

11. Paragraph 24, including subparagraphs (a) through and including (j) is denied. It is specifically denied that this answering Defendant was negligent or that he was wanton in his care of the Plaintiff. It is specifically denied that this Defendant was negligent or wanton or that his conduct caused, contributed to or increased the likelihood of any alleged harm to Plaintiff. Strict proof of same is demanded at time of trial.

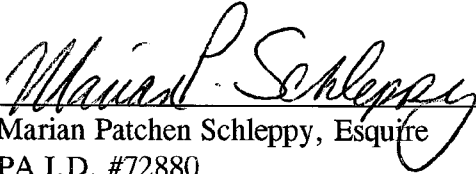
COUNT V

12. This answering Defendant incorporates herein by reference those paragraphs of the foregoing Answer which are responsive to paragraphs incorporated within Paragraph 27 Plaintiff's Complaint.

13. Paragraph 28 pleads conclusions of law to which no response is required. To the extent that a response is required, these allegations are denied. It is specifically denied that this answering Defendant was negligent or wanton in his care of Plaintiff. This Defendant was not negligent or wanton and his conduct did not cause, contribute to or increase the likelihood of any alleged harm to Plaintiff.

WHEREFORE, the Defendant, THOMAS JOSEPH BRADLEY, M.D., respectfully requests this Honorable Court to enter judgement in his favor and against Plaintiff with costs of suit sustained.

GACA MATIS BAUM & RIZZA

By 
Marian Patchen Schleppy, Esquire
PA I.D. #72880
Attorneys for Thomas Joseph Bradley, M.D.,
Defendant

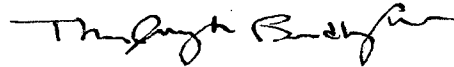
Gaca Matis Baum & Rizza
300 Four PPG Place
Pittsburgh, PA 15222-5404
(412) 338-4750

27043

VERIFICATION

I, THOMAS JOSEPH BRADLEY, 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.



THOMAS JOSEPH BRADLEY, M.D.

Date: Nov 16 2000

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 8th day of October, 2001.

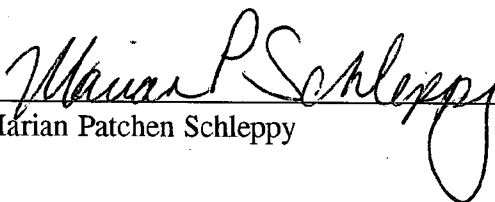
Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner
811 University Drive
State College, PA 16801-6699

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

Mary Lou Maierhofer, Esquire
Meyer, Darragh, Buckler, Bebenek & Eck
120 Lakemont Park Boulevard
Aktoona, PA 16602

GACA MATIS BAUM & RIZZA


Marian Patchen Schleppy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

FOURTH NOTICE OF DEPOSITION

TO: Linda Ferraraccio
c/o Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the deposition of Linda Ferraraccio, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on **Wednesday, November 7, 2001 at 9:30 a.m.** at Sargent's Court Reporting Service, Inc., located at 106 North Second Street, Clearfield, Pennsylvania, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

FILED

OCT 17 2001

cc: Sargent's Court Reporting Service, Inc.

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **15th day of October, 2001**, a true and correct copy of the Fourth Notice of Deposition of Linda Ferraraccio, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

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

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

OCT 17 2001

M. V. S. H. O. C.
William A. Shaw
Prothonotary *WAS*

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S MOTION TO COMPEL
DISCOVERY

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

DEC 07 2001

By / 11:55 / WJ
William A. Shaw
Prothonotary

1 SENT TO ATTORNEY

WCS

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

AND NOW comes the Plaintiff, by and through her counsel, Judd F. Crosby, and hereby seeks an ORDER compelling discovery and in support thereof states as follows:

1. This action results from serious injuries sustained by plaintiff while she was a patient at DuBois Regional Medical Center under the care of defendant physicians.

2. On October 2, 2001, plaintiff caused to be served a discovery request entitled "Plaintiff's Interrogatories and Request for Production of Records Directed to Defendant DuBois Regional Medical Center".

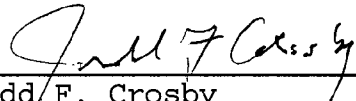
3. To date no answer or response of any type has been received from defendant hospital and a response is past due.

4. Full and complete response to this discovery is necessary for the proper investigation, preparation and presentation of plaintiff's case.

5. A copy of the discovery request is attached hereto.

WHEREFORE, plaintiff respectfully requests that this Honorable Court enter an ORDER directing defendant DuBois Regional Medical Center to serve an immediate response.

Respectfully submitted,


Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
RECORDS DIRECTED TO DEFENDANT
DUBOIS REGIONAL MEDICAL CENTER

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO
DEFENDANT DUBOIS REGIONAL MEDICAL CENTER

Plaintiff by and through her counsel, Judd F. Crosby, pursuant to the Pennsylvania Rules of Civil Procedure, demands that defendant DuBois Regional Medical Center file full and complete answers to the following interrogatories, under oath, within thirty (30) days from the date of service thereof on defendant DuBois Regional Medical Center. If additional space is required to fully answer said interrogatories, please attach additional pages.

1. Did defendant DuBois Regional Medical Center, any agent, servant or representative cause any investigation to be performed into any of the events concerning the care and treatment of plaintiff at its institution from July 16, 1998, until August 7, 1998?

ANSWER

2. If the answer to the preceding question is answered in the affirmative, please state the following information:

- a. Names, addresses and titles of all persons participating in the investigations.
- b. Names, addresses, titles and employer of all persons who were contacted as part of the investigation.
- c. The date of each such contact identified in "b" above.
- d. Did defendant collect any written or recorded statements as part of the investigation?

- e. Did defendant or any agent, servant, employer or representative of defendant share with anyone the substance of things which were discovered in the course of the investigation?
- f. If the answer to "e" is affirmative, identify by name and employer each person with whom information was shared and provide the date of such sharing.
- g. Please attach all notes, records, reports, transcripts, tapes and other written documents and things which resulted from said investigation.
- h. Identify the person or persons who requested that the investigation be performed and the person or persons to whom the request was made and the date of each such request.

ANSWER:

3. State the last known address, telephone number and employer of Linda Bennett and state her position and duties while at DuBois Regional Medical Center.

ANSWER

4. Please attach true and correct copies of all statements of any type relating to the claims herein or any defense thereto.

ANSWER

5. Has any staff physician at DuBois Regional Medical Center indicated to DuBois Regional Medical Center that plaintiff suffered a stroke while she was a patient at DuBois Regional Medical Center in July and/or August, 1998? If so, identify each such physician.

ANSWER

6. Did defendant, DuBois Regional Medical Center, as a result of any investigation referenced above change any hospital policy or procedure or implement new hospital policy or procedure? If so, identify each such new policy or procedure, and, if applicable, identify the old policy or procedure.

ANSWER

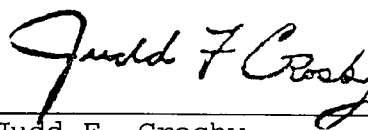
7. In July and August, 1998, did defendant DuBois Regional Medical Center maintain any written policy or procedure which was intended to provide all staff physicians who might treat a particular patient with the knowledge of that patient's pre-admission medications? If so, identify and produce the entire substance of each such policy or procedure.

ANSWER

8. To the knowledge of DuBois Regional Medical Center and its agents, employees and representatives did any person providing medical attention to plaintiff from July 16, 1998, until August 7, 1998, violate any policy or procedure of the defendant hospital? If so, identify each such person and each such policy or procedure.

ANSWER

Respectfully submitted,

A handwritten signature in cursive script, reading "Judd F. Crosby". The signature is written in dark ink and is positioned above a horizontal line.

Judd F. Crosby

CERTIFICATE OF SERVICE

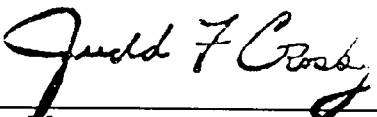
The undersigned hereby certifies that copies of the foregoing PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO DEFENDANT DUBOIS REGIONAL MEDICAL CENTER were served this 2nd day October, 2001, by regular mail, postage prepaid, on the following counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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


Judd F. Crosby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **PLAINTIFF'S MOTION TO COMPEL DISCOVERY** were served this 6th day of December, 2001, by regular mail, postage prepaid, on the following counsel of record:


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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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

FILED
NOV 20 2001



Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S PRAECIPE FOR
ARGUMENT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

DEC 07 2001

m/11:55/WAY

William A. Shaw
Prothonotary

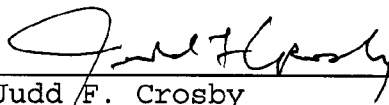
1 CENT TO ATT

GAH

PRAECIPE FOR ARGUMENT

Please place Plaintiff's Motion to Compel Discovery down for argument before Judge Ammerman at the earliest possible convenience of the Court.

Respectfully submitted,


Judd F. Crosby
Attorney for Plaintiff

CERTIFICATE OF SERVICE

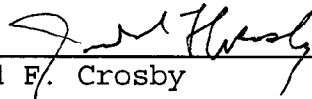
The undersigned hereby certifies that copies of the foregoing
PLAINTIFF'S PRAECIPE FOR ARGUMENT were served this 6 day of
December, 2001, by regular mail, postage prepaid, on the following
counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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


Judd F. Crosby

CP

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

FRANCELIA WEIDENBOERNER :
:
vs. : No. 00-713-CD
:
DUBOIS REGIONAL MEDICAL :
CENTER, a corporation, DENNIS :
SEAN PARLAVECCHIO, M.D.; :
THOMAS JOSEPH BRADLEY, M.D. :
and ANNE MATHEWS, M.D. :

ORDER

AND NOW, this 10 day of December, 2001, it is the ORDER of
the Court that argument on Plaintiff's Motion to Compel Discovery in the above
matter has been scheduled for Monday, January 7, 2002 at 2:00 P.M. in
Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
Judge

FILED

DEC 11 2001

William A. Shaw
Prothonotary

FILED

DEC 11 2001

01910715<<attly Crosby
William A. Shaw
Prothonotary



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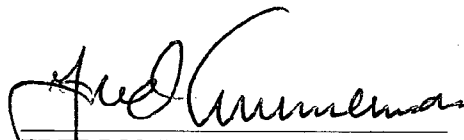
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

FRANCELIA WEIDENBOERNER :
: vs. : No. 00-713-CD
: DUBOIS REGIONAL MEDICAL :
CENTER, a corporation, DENNIS :
SEAN PARLAVECCHIO, M.D.; :
THOMAS JOSEPH BRADLEY, M.D. :
and ANNE MATHEWS, M.D. :

ORDER

AND NOW, this 14 day of December, 2001, it is the ORDER of
the Court that argument on Plaintiff's Motion to Compel Discovery in the above
matter has been rescheduled from January 7, 2002 to **Friday, January 25, 2002 at**
2:30 P.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
Judge

FILED

DEC 17 2001

William A. Shaw
Prothonotary

FILED

DEC 17 2001

01915116 ath, M^cIntyke
William A. Shaw
Prothonotary

1cc ath, Schupp

1cc ath, Crosby

1cc ath, Neely

1cc ath, Ward

[Signature]

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:

NOTICE OF SERVICE OF ANSWERS
TO INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
RECORDS

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 21st DAY OF **JANUARY, 2002.**

John L. McIntyre/mas
Attorneys for Named Defendant

FILED

JAN 23 2002
01/10:48/NOCC
William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

No. 00 – 713 CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFF'S
INTERROGATORIES AND REQUEST FOR PRODUCTION OF RECORDS**

TO: PROTHONOTARY

You are hereby notified that on the 21st day of **JANUARY, 2002**, Defendant,
DUBOIS REGIONAL MEDICAL CENTER, served Answers to Plaintiff's Interrogatories
and Request for Production of Records on the Plaintiff by mailing the original of same via
First Class U.S. Mail, postage prepaid, addressed to the following:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

McINTYRE, DUGAS, HARTYE & SCHMITT

By John L. McIntyre/mal
Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:

NOTICE OF SERVICE OF
SUPPLEMENTAL ANSWERS TO
PLAINTIFF'S DISCOVERY

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 3RD DAY OF MAY, 2002.


Attorneys for Named Defendant

FILED

MAY 06 2002

m/9:13/10cc
William A. Shaw
Prothonotary 

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

FRANCELIA WEIDENBOERNER, : No. 00 – 713 CD

Plaintiff :

vs. :

DUBOIS REGIONAL MEDICAL CENTER, :
a corporation; DENNIS SEAN :
PARLAVECCHIO, M.D.; THOMAS :
JOSEPH BRADLEY, M.D.; and ANNE :
MATHEWS, M.D., :

Defendants :

NOTICE OF SERVICE OF SUPPLEMENTAL ANSWERS
TO PLAINTIFF'S DISCOVERY

TO: PROTHONOTARY

You are hereby notified that on the 3rd day of MAY, 2002, Defendant, DUBOIS REGIONAL MEDICAL CENTER, served Supplemental Answers to Plaintiff's Discovery on the Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

McINTYRE, DUGAS, HARTYE & SCHMITT

By 

Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

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

6x

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 - 713 CD

ISSUE:
MOTION FOR PROTECTIVE ORDER

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

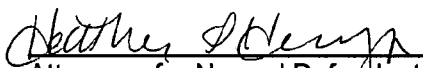
Attorney of Record for this Party:

John L. McIntyre, Esquire
PA I.D. #28015
Heather A. Harrington, Esquire
PA I.D. #62977

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 12th DAY OF JUNE, 2002.


Attorneys for Named Defendant

FILED

JUN 13 2002

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

No. 00 – 713 CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

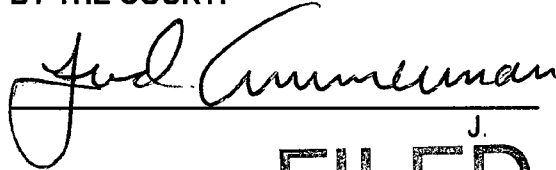
Defendants

RULE RETURNABLE

AND NOW, this 17 day of June, 2002, a Rule is hereby
granted to show cause why Defendant, DuBois Regional Medical Center's Motion for
Protective Order should not be granted.

This Rule is returnable on the 21st day of June, 2002
at 11:00 a.m./p.m. in Courtroom No. 2.

BY THE COURT:



FILED

JUN 18 2002

William A. Shaw
Prothonotary

FILED
0110:33-~~611~~
JUN 18 2002
ICC, Harington
Atty Harington
LH

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

PROPOSED ORDER

AND NOW, this _____ day of _____, 2002, after
consideration of Defendant, DuBois Regional Medical Center's Motion for Protective
Order, it is hereby ordered, directed and decreed that said Motion is granted. Linda and
Blaise Ferraraccio shall not attend the deposition of Mr. Raymond Graeca.

BY THE COURT:

J.

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

MOTION FOR PROTECTIVE ORDER

AND NOW, comes Defendant, DUBOIS REGIONAL MEDICAL CENTER, by and through its counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the within Motion for Protective Order, as follows:

1. This medical malpractice action pertains to treatment rendered to Francelia Weidenboerner in July of 1998 during a hospitalization at Defendant, DuBois Regional Medical Center.
2. Due to her physical condition, Mrs. Weidenboerner is unable to participate in a deposition.
3. Therefore, counsel for the various defendants took the depositions of her daughter and son-in-law, Linda and Blaise Ferraraccio.
4. Mr. and Mrs. Ferraraccio are not parties to this litigation. They are only fact witnesses.

5. At the depositions of Mr. and Mrs. Ferraraccio, it became clear that they have personal animosity against the individual defendants and DuBois Regional Medical Center and its employees.

6. During the deposition of Dr. Bradley, the presence of Mrs. Ferraraccio was objected to by counsel for Dr. Bradley.

7. During a phone call, the Honorable Frederick Ammerman directed that Mrs. Ferraraccio could attend Dr. Bradley's deposition because it was so far in advance of her deposition that she would be able to review the transcript prior to her deposition.

8. However, the Court never reduced that Order to writing, nor did any party request that it be reduced to writing.

9. Counsel for plaintiff has now scheduled the deposition of Raymond Graeca, the Chief Executive Officer of Defendant, DuBois Regional Medical Center.

10. Attorney Crosby has advised that Mr. and Mrs. Ferraraccio wish to attend this deposition.

11. Defendant, DuBois Regional Medical Center, strenuously objects to the presence of Linda or Blaise Ferraraccio at the deposition of Mr. Graeca for several reasons.

12. First, the Ferraraccios are not parties to this matter and therefore, as lay witnesses only, have no reason to attend the deposition of Mr. Graeca.

13. Second, it is clear that Mr. and Mrs. Ferraraccio have personal animosity towards to Mr. Graeca and their presence would create an unduly hostile environment.

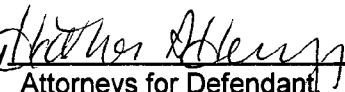
14. Third, because of this hostility, the presence of Mr. and Mrs. Ferraraccio is intended for the sole purpose to intimidate and harass Mr. Graeca.

15. As such, Defendant, DuBois Regional Medical Center, respectfully requests that this Honorable Court enter an Order directing that Linda and Blaise Ferraraccio not be permitted to attend the deposition of Raymond Graeca.

WHEREFORE, Defendant, DuBois Regional Medical Center, requests that this Honorable Court grant its Motion for Protective Order and rule that Mr. and Mrs. Ferraraccio may not attend the deposition of Raymond Graeca.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By 
Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

John L. McIntyre, Esquire
PA I.D. #28015
Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

JUN 13 2002

M11032120CC
William A. Shaw
Prothonotary

WAS

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:

BRIEF IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

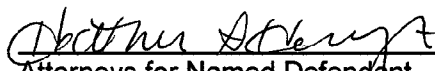
Attorney of Record for this Party:

John L. McIntyre, Esquire
PA I.D. #28015
Heather A. Harrington, Esquire
PA I.D. #62977

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 12th DAY OF JUNE, 2002.


Attorneys for Named Defendant

RECEIVED

JUN 13 2002

**COURT ADMINISTRATOR'S
OFFICE**

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	

BRIEF IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

AND NOW, comes Defendant, DUBOIS REGIONAL MEDICAL CENTER, by and through its counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the within Brief in Support of its Motion for Protective Order, as follows:

BRIEF FACTS

This medical malpractice litigation stems from an admission of Francelia Weidenboerner in July 1998 at Defendant, DuBois Regional Medical Center, wherein she was attended by the individual defendants. Mrs. Weidenboerner has alleged that her anticoagulant therapy was not properly administered and as a result she suffered a stroke. Mrs. Weidenboerner is the only individual named as plaintiff in this matter. However, due to her problems with communication, the depositions of her daughter and son-in-law, Linda and Blaise Ferraraccio, were taken to obtain a history of Mrs.

Weidenboerner's physical and medical conditions. During the deposition of Mrs. Ferraraccio, in particular, it became clear that there is a great deal of hostility and animosity toward the defendants in this matter.

Plaintiff has now scheduled the deposition of Raymond Graeca, the CEO of Defendant, DuBois Regional Medical Center. Attorney Crosby has advised that Mr. and Mrs. Ferraraccio wish to attend this deposition. Defendant, DuBois Regional Medical Center, is now requesting a Protective Order directing that Mr. and Mrs. Ferraraccio **not** be permitted to attend the deposition of Mr. Graeca for several reasons. First, as they are not parties to this matter, they have no reason or need to attend. In fact, Mrs. Weidenboerner's son holds a Power of Attorney for her, not Mrs. Ferraraccio. (Deposition Transcript of Linda Ferraraccio, page 201). Secondly, because of the animosity towards the defendant in this case, Mr. Graeca has requested that they not be present. Thirdly, Defendant, DuBois Regional Medical Center, believes that their presence would be solely for the purposes of intimidation of the witness.

DISCUSSION

PA Rules of Civil Procedure 4001 specifically states that depositions shall not be permitted which:

- (a) is sought in bad faith;
- (b) would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent or any other person or party;
- (c) is beyond the scope of discovery as set forth in Rules 4003.1 through 4003.6;
- (d) rescinded;

- (e) would require the making of an unreasonable investigation by the deponent or any party or witness; and
- (f) rescinded.

The presence of Mr. and Mrs. Ferraraccio at Mr. Graeca's deposition would cause unreasonable annoyance, oppression and would be harassing to Mr. Graeca.

The hostility and animosity of Mrs. Ferraraccio is born out by her deposition testimony, as follows:

- A. . . . and she said that Dr. Parlavecchio was on call for him. And I did not want to use his service, the services of Dennis Parlavecchio.
- Q. And why not?
- A. Because I don't respect him as a medical practitioner. And I was hoping we could get her condition to improve without any intervention by him.
- Q. When you say you don't respect him as a medical provider what do you mean?
- A. As a well-respected nurse in the community for 30 years, I know first hand of several incidents that he is incompetent and unqualified.

(Deposition transcript of Linda Ferraraccio, page 44).

- A. . . . but I was concerned that if the emergency room doctor decided that she needed admission, I was concerned that Dr. Parlavecchio would intervene and make a mistake.

(Deposition transcript of Linda Ferraraccio, pages 46-47).

- A. . . . [referencing Dr. Matthews]. And she walked away down the hall. And that I was chagrined by her cavalier attitude.

(Deposition transcript of Linda Ferraraccio, page 99).

- A. [referencing Dr. Matthews] I told her that Blaise and I were disappointed that she was unavailable, and we thought it would have been good if we could have spoken with her since she was there when mother took the turn for the worse. And it would have been nice if she would have stuck around a few minutes.

(Deposition transcript of Linda Ferraraccio, page 128).

- A. . . . So I requested that Dr. Matthews no longer be involved in my mother's care.

(Deposition transcript of Linda Ferraraccio, page 179).

- A. I started thinking about it when I realized that Mr. Graeca had not followed through on his agreement, promise, statement to take care of mother's bills.

(Deposition transcript of Linda Ferraraccio, page 199).

- A. . . . [referring to Dr. Bradley] Up until that deposition, I had still maintained my professional faith and respect . . .

(Deposition transcript of Linda Ferraraccio, page 254).

- A. [referencing a discussion with Dr. Parlavecchio] And I said, quote, your apology isn't accepted, it's not good enough and, no, you certainly cannot check my mother out before she gets discharged, end quote.

- Q. Did Dr. Parlavecchio have any response to that or was that the end of the conversation?

- A. I think I probable hung up on him.


(Deposition transcript of Linda Ferraraccio, pages 299-300).

- A. [referencing Dr. Bradley's deposition] I think it was all one-sided. I think . . . I know that I just expressed . . . I can't even think of a word stronger than shock, that I was shocked that he had lied and I was disappointed in him.

(Deposition transcript of Linda Ferraraccio, page 320).

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By 
Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

John L. McIntyre, Esquire
PA I.D. #28015
Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FRANCELIA WEIDENBOERNER :
 :
-vs- : No. 00 -713 -CD
 :
DUBOIS REGIONAL MEDICAL :
CENTER, al :

O R D E R

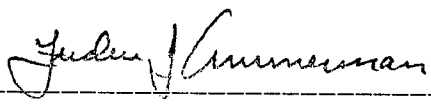
NOW, this 26th day of June, 2002, in consideration of the Defendants' Motion for Protective Order relating to the upcoming deposition, it is the ORDER of this Court that during the deposition in question of Ray Graeca that either the daughter of the Plaintiff, Linda Ferraraccio, or her husband, Blaise Ferraraccio, Esquire, be permitted to attend the deposition. During the deposition, the individual who is chosen to attend shall at all times remain silent other than speaking privately with counsel for the Plaintiff. All individuals involved shall conduct themselves in an appropriate and dignified fashion.

BY THE COURT,

FILED

JUL 09 2002

William A. Shaw
Prothonotary



Judge

FILED

013:12 ~~to~~
JUL 09 2002

Red
Box

William A. Shaw
Prothonotary

2cc Atty Judd Crosby
2cc Atty J. McIntyre
2cc Atty J. Blasko
2cc Atty M. Schleppey
2cc Atty W. Wall

6A
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS SEAN
PARLAVECCHIO, M.D., THOMAS
JOSEPH BRADLEY, M.D., and ANNE
MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code No.

**MOTION TO COMPEL PLAINTIFF TO
PRODUCE EXPERT REPORTS**

Filed on Behalf of Defendant, Anne
Mathews, M.D.

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

Firm No. 198

120 Lakemont Park Blvd.
Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

FILED

NOV 04 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	JURY TRIAL DEMANDED
and ANNE MATHEWS, M.D.	:	
Defendants	:	

RULE

NOW THIS ____ day of _____, 2002, a Rule is hereby issued upon Plaintiff, Francelia Weidenboerner, to show cause, if any there should be, why the Motion to Compel Plaintiff to Produce Expert Reports, of Defendant, Anne Mathews, M.D., should not be granted.

Said Rule Returnable the ____ day of _____, 2002, at ____ o'clock, ____m., Courtroom No. _____, Clearfield County Courthouse, Clearfield, Pennsylvania.

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

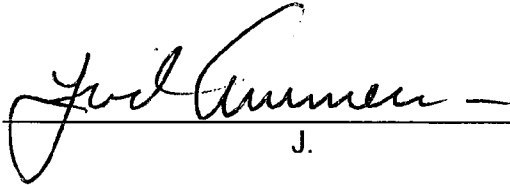
DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

ORDER OF COURT

NOW this 6th day of Nov., 2002, upon consideration of the
Motion to Compel Plaintiff to Produce Expert Reports filed by Defendant, Anne
Mathews, M.D., and after hearing upon the same, the Court does hereby Order, Direct
and Decree Plaintiff to produce an expert report against Dr. Mathews within sixty (60)
days from the date of the Court's Order.

BY THE COURT:


J.

FILED

NOV 06 2002

William A. Shaw
Prothonotary

FILED

01/10/03
NOV 08 2002

ICC
Amy Maierhofer, Esq.
[Signature]

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	JURY TRIAL DEMANDED
and ANNE MATHEWS, M.D.	:	
Defendants	:	

MOTION TO COMPEL PLAINTIFF TO PRODUCE EXPERT REPORTS

NOW COMES the Defendant, Anne Mathews, M.D., by and through her counsel, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and files the within Motion to Compel Plaintiff to Produce Expert Reports of which the following is a statement.

1. Plaintiff commenced this litigation by filing a Complaint of June 15, 2000 and serving this Defendant on June 19, 2000.
2. Plaintiff sets forth in her Complaint that the Defendant allegedly provided improper medical treatment on or about July 24, 1998.
3. Extensive discovery has been conducted in this case in which almost all named parties and possible witnesses have been deposed except for Defendant, Dr. Mathews.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

VS.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **1st day of November, 2002**, a true and correct copy of the Motion to Compel Plaintiff to Produce Expert Reports, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

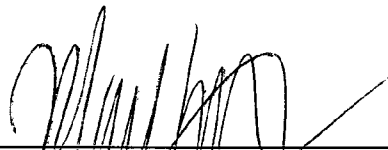
John L. McIntyre, Esquire
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

NOV 04 2002

William A. Shaw
Prothonotary

[Handwritten signature]

cc

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

FILED ^{NO} cc
m/11:24-81
NOV 08 2002

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **7th day of November, 2002**, a true and correct copy of the Order of Court dated November 6, 2002 for Plaintiff to produce an expert report against Dr. Mathews within sixty days from the date of the Court's Order, filed on behalf of said Defendant was served upon Counsel of record by facsimile to Plaintiff's counsel and first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

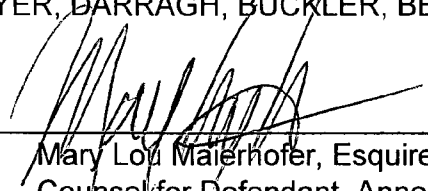
John L. McIntyre, Esquire
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY


Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
MOTION TO COMPEL PLAINTIFF TO
PRODUCE EXPERT REPORTS

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

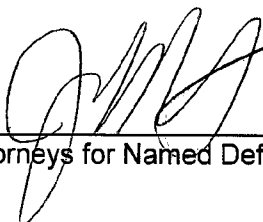
Attorney of Record for this Party:

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 11th DAY OF NOVEMBER, 2002.


Attorneys for Named Defendant

FILED

NOV 13 2002

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this 14 day of NOV., 2002, upon consideration of the within Motion to Compel, filed on behalf of DuBois Regional Medical Center, it is hereby ORDERED, DIRECTED and DECREED that the plaintiff is to produce any and all expert reports against DuBois Regional Medical Center within sixty (60) days, or suffer sanctions, from the date of this Court's Order.

By the Court,

 J.

FILED

NOV 15 2002

William A. Shaw
Prothonotary

FILED

2cc

0/13:43-8H
NOV 15 2002

Att'y McInyre

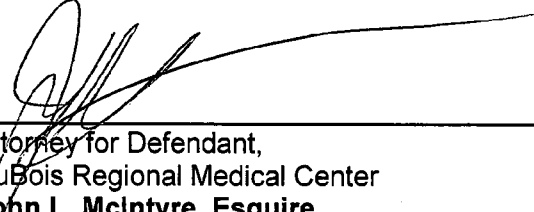
William A. Shaw
Prothonotary

CS
KAB

WHEREFORE, the defendant, DuBois Regional Medical Center, respectfully requests this Court to enter an Order compelling the plaintiff to produce an expert report against DuBois Regional Medical Center within sixty (60) days from the date of this Court's Order.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant,
DuBois Regional Medical Center
John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 – Fax

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

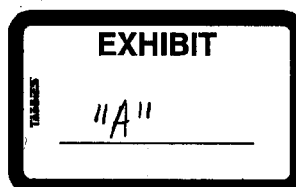
DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

MOTION TO COMPEL PLAINTIFF TO PRODUCE EXPERT REPORTS

NOW COMES the Defendant, Anne Mathews, M.D., by and through her counsel, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and files the within Motion to Compel Plaintiff to Produce Expert Reports of which the following is a statement.

1. Plaintiff commenced this litigation by filing a Complaint of June 15, 2000 and serving this Defendant on June 19, 2000.
2. Plaintiff sets forth in her Complaint that the Defendant allegedly provided improper medical treatment on or about July 24, 1998.
3. Extensive discovery has been conducted in this case in which almost all named parties and possible witnesses have been deposed except for Defendant, Dr. Mathews.



4. Plaintiff has not scheduled the deposition of Defendant, Dr. Mathews even though Plaintiff was told that Dr. Mathews was going to be taking up residency in New York State.

5. As a result of the extensive discovery that has been undertaken, Plaintiff has sufficient amount of information to produce at least preliminary expert reports in this case.

6. As it appears that Plaintiff has not attempted to schedule the deposition of Dr. Mathews, it is believed at this point, Plaintiff should be ordered to produce a preliminary expert report against Dr. Mathews in order to ready this case for trial.

7. As a result of the Plaintiff's failure to produce any expert reports, and the length of this case currently pending in the Court, it is clear that this Defendant has been extremely prejudiced by Plaintiff's failure to move this case along and produce an expert report.

WHEREFORE, Defendant, Anne Mathews, M.D. prays this Honorable Court enter an Order compelling the Plaintiff to produce an expert report against Dr. Mathews within sixty (60) days from the date of the Court's Order.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

Date: November 1, 2002

FILED

NOV 13 2002

3:31 PM

cc
18

William A. Shaw
Prothonotary

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S MOTION TO EXTEND
TIME FOR FILING PRELIMINARY
EXPERT REPORT REGARDING
DEFENDANT MATHEWS

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

NOV 15 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S PRAECIPE FOR
ARGUMENT

Filed on behalf of plaintiff

Counsel of Record:

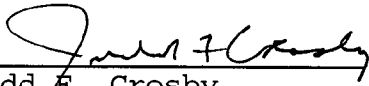
Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

PRAECIPE FOR ARGUMENT

Please place Plaintiff's Motion to Extend Time for Filing Preliminary Expert Report Regarding Defendant Mathews down for argument before Judge Ammerman at the earliest possible convenience of the Court.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon
Motion of plaintiff it is hereby ORDERED as follows:

1. The Order of this Court dated November 6, 2002, is hereby rescinded.
2. Plaintiff shall file a preliminary report as to defendant Mathews within 120 days of receipt of the transcript of defendant Mathews' discovery deposition.

BY THE COURT:

J.

**PLAINTIFF'S MOTION TO EXTEND TIME
FOR FILING PRELIMINARY EXPERT REPORT
REGARDING DEFENDANT MATHEWS**

AND NOW comes the Plaintiff, by and through her counsel, Judd F. Crosby, and hereby seeks an ORDER extending the time to file a Preliminary Expert Report as to Defendant Mathews and in support thereof states as follows:

1. This action results from personal injuries sustained by plaintiff in the form of a stroke as a result of multiple defendants having mistakenly allowed her anti-stroke medication regimen to stop upon admission to defendant hospital.

2. All defendants or their representatives have been deposed with the exception of defendant Mathews.

3. Delays have occurred during the litigation due to the unavailability of defendants to timely submit to depositions.

4. On November 4, 2002, counsel for plaintiff received a Motion of defendant Mathews asking for a Rule to Issue as to why plaintiff should not produce a "preliminary report" as to defendant Mathews and placed fault on plaintiff for not moving the case along.

5. Plaintiff has steadfastly attempted to keep the discovery process in motion throughout these proceedings.

6. Defendant Mathews claims prejudice in her Motion by not having a report, but does not identify any prejudice.

7. Plaintiff does not currently possess an expert report regarding defendant Mathews in that to incur the extremely high costs of such a report without the benefit of her deposition would not be fair or just to plaintiff.

8. It should be noted that plaintiff died on September 8, 2002, and an estate is in the process of being set up and substituted as a party before any further matters may go forth.

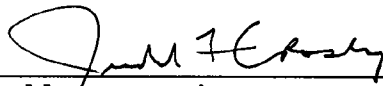
9. Defendant Mathews through the Complaint, Answers to Interrogatories and substantial discovery in the form of depositions is fully aware of the allegations of negligence against her and it is disingenuous for her to claim any prejudice in these circumstances.

10. Defendant Mathew's deposition is now scheduled for January 9, 2003.

11. Upon taking the deposition of defendant Mathews and having all the substantial discovery and substantial records reviewed by an expert, plaintiff will be in a position to timely file the report as to defendant Mathews.

WHEREFORE, plaintiff respectfully requests an Order striking the Court Order of November 6, 2002, and giving plaintiff 120 days after receipt of the transcript from defendant Mathews' deposition to provide an expert report as to her negligence.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judd F. Crosby", is written over a horizontal line.

Judd F. Crosby
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon
Motion of plaintiff it is hereby ORDERED as follows:

1. The Order of this Court dated November 6, 2002, is hereby rescinded.
2. Plaintiff shall file a preliminary report as to defendant Mathews within 120 days of receipt of the transcript of defendant Mathews' discovery deposition.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

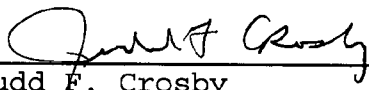
The undersigned hereby certifies that copies of the foregoing PLAINTIFF'S MOTION TO EXTEND TIME FOR FILING PRELIMINARY EXPERT REPORT REGARDING DEFENDANT MATHEWS were served this 13th day of November, 2002, by regular mail, postage prepaid, on the following counsel of record:

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

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

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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



Judd F. Crosby

FILED

NOV 15 2002

10:38 AM

McC
Atty Crosby

ECB

William A. Shaw
Prothonotary

JUDD F. CROSBY
ATTORNEY AT LAW
1450 TWO CHATHAM CENTER
PITTSBURGH, PENNSYLVANIA 15219
(412) 471-3530

November 13, 2002

David S. Meholick
Court Administrator
Clearfield County Courthouse
One N. 2nd St.
Clearfield, PA 16830

RE: FRANCELIA WEIDENBOERNER VS.
DUBOIS REGIONAL MEDICAL CENTER;
DENNIS SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.; AND
ANNE MATHEWS, M.D.
CASE NO.: 00-713-CD

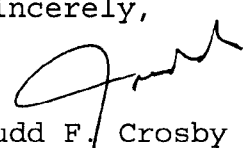
Dear Mr. Meholick:

Enclosed please find copies of Plaintiff's Motion to Extend Time for Filing Preliminary Expert Report Regarding Defendant Mathews and Praeipse for Argument, the originals of which have been filed with the Prothonotary.

Please set this matter for argument at the earliest possible convenience of the Court (Judge Ammerman).

Thank you for your anticipated courtesies and cooperation.

Sincerely,



Judd F. Crosby

JFC/fmk
Enclosures

cc: John L. McIntyre, Esq.
Mary Lou Maierhofer, Esq.
John W. Blasko, Esq.
Marian Patchen Schleppy, Esquire

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation, DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATTHEWS, M.D.,

Defendants.

No.: 00713-00

Type of Case: Civil Action

JURY TRIAL DEMANDED

Type of Pleading:

MOTION TO COMPEL PLAINTIFF
TO PRODUCE EXPERT REPORTS

Filed on Behalf of Defendant
Dennis S. Parlavecchio M.D.

Counsel of Record for this
Party:

ALLEN P. NEELY
Court I.D. No.: 65302

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

811 University Drive
State College, PA 16801
(814) 238-4926

Counsel of Record for
Adverse Party:
JUDD F. CROSBY

Dated: 11-15-02

FILED

NOV 18 2002

William A. Shaw
Prothonotary

FILED
NOV 18 2002
NOV 18 2002
William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN PARLAVECCHIO,)
M.D., THOMAS JOSEPH BRADLEY, M.D.)
and ANNE MATTHEWS, M.D.,)

Defendants.

NO. 00-713-CD

JURY TRIAL DEMANDED

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 2002, a Rule is hereby issued to
show cause why the Motion to Compel Plaintiff to Produce Expert Reports should not be granted.

Rule returnable the ____ day of _____, 2002, in _____ County
Courthouse, Courtroom ____ at _____ o'clock.

4

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS SEAN
PARLAVECCHIO, M.D., THOMAS
JOSEPH BRADLEY, M.D., and ANNE
MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code No.

MOTION FOR RECUSAL

Filed on Behalf of Defendant, Anne
Mathews, M.D.

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

Firm No. 198

120 Lakemont Park Blvd.

Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

FILED

NOV 18 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

RULE

NOW THIS _____ day of _____, 2002, a Rule is hereby issued upon
Plaintiff, Francelia Weidenboerner, to show cause, if any there should be, why the
Motion for Recusal filed by Defendant, Anne Mathews, M.D., should not be granted.

Said Rule Returnable the _____ day of _____, 2002, at _____ o'clock,
____.m., Courtroom No. _____, Clearfield County Courthouse, Clearfield, Pennsylvania.

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

NO. 00-713-CD

JURY TRIAL DEMANDED

ORDER OF COURT

NOW this _____ day of _____, 2002, upon consideration of the
Motion for Recusal filed by Defendant, Anne Mathews, M.D., it is hereby Ordered,
Directed and Decreed that said Motion is Granted by the Court.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	
VS.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	JURY TRIAL DEMANDED
and ANNE MATHEWS, M.D.	:	
Defendants	:	

MOTION FOR RECUSAL

NOW COMES the Defendant, Anne Mathews, M.D., by and through her counsel, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and files the within Motion for Recusal in manner and form as follows:

1. Plaintiff commenced this litigation by filing a Complaint on June 15, 2000 and serving this Defendant on June 19, 2000.
2. Plaintiff sets forth in her Complaint that the Defendant allegedly provided improper medical treatment on or about July 24, 1998.
3. On or about June 27, 2002 at the conclusion of a hearing on a Protective Order sought on behalf of DuBois Regional Medical Center, Judge Ammerman disclosed information concerning his relationship with the parties involved in the lawsuit and advised all parties present that if there was a request for recusal he would grant the same.

4. Judge Ammerman indicated that he knew the parties involved in the lawsuit and that he was close, personal friends with the daughter and son-in-law of the Plaintiff.

5. The son-in-law of the Plaintiff, being an attorney practices before the bench in Clearfield County.

6. The Judge also indicated that he visited with the daughter and son-in-law of the Plaintiff in their home and that if he has a party, he invites them as people he knows.

7. The Judge also indicated he had contacts with the Dubois Regional Medical Center and explained the same.

8. Judge Ammerman indicated that either a letter or a Motion could be filed seeking recusal.

9. This Motion is being filed as a formality so that the record is clear as to the request for recusal.

10. This Motion is filed not upon a belief that Judge Ammerman could not be fair, but in order to avoid placing Judge Ammerman in a potentially uncomfortable and personally embarrassing position.

WHEREFORE, Defendant, Anne Mathews, M.D., prays this Honorable Court enter an Order granting the request for recusal.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

Date: November 15, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **15th day of November, 2002**, a true and correct copy of the Motion for Recusal, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

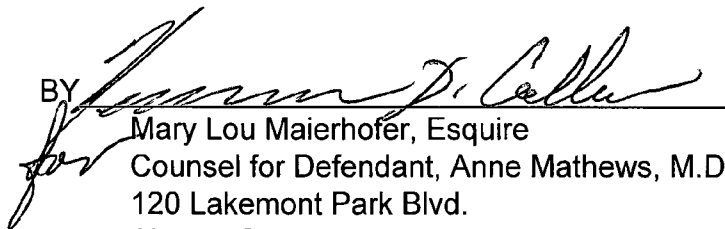
John L. McIntyre, Esquire
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY



Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

NOV 18 2002

NO
cc

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER. a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code:

Issue No.:

SUGGESTION OF DEATH

Filed on behalf of Thomas Joseph
Bradley, M.D., Defendant

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

NOV 18 2002

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 00-713-CD
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER, a corporation; DENNIS)	
SEAN PARLAVECCHIO, M.D.;)	
THOMAS JOSEPH BRADLEY, M.D.;)	
and ANNE MATHEWS, M.D.,)	
)	
Defendants.)	

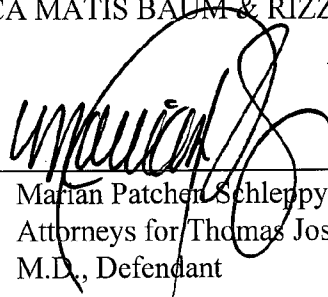
SUGGESTION OF DEATH

Plaintiff, Francelia Weidenboerner, died on September 8, 2002.

Respectfully submitted,

GACA MATIS BALM & RIZZA

By



Marian Patchen Schleppey, Esquire
Attorneys for Thomas Joseph Bradley,
M.D., Defendant

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing
Suggestion of Death was this 14th day of November, 2002, delivered to counsel of record via
United States First Class Mail, postage prepaid, as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

Mary Lou Maierhofer, Esquire
Meyer, Darragh, Buckler, Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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

GACA MATIS BAUM & RIZZA



Marian Patchen Schleppy, Esquire

FILED
NOV 19 2002
NOV 18 2002

NO
CC
[Signature]

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER

vs.

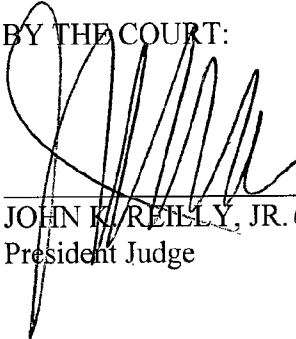
No. 00-713-CD

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

ORDER

NOW, this 19th day of November, 2002, upon consideration of
recusal of both Judges sitting in the 46th Judicial District, it is the ORDER of this
Court that the Court Administrator of Clearfield County refer the above-captioned
civil matter to Administrative Regional Unit II for assignment of a specially presiding
judicial authority.

BY THE COURT:


JOHN K. REILLY, JR.
President Judge

FILED

NOV 19 2002

William A. Shaw
Prothonotary

FILED

Debbie Crosby

01/14/2012
NOV 19 2012

McIntyre

Blasto

William A. Shaw
Prothonotary



Schleppy

Wall

2cc c/A

CA
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS SEAN
PARLAVECCHIO, M.D., THOMAS
JOSEPH BRADLEY, M.D., and ANNE
MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code No.

**OPPOSITION TO THE PLAINTIFF'S
MOTION TO EXTEND TIME FOR
FILING PRELIMINARY EXPERT
REPORT REGARDING DEFENDANT
MATHEWS**

Filed on Behalf of Defendant, Anne
Mathews, M.D.

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.
Firm No. 198
120 Lakemont Park Blvd.
Altoona, PA 16602

Telephone No.: (814) 941-4600
Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

FILED

NOV 20 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

NO. 00-713-CD

JURY TRIAL DEMANDED

ORDER OF COURT

NOW this _____ day of _____, 2002, upon consideration of the within
Opposition to the Plaintiff's Motion to Extend Time for Filing Preliminary Expert Report
Regarding Defendant Mathews filed by Defendant, Anne Mathews, M.D., and after
hearing upon the same, the Court does hereby Order, Direct and Decree that Plaintiff's
Motion to Extend Time for Filing Preliminary Expert Report Regarding Defendant
Mathews is dismissed.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,	:	NO. 00-713-CD
Plaintiff	:	
	:	
VS.	:	
	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER, a corporation; DENNIS	:	
SEAN PARLAVECCHIO, M.D.,	:	
THOMAS JOSEPH BRADLEY, M.D.,	:	JURY TRIAL DEMANDED
and ANNE MATHEWS, M.D.	:	
Defendants	:	

**OPPOSITION TO THE PLAINTIFF'S MOTION TO EXTEND TIME FOR FILING
PRELIMINARY EXPERT REPORT REGARDING DEFENDANT MATHEWS**

NOW COMES the Defendant, Anne Mathews, M.D., by and through her counsel, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and files the within Opposition to the Plaintiff's Motion to Extend Time for Filing Preliminary Expert Report Regarding Defendant Mathews of which the following is a statement.

1.-2. Admitted.

3. Denied and on the contrary, this Defendant has always been available and has indicated to Plaintiff that she has always been available to submit to a deposition, however, Plaintiff did not schedule Defendant's deposition. Plaintiff has now sent a Notice of Deposition to this Defendant in response to this Defendant's Motion to Receive the Preliminary Expert Report filed against Plaintiff.

4. Admitted.

5. Denied and on the contrary, it appears that even though Defendant, Mathews was willing to be deposed before her move to New York, Plaintiff's counsel

was not interested in doing it at that time. Further, nothing has been happening in this litigation.

6. Denied and on the contrary, it is averred the prejudice is the fact that the Defendant has now moved to New York; is employed in a new job which will require her to travel back to this area; not having a report identifying the specific issues against Defendant, Mathews; and in allowing this litigation to proceed on when Plaintiff's allegations/claims have not been validated by a medical professional clearly prejudices this Defendant.

7.-8. Denied in that after reasonable investigation this Defendant lacks information sufficient upon which to form an opinion in regard to the same. It should be noted that even though Plaintiff died on September 8, 2002, no notification was provided to any of the Defendants until the Defendant, Mathews filed a Motion to Compel Plaintiff to produce an expert report. Further, no response was forthcoming until such time as the Court Granted the Motion to Compel.

9. Denied and on the contrary, it is averred that the Plaintiff has alleged various general allegations without substantive standards of any breach provided by Defendant, Mathews. It is clear that there is no expert testimony to substantiate the very vague and possibly unsubstantiated allegations made by Plaintiff which clearly prejudices this Defendant.

10. Denied in that the Plaintiff picked a date without discussing the same with any counsel, especially Dr. Mathews' counsel and/or Dr. Mathews. January 9, 2003 is a date that is unavailable for Dr. Mathews and her counsel, however, January 8, 2003 is

a date that has been submitted to the Plaintiff's counsel to schedule Dr. Mathews' deposition.

11. Denied and on the contrary, it is averred that the Plaintiff should have a preliminary expert report that should have been available prior to the filing of the Complaint in order to substantiate the allegations against this Defendant. Typically, most medical malpractice cases have an expert on line in order to have guidance for the drafting of the Complaint and assistance through discovery. Further, typically these reports are in draft written form and at least the preliminary report can be produced. This is extremely prejudicial to the Defendant, Mathews if Plaintiff is not required to produce the same.

WHEREFORE, Defendant, Anne Mathews, M.D., respectfully requests that Plaintiff's Motion to Extend Time for Filing Preliminary Expert Report Regarding Defendant Mathews be dismissed.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maternof, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

Date: November 19, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **19th day of November, 2002**, a true and correct copy of the within Opposition to the Plaintiff's Motion to Extend Time for Filing Preliminary Expert Report Regarding Defendant Mathews, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

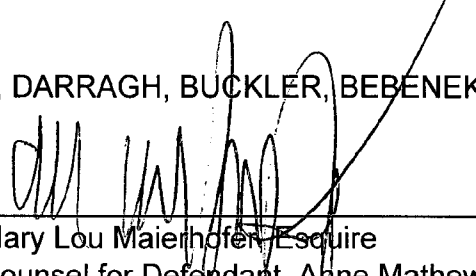
John L. McIntyre, Esquire
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK, & ECK, PLLC

BY


Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Blvd.
Altoona PA 16602
(814) 941-4600
ID# 62175

FILED

NOV 20 2002

11:29 AM

NO CC

EST

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC hereby certify that on this **19th day of November, 2002**, I have served Second Request for Production of Documents Directed to Plaintiff on behalf of Defendant, Anne Mathews, M.D., mailing same by United States first class mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

John L. McIntyre, Esquire
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
811 University Drive
State College PA 16801

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

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

By: _____

MARY LOU MAIERHOFER, ESQUIRE
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No. (814) 941-4600
I.D. #62175

FILED

m/11:30 AM
NOV 20 2002

William A. Shaw
Prothonotary

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S MOTION TO COMPEL THE
PRODUCTION OF DOCUMENTS

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

NOV 22 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

RULE

NOW THIS _____ day of _____, 2002, a Rule is hereby
issued upon Defendant, DuBois Regional Medical Center, to show cause, if
any there should be, why the Plaintiff's Motion to Compel the Production
of Documents should not be granted.

Said Rule Returnable the _____ day of _____, 2002, at
____ o'clock, ____ m., Courtroom No. _____, Clearfield County
Courthouse, Clearfield, Pennsylvania.

J.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon Motion of plaintiff it is hereby ORDERED that defendant DuBois Regional Medical Center shall immediately turn over to counsel for plaintiff all written documents resulting from its investigation into the matters raised by plaintiff's Complaint, including but not limited to those documents listed in the hospital's Supplemental Answers to Plaintiff's Discovery.

BY THE COURT:

J.

**PLAINTIFF'S MOTION TO COMPEL
THE PRODUCTION OF DOCUMENTS**

AND NOW comes the Plaintiff, by and through her counsel, Judd F. Crosby, and hereby requests an ORDER compelling the production of documents and in support thereof states as follows:

1. This action results from a stroke suffered by plaintiff on July 24, 1998, while an inpatient at defendant hospital (DRMC).

2. Plaintiff had been prescribed by Defendant Bradley an anti-stroke medication regimen for many years prior to her involved admission which began on July 16, 1998.

3. At time of admission on July 16, 1998, the defendant doctor covering for Defendant Bradley was Defendant Parlavecchio.

4. The treating defendant physicians and hospital mistakenly missed the fact of plaintiff's anti-stroke medication regimen for which no orders existed in her chart to continue or to discontinue.

5. Defendants within several months of the stroke admitted repeatedly to their mistakes and the resulting stroke.

6. After litigation was commenced defendants denied any mistakes and testified the discontinuance of the anti-stroke regime was the result of a medical decision.

7. The hospital at the request of plaintiff's daughter, Linda Ferraraccio, did an investigation into the incident from which numerous documents resulted.

8. Plaintiff originally requested of DRMC on February 1, 2001, all the documents resulting from its investigation into the incident. Plaintiff's Request for Production attached hereto as Exhibit A.

9. No response was received.

10. Plaintiff forwarded a more specific set of Interrogatories and Request for Production which was served on DRMC on October 2, 2001.

11. No response was received.

12. Plaintiff was forced to file and serve a Motion to Compel Discovery for these documents which Motion was filed with the court on December 7, 2001. Attached as Exhibit B.

13. Almost one year after the documents were originally requested, DRMC finally served Answers to Interrogatories and Request for Production on January 21, 2002. Attached as Exhibit C.

14. Those Answers and Response did not include the relevant documents in that the privilege in the Pennsylvania Peer Review Act was

asserted, but the withheld documents were not identified in the Response.

15. At the urging of counsel for plaintiff DRMC finally on May 3, 2002, filed Supplemental Answers to Plaintiff's Discovery which identified generally the withheld documents. Supplemental Answers attached hereto as Exhibit D.

16. The Supplemental Answers did not contain a verification and merely contained an assertion by defense counsel that the documents were protected from disclosure by the Peer Review Statute.

17. The assertion by counsel states that the investigation and resulting documents were not solely for the purpose of quality assurance, but also employed by the risk management department which is charged with defending the hospital in this litigation and which has had full access to all these documents.

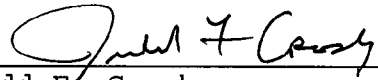
18. DRMC here cannot meet its burden of proof that the records were used solely for peer review and, thus, in fairness should be available to the opposing party, plaintiff.

19. Even assuming the records involved are protected by the review statute, any such privilege here has been waived by DRMC through its sharing the results of the investigation with third parties, specifically Mr. and Mrs. Blaise Ferraraccio as set forth in Plaintiff's

Brief in Support of this Motion which is incorporated herein by reference.

WHEREFORE, plaintiff respectfully requests that an Order be issued directing DRMC to immediately provide plaintiff with all documents resulting from its investigation or, in the alternative, perform an in camera inspection of said documents to see if any reference to "medication error" or "mistake" is contained in the documents which would justify the release of all such documents.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS
TO DEFENDANT DUBOIS REGIONAL
MEDICAL CENTER

Code: 001

Filed on Behalf of
Plaintiff

Counsel of Record:

Judd F. Crosby
PA I.D. 16373

1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 471-3530

ALL-STATE LEGAL®

EXHIBIT

A

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT DUBOIS REGIONAL MEDICAL CENTER**

AND NOW, comes the plaintiff by her counsel, JUDD F. CROSBY, and hereby requests, pursuant to Rules 4001, 4003 and 4009, Pennsylvania Rules of Civil Procedure, that defendant DuBois Regional Medical Center produce any of the following items and documents in the possession of defendant, its attorneys, or any other representatives:

1. All statements of any party or witness to the above-captioned action, including stenographic, mechanical, electrical or other recordings, or a transcription thereof, which is a substantially verbatim recital of any oral statement by the person making it and contemporaneously recorded, obtained by the defendant, or any agent or representative on the defendant's behalf.

2. All documents concerning any investigation of the above-captioned action or its subject matter.

3. All photographs, diagrams or sketches pertaining to the above-captioned action or its subject matter.

4. All expert reports obtained by defendant of an expert who will offer testimony in the above-captioned action.

5. All exhibits defendant intends to use at the time of trial in the above-captioned action.

6. Any and all medical records and bills in defendant's possession.

7. Any diaries or notes the defendant or any representative may have kept relative to this claim or damages or injuries alleged.

8. Any calendars that may have been kept noting events, occurrences, condition, treatment received or any other matters relevant to the plaintiff.

9. Any writings, other than the hospital records or the bills, alleged to have been produced or authored by defendant and/or any representative of defendant.

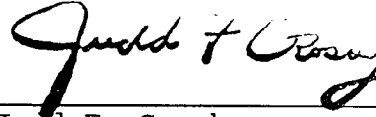
10. Please identify and produce any and all medical bills which you contend are related to plaintiff.

11. Please produce copies of any and all documents referencing the amount paid by the healthcare providers and/or any information pertaining to any liens with regard to payment of medical expenses or any other payments.

The requests contained herein are deemed to be continuing such that any material obtained from now until the above docket is satisfied is included within this request and will require updating

as additional documents and materials are received by the defendant.

Respectfully submitted,

A handwritten signature in cursive script, reading "Judd F. Crosby". The signature is written in dark ink and is positioned above a horizontal line.

Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
(412) 471-3530

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **Plaintiff's Request for Production of Documents to Defendant DuBois Regional Medical Center**, were served this 1st day of February, 2001, by regular mail, postage prepaid, on the following counsel of record:

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

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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

Walter Fredrick Wall, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602



Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S MOTION TO COMPEL
DISCOVERY

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 07 2001

Attest.

William A. Brown
Prothonotary/
Clerk of Courts



PLAINTIFF'S MOTION TO COMPEL DISCOVERY

AND NOW comes the Plaintiff, by and through her counsel, Judd F. Crosby, and hereby seeks an ORDER compelling discovery and in support thereof states as follows:

1. This action results from serious injuries sustained by plaintiff while she was a patient at DuBois Regional Medical Center under the care of defendant physicians.

2. On October 2, 2001, plaintiff caused to be served a discovery request entitled "Plaintiff's Interrogatories and Request for Production of Records Directed to Defendant DuBois Regional Medical Center".

3. To date no answer or response of any type has been received from defendant hospital and a response is past due.

4. Full and complete response to this discovery is necessary for the proper investigation, preparation and presentation of plaintiff's case.

5. A copy of the discovery request is attached hereto.

WHEREFORE, plaintiff respectfully requests that this Honorable Court enter an ORDER directing defendant DuBois Regional Medical Center to serve an immediate response.

Respectfully submitted,

A handwritten signature in cursive script, reading "Judd F. Crosby", written in black ink.

Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
RECORDS DIRECTED TO DEFENDANT
DUBOIS REGIONAL MEDICAL CENTER

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO
DEFENDANT DUBOIS REGIONAL MEDICAL CENTER

Plaintiff by and through her counsel, Judd F. Crosby, pursuant to the Pennsylvania Rules of Civil Procedure, demands that defendant DuBois Regional Medical Center file full and complete answers to the following interrogatories, under oath, within thirty (30) days from the date of service thereof on defendant DuBois Regional Medical Center. If additional space is required to fully answer said interrogatories, please attach additional pages.

1. Did defendant DuBois Regional Medical Center, any agent, servant or representative cause any investigation to be performed into any of the events concerning the care and treatment of plaintiff at its institution from July 16, 1998, until August 7, 1998?

ANSWER

2. If the answer to the preceding question is answered in the affirmative, please state the following information:

- a. Names, addresses and titles of all persons participating in the investigations.
- b. Names, addresses, titles and employer of all persons who were contacted as part of the investigation.
- c. The date of each such contact identified in "b" above.
- d. Did defendant collect any written or recorded statements as part of the investigation?

- e. Did defendant or any agent, servant, employer or representative of defendant share with anyone the substance of things which were discovered in the course of the investigation?
- f. If the answer to "e" is affirmative, identify by name and employer each person with whom information was shared and provide the date of such sharing.
- g. Please attach all notes, records, reports, transcripts, tapes and other written documents and things which resulted from said investigation.
- h. Identify the person or persons who requested that the investigation be performed and the person or persons to whom the request was made and the date of each such request.

ANSWER:

3. State the last known address, telephone number and employer of Linda Bennett and state her position and duties while at DuBois Regional Medical Center.

ANSWER

4. Please attach true and correct copies of all statements of any type relating to the claims herein or any defense thereto.

ANSWER

5. Has any staff physician at DuBois Regional Medical Center indicated to DuBois Regional Medical Center that plaintiff suffered a stroke while she was a patient at DuBois Regional Medical Center in July and/or August, 1998? If so, identify each such physician.

ANSWER

6. Did defendant, DuBois Regional Medical Center, as a result of any investigation referenced above change any hospital policy or procedure or implement new hospital policy or procedure? If so, identify each such new policy or procedure, and, if applicable, identify the old policy or procedure.

ANSWER

7. In July and August, 1998, did defendant DuBois Regional Medical Center maintain any written policy or procedure which was intended to provide all staff physicians who might treat a particular patient with the knowledge of that patient's pre-admission medications? If so, identify and produce the entire substance of each such policy or procedure.

ANSWER

8. To the knowledge of DuBois Regional Medical Center and its agents, employees and representatives did any person providing medical attention to plaintiff from July 16, 1998, until August 7, 1998, violate any policy or procedure of the defendant hospital? If so, identify each such person and each such policy or procedure.

ANSWER

Respectfully submitted,



Judd F. Crosby

CERTIFICATE OF SERVICE

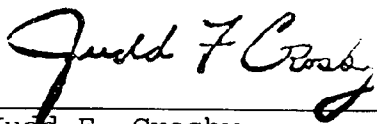
The undersigned hereby certifies that copies of the foregoing PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO DEFENDANT DUBOIS REGIONAL MEDICAL CENTER were served this 2nd day October, 2001, by regular mail, postage prepaid, on the following counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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



Judd F. Crosby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing **PLAINTIFF'S MOTION TO COMPEL DISCOVERY** were served this 6th day of December, 2001, by regular mail, postage prepaid, on the following counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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



Judd F. Crosby

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 200__,
it is hereby ORDERED that defendant DuBois Regional Medical Center shall
serve full and complete responses to Plaintiff's Interrogatories and
Request for Production of Records Directed to Defendant DuBois Regional
Medical Center which was served on October 2, 2001, and said service
shall occur within fifteen (15) days of the date of this ORDER.

BY THE COURT:

_____ J.

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:

ANSWERS TO INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF RECORDS

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 21st DAY OF JANUARY, 2002.

John L. McIntyre /max
Attorneys for Named Defendant



PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO
DEFENDANT DUBOIS REGIONAL MEDICAL CENTER

Plaintiff by and through her counsel, Judd F. Crosby, pursuant to the Pennsylvania Rules of Civil Procedure, demands that defendant DuBois Regional Medical Center file full and complete answers to the following interrogatories, under oath, within thirty (30) days from the date of service thereof on defendant DuBois Regional Medical Center. If additional space is required to fully answer said interrogatories, please attach additional pages.

1. Did defendant DuBois Regional Medical Center, any agent, servant or representative cause any investigation to be performed into any of the events concerning the care and treatment of plaintiff at its institution from July 16, 1998, until August 7, 1998?

ANSWER

Yes.

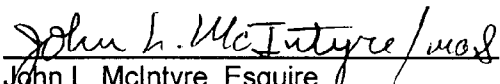
2. If the answer to the preceding question is answered in the affirmative, please state the following information:

- a. Names, addresses and titles of all persons participating in the investigations.
- b. Names, addresses, titles and employer of all persons who were contacted as part of the investigation.
- c. The date of each such contact identified in "b" above.
- d. Did defendant collect any written or recorded statements as part of the investigation?

- e. Did defendant or any agent, servant, employer or representative of defendant share with anyone the substance of things which were discovered in the course of the investigation?
- f. If the answer to "e" is affirmative, identify by name and employer each person with whom information was shared and provide the date of such sharing.
- g. Please attach all notes, records, reports, transcripts, tapes and other written documents and things which resulted from said investigation.
- h. Identify the person or persons who requested that the investigation be performed and the person or persons to whom the request was made and the date of each such request.

ANSWER:

- a. Linda Bennett and Greg Volpe, assistant risk manager and risk manager.
- b-h. These Interrogatories are objected to as seeking information which is protected and privileged by the Pennsylvania Peer Review Act. The incident in question was investigated for quality of care in accordance with the Peer Review Act, and for quality of assurance at DuBois Regional Medical Center by risk management.


John L. McIntyre, Esquire

3. State the last known address, telephone number and employer of Linda Bennett and state her position and duties while at DuBois Regional Medical Center.


ANSWER

Linda Bennett
13 Starboard Drive
Cape Elizabeth, Maine
Assistant risk manager at DuBois Regional Medical Center
Current Employer: Medical Mutual Insurance Company of Maine, Portland, Maine

4. Please attach true and correct copies of all statements of any type relating to the claims herein or any defense thereto.

ANSWER

This Interrogatory is objected to as being overly broad, vague and may be requesting documents which are protected by the Peer Review Act. Without waiving said objection, no such statements exist.


John L. McIntyre, Esquire

5. Has any staff physician at DuBois Regional Medical Center indicated to DuBois Regional Medical Center that plaintiff suffered a stroke while she was a patient at DuBois Regional Medical Center in July and/or August, 1998? If so, identify each such physician.

ANSWER

No.

6. Did defendant, DuBois Regional Medical Center, as a result of any investigation referenced above change any hospital policy or procedure or implement new hospital policy or procedure? If so, identify each such new policy or procedure, and, if applicable, identify the old policy or procedure.

ANSWER

This Interrogatory is objected to as requesting information which is protected by the internal review/Peer Review Act. Without waiving said objection, the sum and substance of the policy and procedures is the same before and after the incident in question.


John L. McIntyre, Esquire

7. In July and August, 1998, did defendant DuBois Regional Medical Center maintain any written policy or procedure which was intended to provide all staff physicians who might treat a particular patient with the knowledge of that patient's pre-admission medications? If so, identify and produce the entire substance of each such policy or procedure.

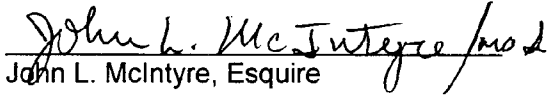
ANSWER

No. It is our practice to document all pre-admission medications on the ER record or the Nursing Admission Assessment and provide them to the physician as needed. We do not have a policy which specifically addresses this practice. Copies of the ER Nursing Assessment and Documentation policy and the inpatient Assessment/Reassessment policy are attached.

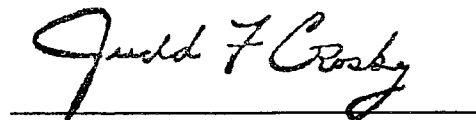
8. To the knowledge of DuBois Regional Medical Center and its agents, employees and representatives did any person providing medical attention to plaintiff from July 16, 1998, until August 7, 1998, violate any policy or procedure of the defendant hospital? If so, identify each such person and each such policy or procedure.

ANSWER

This Interrogatory is requesting a legal conclusion and DuBois Regional Medical Center is not required to provide same pursuant to the Pennsylvania Rules of Civil Procedure. Without waiving said objection, this defendant does not have any knowledge or information that any person provided medical care which was in violation of any hospital policy or procedure.


John L. McIntyre, Esquire

Respectfully submitted,


Judd F. Crosby

CERTIFICATE OF SERVICE

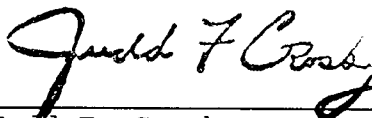
The undersigned hereby certifies that copies of the foregoing PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO DEFENDANT DUBOIS REGIONAL MEDICAL CENTER were served this 2nd day October, 2001, by regular mail, postage prepaid, on the following counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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


Judd F. Crosby

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By John L. McIntyre / mef
Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

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



DuBois Regional
Medical Center

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POLICY/PROCEDURE

Department: Emergency

TITLE: Emergency Department Nursing Assessment and Documentation

Number 023-1

Page 1 of

PURPOSE: To provide standard patient assessments and documentation.

POLICY:

1. Nursing personnel will document:
 - a. Triage Status.
 - b. Vital signs on all patients treated in the Emergency Department.
 1. T.P.R. on all patients.
 2. BP on all patients.
 - c. Weight on all patients 12 years and under.
 - d. Tetanus status on all patients who present with a break in the skin.
 - e. Allergies.
 - f. Current medications (dose and frequency when known).
 - g. Initial patient assessment to include chief complaint with objective and subjective signs and symptoms. Documentation to include interventions, outcomes and assessments. GCS/neurological assessment to be completed for applicable trauma patients and patients with changes in level of consciousness or neurological changes. Reassessments/interventions to be completed as per patient condition.
 - h. Patients for 302 or 201 commitments are triaged Emergent and Urgent. Unless there is a current acute medical condition present, Vital Signs will be done as per the non-emergent patient.

EMERGENT					
* *	UNSTABLE	STABLE	URGENT	NON- EMERGENT	OBSERVATION
•Vital Signs	Minimum of q 5 minutes until stable	Minimum of q 30 minutes x 2 than q 2 hours	Q 2 hours	Q 4 hours	*
•GCS/Neurological Checks	Minimum of q 5 minutes until stable	Minimum of q 30 minutes x 2 than q 2 hours	Q 1 hour	Q 2 hours	*
Abnormal BP, P, and R	As above vital signs	As above vital signs	Minimum q 30 minutes	Minimum q 30 minutes	*
†Temperature or Hypothermic	Minimum of q 2 hours	Q 2 hours	Q 2 hours	Q 2 hours	*

- Use neurological checklist when GCS/neurological checks are needed.
- * As per level of acuity unless otherwise ordered by the physician.

** All times are considered minimum. All may be completed at more frequent intervals as dictated by the patient condition, interventions, special procedures and medication administration.

Effective Date: 8/95

Authorized By: Administration

Source: Standards of Emergency Nursing Practice, Ed. 2.

Date of Review:

Revision Number: 3/96, 7/96, 10/96, 4/97, 11/97, 2/98

Units Primarily Affected: Emergency Department



DuBois Regional
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**Emergency Department
POLICY / PROCEDURE**

TITLE: Emergency Department Nursing Assessment and Documentation

Number: 023-1

Page 2 of 2

POLICY CONTINUED:

- i. Psychosocial assessment
- j. Environmental assessment
- k. Self care assessment
- l. Safety.
- m. Patient problems prioritized (minimum of one)
- n. Condition on arrival and discharge
- o. Patient pregnant and LMP on all females age 12 and over
- p. Disposition
- q. Nurse's signature and initials after assessment and upon discharge
- r. Pain

PROCEDURE:

- 1. Complete documentation as per policy on the Emergency Department Record and Emergency Department Nursing assessment sheets. Use additional flow sheets if needed. (See addendum I) Documentation of reassessment or nursing care of urgent and emergent patients will occur as patient condition warrants.
- 2. Primary and secondary assessments to include subjective and objective symptoms, mechanism of injury and time factors related to the chief complaint(s).
- 3. I & O and PMH as applicable.
- 4. Verify patient signature and understanding of discharge instructions upon discharge.



DuBois Regional
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POLICY/PROCEDURE

Category: Patient Services

TITLE: Assessment

P/PR NUMBER: CL-4

PAGE 1 OF 3

PURPOSE: To obtain information regarding the patient's health status, health care needs, and knowledge deficits necessary to formulate a plan of care

POLICY:

All patients who are admitted to the medical center will have their initial assessment completed within eight (8) hours. Unit specific time frames for assessment completion are based on complexity of nursing care needs of major patient populations, but under no circumstances will exceed eight (8) hours. (*Refer to department manuals). Nursing assessment data is used to formulate the patient's plan of care.

Assessment of the patient's nursing care needs will include consideration of bio-physical, psycho-social, environmental, self-care, educational, and discharge planning factors. The patient is integral to assessment of nursing care needs. To the degree necessary and desirable by the patient, information related to the assessment of nursing care needs, problems or diagnosis is obtained from those persons significant to the patient.

The competent Registered Nurse is responsible for the assessment of each patient and for the confirmation of data received by other health care providers, completion of the assessment, synthesizing information received, and formulating the patient's plan of care.

The competent Licensed Practical Nurse may assist with compiling admission data and completion of the nursing history portion of the assessment document.

At the time of discharge or transfer, an assessment is also documented.

Reassessment

A competent Registered Nurse reassesses pertinent aspects of identified patient care needs each shift unless specified by unit specific policy. More frequent reassessments are done based on complexity of care required or changing patient conditions. Time frames for reassessments are individualized based on nursing diagnosis/standards of care.

Orientation of Patient

POLICY:

It is the policy of the DuBois Regional Medical Center to orient newly admitted patients and their families to the medical center routines and procedures. D.R.M.C. recognizes and supports the rights of each patient. The interaction with and care of the patient reflects concern and respect for the rights of the patient. Each patient receives a copy of the Patient Bill of Rights with explanation of its intent.

Any other information pertinent to each individual patient will be given based on the condition and identified needs.

PAGE 2 OF 3

Effective Date:	3/86
Authorized By:	Patient Services Management
Source:	
Date of Review:	2/87, 1/88, 2/89, 4/89, 5/90
Revision Number:	1; #2 5/91; #3 5/92; #4 9/30/92; #5 11/15/94; #6 8/13/97
Units Primarily Affected:	All Patient Services Areas



DuBois Regional
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TITLE: Assessment

P/PR NUMBER: CL-4

POLICY /PROCEDURE

Category: Patient Services

PROCEDURE:

1. If the patient's condition does not allow for comprehension of the orientation, this should be documented in the medical record.
2. The patients are informed of physical safety requirements, call bell, bathroom privileges, bed controls, meal times and diet, protection of valuables, and the treatments and/or procedures they are undergoing.

Skin Assessment Sheet

POLICY:

The Skin Assessment Sheet is completed for patients who scored 5 or greater on the admission risk assessment and all patients admitted with pressure ulcers Stage I through IV.

PROCEDURE:

1. Skin assessment must be performed daily.
2. The patient must be assessed every three days and prn (change in patient status) according to risk profile portion of the sheet.

- Equipment Needed:
1. Nursing Admission Assessment Form/Admission Data Base
 2. Stethoscope
 3. Sphygmomanometer
 4. Scale
 5. Thermometer
 6. Watch with second hand
 7. Appropriate utensils
 8. Hospital attire
 9. Hand held device

PROCEDURE:

1. Identify and greet the patient. Identify yourself and your staff position.
2. Explain that you will be giving information concerning the medical center and asking questions as well. The answers to your questions should help the medical center to provide better care.
3. Make the patient as comfortable as possible.
4. Insure the patient's privacy.
5. Assist the patient to change attire as needed.
6. Obtain data according to the data base format. (See Addendum #1--Nursing Data Base Guidelines).
7. Assess the patient's emotional status and response to the situation.



DuBois Regional
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TITLE: Assessment

P/PR NUMBER: CL-4

POLICY /PROCEDURE

Category: Patient Services

PAGE 3 OF 3

Documentation:

1. Complete data base format with appropriate information. (See Care Manager Reference Manual)

Safety Factors:

1. Assess physical safety requirements (siderails, assisted ambulation, positional requirements, sensory deficits).
2. Full explanation and demonstration of equipment.
3. Orient to bathroom and call bell in bathroom.
4. Show patient closets and drawers where personal articles may be kept.
5. Explain hospital routine for siderails.
6. Explain bed controls and demonstrate use.
7. Orient to meal time and diets that are applicable.
8. Explain lab tests or x-ray procedures pertinent to patient's needs.
9. For Surgery, explain pre-op and post-op plan of care to patient.
10. Explain policy about patients leaving the unit.

VERIFICATION

I, MARGE KENNIS, representative of DuBois Regional Medical Center, do hereby
(Print name)
verify that I have read the foregoing **RESPONSES TO PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF RECORDS DIRECTED TO DEFENDANT DUBOIS REGIONAL
MEDICAL CENTER**. 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

Marge Kennis

Date: 1/4/02

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
SUPPLEMENTAL ANSWERS TO
PLAINTIFF'S DISCOVERY

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 3rd DAY OF MAY, 2002.


Attorneys for Named Defendant



FRANCELIA WEIDENBOERNER, : No. 00 – 713 CD
:
Plaintiff :
:
vs. :
:
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation; DENNIS SEAN :
PARLAVECCHIO, M.D.; THOMAS :
JOSEPH BRADLEY, M.D.; and ANNE :
MATHEWS, M.D., :
:
Defendants :

DuBois Regional Medical Center has objected to the production of any information which is protected by the Peer Review Protection Act. This includes copies of any memos, confidential memos from the task team, case review and action plan. Without waiving the above objection, DuBois Regional Medical Center is in possession of the following confidential protected documents:

1. Case review of July 30, 1998 (one page);
2. Computer medication list (one page – June 23, 1998);
3. Blank ER record;
4. July 30 memo to Greg Volpe and others (one page);
5. Attached to the above memo is an ER nursing documentation policy;
6. Action plan of August 5, 1998 (two pages);

7. Memo from Linda Bennett to Greg Volpe, et al – August 10, 1998 (two pages);
8. Confidential task team minutes of August 12, 1998 (two page).

All of the above information was obtained during an investigation which was requested by Greg Volpe, Risk Manager, Quality Assurance/Risk Management Department of DuBois Regional Medical Center. The information was gathered and reviewed for the sole purpose of quality assurance/peer review. It was reviewed by the Risk Management/Quality Assurance Department at DuBois Regional Medical Center, which department is responsible for peer review/quality assurance/action for revision pertaining to the improvement of quality care for patients.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By 

Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon Motion of plaintiff it is hereby ORDERED that defendant DuBois Regional Medical Center shall immediately turn over to counsel for plaintiff all written documents resulting from its investigation into the matters raised by plaintiff's Complaint, including but not limited to those documents listed in the hospital's Supplemental Answers to Plaintiff's Discovery.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

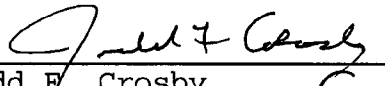
The undersigned hereby certifies that copies of the foregoing Plaintiff's Motion to Compel the Production of Documents were served this 20th day of November, 2002, by regular mail, postage prepaid, on the following counsel of record:

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

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

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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


Judd F. Crosby

FILED

NOV 22 2002

ICG
Amy Crosby
~~2002~~

William A. Shaw
Prothonetary

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

**PLAINTIFF'S PRAECIPE FOR
ARGUMENT**

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

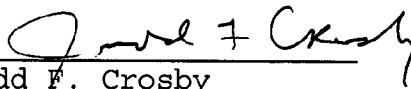
NOV 22 2002

William A. Shaw
Prothonotary

PRAECIPE FOR ARGUMENT

Please place Plaintiff's Motion to Compel the Production of Documents down for argument before Judge Ammerman at the earliest possible convenience of the Court.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

RULE

NOW THIS _____ day of _____, 2002, a Rule is hereby
issued upon Defendant, DuBois Regional Medical Center, to show cause, if
any there should be, why the Plaintiff's Motion to Compel the Production
of Documents should not be granted.

Said Rule Returnable the _____ day of _____, 2002, at
_____ o'clock, _____ m., Courtroom No. _____, Clearfield County
Courthouse, Clearfield, Pennsylvania.

J.

CERTIFICATE OF SERVICE

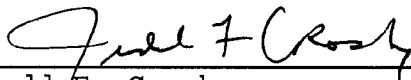
The undersigned hereby certifies that copies of the foregoing
PLAINTIFF'S PRAECIPE FOR ARGUMENT were served this 20th day of
November, 2002, by regular mail, postage prepaid, on the following
counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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


Judd F. Crosby

FILED
100
M/3:22 PM
NOV 22 2002
Atty. Crosby
Colbert Balle

William A. Shaw
Prothonotary

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S RESPONSE TO MOTION
OF ANNE MATHEWS, M.D., DUBOIS
REGIONAL MEDICAL CENTER AND
DENNIS SEAN PARLAVECCHIO, M.D.,
TO PRODUCE EXPERT REPORTS

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

NOV 25 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

RULE

NOW THIS _____ day of _____, 2002, a Rule is hereby
issued upon Defendants to show cause, if any there should be, why
Plaintiff's Response to Defendants' Anne Mathews, M.D., DuBois Regional
Medical Center and Dennis Sean Parlavecchio, Motions to Produce Expert
Reports should not be granted.

Said Rule Returnable the _____ day of _____, 2002, at
____ o'clock, ____ m., Courtroom No. _____, Clearfield County
Courthouse, Clearfield, Pennsylvania.

J.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon
Motion of plaintiff the Orders of this court dated November 6, 2002, and
November 14, 2002, are hereby rescinded pending the appointment of a new
judge to handle this matter.

BY THE COURT:

J.

**PLAINTIFF'S RESPONSE TO MOTION OF ANNE MATHEWS, M.D.,
DUBOIS REGIONAL MEDICAL CENTER AND DENNIS SEAN PARLAVECCHIO, M.D.,
TO PRODUCE EXPERT REPORTS**

AND NOW comes the Plaintiff, by and through her counsel, Judd F. Crosby, and hereby responds to defense motions for reports as follows:

1. This is a medical malpractice action wherein plaintiff suffered a stroke on July 24, 1998, as a result of defendants having mistakenly missed the fact that at the time of admission to DuBois Regional Medical Center on July 16, 1998, she was being maintained on anti-stroke medication regimen by Defendant Bradley.

2. Defendants have consistently delayed in the obtaining of their depositions for discovery.

3. Two depositions remain to be taken to complete the discovery process including that of Defendant Mathews which would have occurred on January 9, 2003, but for her unavailability and that of her counsel.

4. Counsel for plaintiff has no expert medical reports to provide at the present time and has been waiting for the conclusion of discovery to provide final reports.

5. Defendant Mathews filed a Motion seeking an Order to compel plaintiff to provide a preliminary report which was received by counsel for plaintiff on November 4, 2002, and before any response could be filed an Order was entered on November 6, 2002, directing the production of a report.

6. Defendant DRMC filed a Motion to Produce Expert Reports and a proposed Order which Order was again signed on November 14, 2002, without giving plaintiff any opportunity to respond. If this Order is intended to mean only existing reports, none exist. If the Order is intended to limit plaintiff by precluding additional reports, there is just not sufficient time to obtain such final reports.

7. Given that the medical records and voluminous deposition transcripts involve 1000's of pages for review by an expert it is impossible for this party to meaningfully comply with this Court's Order of November 6, 2002.

8. Plaintiff believes that an Order setting a discovery deadline and subsequent production of expert reports by ALL parties in a timely fashion is the most efficient and logical way to proceed with this matter.

9. Since a new judge will be assigned to this matter upon the Order of The Honorable John K. Reilly dated November 19, 2002, it is believed that that judge should properly consider all the matters now pending before the court collectively.

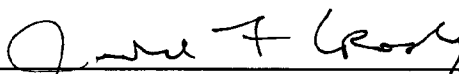
10. Defendant Mathews should not be permitted to have an Order entered on November 6, 2002, without any opportunity for plaintiff to respond and then immediately ask for recusal of the judge in an attempt to preclude a timely challenge to that Order.

11. If a new judge is not immediately available to resolve the pending issues, plaintiff will end up in violation of this Court's Order of November 6, 2002.

12. Fairness would indicate that the November 6, 2002, Order and November 14, 2002 Order should be rescinded so that plaintiff can properly raise and have decided the issues of impossibility of performance and the need for a discovery and report disclosure schedule.

WHEREFORE, plaintiff respectfully requests that this Honorable Court rescind its Orders of November 6, 2002 and November 14, 2002, pending the appointment of a new judge to this litigation.

Respectfully submitted,



Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon
Motion of plaintiff the Orders of this court dated November 6, 2002, and
November 14, 2002, are hereby rescinded pending the appointment of a new
judge to handle this matter.

BY THE COURT:

_____ J.

CERTIFICATE OF SERVICE

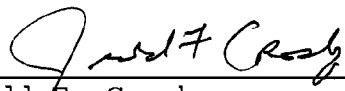
The undersigned hereby certifies that copies of the foregoing Plaintiff's Response to Motion of Anne Mathews, M.D, DuBois Regional Medical Center and Dennis Sean Parlavecchio, M.D., to Produce Expert Reports were served this 2nd day of November, 2002, by regular mail, postage prepaid, on the following counsel of record:

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

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

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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



Judd F. Crosby

FILED

NOV 25 2002

100
Amy Crosby

William A. Shaw
Prothonotary

~~WAS~~

CP

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S RESPONSE TO MOTION
OF ANNE MATHEWS, M.D., DUBOIS
REGIONAL MEDICAL CENTER AND
DENNIS SEAN PARLAVECCHIO, M.D.,
TO PRODUCE EXPERT REPORTS

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

NOV 26 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

RULE

NOW THIS _____ day of _____, 2002, a Rule is hereby
issued upon Defendants to show cause, if any there should be, why
Plaintiff's Response to Defendants' Anne Mathews, M.D., DuBois Regional
Medical Center and Dennis Sean Parlavecchio, Motions to Produce Expert
Reports should not be granted.

Said Rule Returnable the _____ day of _____, 2002, at
____ o'clock, ____ m., Courtroom No. _____, Clearfield County
Courthouse, Clearfield, Pennsylvania.

J.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon
Motion of plaintiff the Orders of this court dated November 6, 2002, and
November 14, 2002, are hereby rescinded pending the appointment of a new
judge to handle this matter.

BY THE COURT:

_____ J.

**PLAINTIFF'S RESPONSE TO MOTION OF ANNE MATHEWS, M.D.,
DUBOIS REGIONAL MEDICAL CENTER AND DENNIS SEAN PARLAVECCHIO, M.D.,
TO PRODUCE EXPERT REPORTS**

AND NOW comes the Plaintiff, by and through her counsel, Judd F. Crosby, and hereby responds to defense motions for reports as follows:

1. This is a medical malpractice action wherein plaintiff suffered a stroke on July 24, 1998, as a result of defendants having mistakenly missed the fact that at the time of admission to DuBois Regional Medical Center on July 16, 1998, she was being maintained on anti-stroke medication regimen by Defendant Bradley.

2. Defendants have consistently delayed in the obtaining of their depositions for discovery.

3. Two depositions remain to be taken to complete the discovery process including that of Defendant Mathews which would have occurred on January 9, 2003, but for her unavailability and that of her counsel.

4. Counsel for plaintiff has no expert medical reports to provide at the present time and has been waiting for the conclusion of discovery to provide final reports.

5. Defendant Mathews filed a Motion seeking an Order to compel plaintiff to provide a preliminary report which was received by counsel for plaintiff on November 4, 2002, and before any response could be filed an Order was entered on November 6, 2002, directing the production of a report.

6. Defendant DRMC filed a Motion to Produce Expert Reports and a proposed Order which Order was again signed on November 14, 2002, without giving plaintiff any opportunity to respond. If this Order is intended to mean only existing reports, none exist. If the Order is intended to limit plaintiff by precluding additional reports, there is just not sufficient time to obtain such final reports.

7. Given that the medical records and voluminous deposition transcripts involve 1000's of pages for review by an expert it is impossible for this party to meaningfully comply with this Court's Order of November 6, 2002.

8. Plaintiff believes that an Order setting a discovery deadline and subsequent production of expert reports by ALL parties in a timely fashion is the most efficient and logical way to proceed with this matter.

9. Since a new judge will be assigned to this matter upon the Order of The Honorable John K. Reilly dated November 19, 2002, it is believed that that judge should properly consider all the matters now pending before the court collectively.

10. Defendant Mathews should not be permitted to have an Order entered on November 6, 2002, without any opportunity for plaintiff to respond and then immediately ask for recusal of the judge in an attempt to preclude a timely challenge to that Order.

11. If a new judge is not immediately available to resolve the pending issues, plaintiff will end up in violation of this Court's Order of November 6, 2002.

12. Fairness would indicate that the November 6, 2002, Order and November 14, 2002 Order should be rescinded so that plaintiff can properly raise and have decided the issues of impossibility of performance and the need for a discovery and report disclosure schedule.

WHEREFORE, plaintiff respectfully requests that this Honorable Court rescind its Orders of November 6, 2002 and November 14, 2002, pending the appointment of a new judge to this litigation.

Respectfully submitted,

A handwritten signature in black ink, reading "Judd F. Crosby". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Judd F. Crosby
Attorney for Plaintiff

1450 Two Chatham Center
Pittsburgh, PA 15219
412-471-3530

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2002, upon
Motion of plaintiff the Orders of this court dated November 6, 2002, and
November 14, 2002, are hereby rescinded pending the appointment of a new
judge to handle this matter.

BY THE COURT:

_____ J.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing Plaintiff's Response to Motion of Anne Mathews, M.D, DuBois Regional Medical Center and Dennis Sean Parlavecchio, M.D., to Produce Expert Reports were served this 21st day of November, 2002, by regular mail, postage prepaid, on the following counsel of record:

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

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

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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



Judd F. Crosby

FILED

NO

cc

019:4284

NOV 20 2002

2002

William A. Shaw
Prothonotary

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.;
THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D.

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

PLAINTIFF'S PRAECIPE FOR
ARGUMENT

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

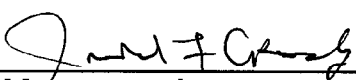
NOV 20 2002

William A. Shaw
Prothonotary

PRAECIPE FOR ARGUMENT

Please place Plaintiff's Response to Motion of Anne Mathews, M.D., DuBois Regional Medical Center and Dennis Sean Parlavecchio, M.D., to Produce Expert Reports down for argument at the earliest possible convenience of the Court.

Respectfully submitted,


Judd F. Crosby
Attorney for Plaintiff

CERTIFICATE OF SERVICE

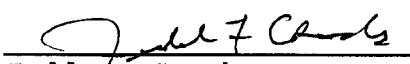
The undersigned hereby certifies that copies of the foregoing **PLAINTIFF'S PRAECIPE FOR ARGUMENT** were served this 21st day of November, 2002, by regular mail, postage prepaid, on the following counsel of record:

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

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler,
Bebenek & Eck, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602

John W. Blasko, Esq.
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

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


Judd F. Crosby

FILED

019:41801
NOV 26 2002

Ice Amy Cosby

30
HQS

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:

DUBOIS REGIONAL MEDICAL
CENTER'S REPLY TO PLAINTIFF'S
RESPONSE TO DEFENDANTS'
MOTION AND MOTION TO STRIKE
RESPONSE TO RESCIND ORDER
OF NOVEMBER 14, 2002

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Attorney of Record for this Party:

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 27TH DAY OF NOVEMBER, 2002.


Attorneys for Named Defendant

FILED

11 10:37 AM NCL

DEC 03 2002

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

JURY TRIAL DEMANDED

ORDER

AND NOW, this ____ day of _____, 2002, it is hereby ORDERED,
DIRECTED AND DECREED that plaintiff's request to rescind the Order of November 14,
2002 is DENIED and DISMISSED.

BY THE COURT :

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	JURY TRIAL DEMANDED

**DUBOIS REGIONAL MEDICAL CENTER'S
REPLY TO PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION AND MOTION TO STRIKE RESPONSE TO
RESCIND COURT ORDER OF NOVEMBER 14, 2002**

AND NOW, comes the defendant, DUBOIS REGIONAL MEDICAL CENTER, by and through its attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and responds to plaintiff's Motion and request to rescind the Order of November 14, 2002 and in support sets forth the following:

1. Admitted. It is admitted that this is a medical malpractice action wherein the plaintiff is alleging that she suffered a stroke on July 24, 1998.
2. It is specifically denied that Dubois Regional Medical Center in any way delayed in providing witnesses for their depositions and to the contrary, all hospital employees have been deposed and there have been no further requests for depositions of hospital employees.

3. This is unknown, insofar as it is within the scope of plaintiff's counsel's strategy and handling of the case.

4. Plaintiff should have expert medical reports to substantiate his conclusions, particularly insofar as this case is in excess of four years old from the time of the alleged incident and has been pending for more than two years.

5. Admitted.

6. In response to Paragraph No. 6, Dubois Regional Medical Center sought and obtained an Order requesting plaintiff to produce all expert reports that will be used at the time of trial, or to suffer further sanctions. This Court entered a very clear Order on November 14, 2002 requiring plaintiff to produce all expert reports against Dubois Regional Medical Center or to suffer additional sanctions.

7.-8. In response to Paragraph No. 7 and 8 of plaintiff's Response/Motion, it is admitted that this case has a significant amount of medical records, however as to the actual admission in question, those records number less than 100 with regard to the issue in question. Further, as to plaintiff's suggestion of fairness and the discovery deadline for all parties, Dubois Regional Medical Center is only seeking to find out if plaintiff has an expert who will testify at trial, against this party. The Court has **ruled**.

9. In response to Paragraph No. 9, Judge Ammerman entered an Order on November 14 and said Order stands. If a new Judge is brought in, the plaintiff has the right to file any and all Motions at that time.

10. Denied.

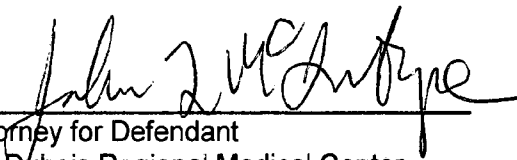
11. In response to Paragraph No. 11, if plaintiff fails to provide reports in accordance with the Orders of this Court, then plaintiff may end up in violation and appropriate sanctions should be awarded.

12. In response to Paragraph No. 12, Dubois Regional Medical Center specifically denies that the interests of fairness dictates that some expert report disclosure schedule needs to be setup. To the contrary, this case has been pending for more than two years and has occurred at least four years before the Motions before this Court had been filed and the plaintiff needs to be required, as this Court has already ordered, to provide expert reports within 60 days of November 14, 2002.

WHEREFORE, the defendant, DUBOIS REGIONAL MEDICAL CENTER, objects to plaintiff's Response and request that the Order of November 14, 2002 be rescinded.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant
Dubois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA. I.D. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS SEAN
PARLAVECCHIO, M.D., THOMAS
JOSEPH BRADLEY, M.D., and ANNE
MATHEWS, M.D.,

Defendants.

CIVIL DIVISION

No. 00-713-CD

Code No.

**OPPOSITION TO THE PLAINTIFF'S
RESPONSE TO THE MOTION OF
ANNE MATHEWS, M.D., DUBOIS
REGIONAL MEDICAL CENTER AND
DENNIS SEAN PARLAVECCHIO, M.D.
TO PRODUCE EXPERT REPORTS**

Filed on Behalf of Defendant, Anne
Mathews, M.D.

Counsel of Record for this Party:

MARY LOU MAIERHOFER, ESQUIRE
PA. I.D. #62175

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

Firm No. 198

120 Lakemont Park Blvd.
Altoona, PA 16602

Telephone No.: (814) 941-4600

Fax No.: (814) 941-4605

JURY TRIAL DEMANDED

FILED

DEC 04 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

ORDER OF COURT

NOW this ____ day of _____, 2002, upon consideration of the within
Opposition to the Plaintiff's Response to the Motion of Anne Mathews, M.D., Dubois
Regional Medical Center and Dennis Sean Parlavecchio, M.D. to Produce Expert
Reports filed by Defendant, Anne Mathews, M.D., and after hearing upon the same,
the Court does hereby Order, Direct and Decree Plaintiff to Produce Expert Reports
and allow the deposition of Dr. Mathews to proceed on January 8, 2003 and Order the
Plaintiff to produce a report against Dr. Mathews ninety (90) days from the date of
receiving said transcript of Dr. Mathews.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

**OPPOSITION TO THE PLAINTIFF'S RESPONSE TO THE MOTION OF ANNE
MATHEWS, M.D., DUBOIS REGIONAL MEDICAL CENTER AND DENNIS SEAN
PARLAVECCHIO, M.D. TO PRODUCE EXPERT REPORTS**

NOW COMES the Defendant, Anne Mathews, M.D., by and through her counsel,
Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C., and files the within Opposition to the Plaintiff's Response
to the Motion of Anne Mathews, M.D., Dubois Regional Medical Center and Dennis
Sean Parlavecchio, M.D. to Produce Expert Reports of which the following is a
statement.

1. Denied and on the contrary, while such is the allegation from Plaintiff, it is
specifically denied this Defendant did anything inappropriate for the care and treatment
of the Plaintiff.

2. Denied and on the contrary, it is averred that it has been the Plaintiff who
has delayed in moving this litigation along and in fact this Defendant through her

counsel offered to have her deposition done prior to this Defendant moving to New York and Plaintiff's counsel indicated he did not want to do such at the time.

3. It is admitted that Defendant, Dr. Mathews' deposition was scheduled by the Plaintiff's counsel, however, Plaintiff's counsel never notified Defendant and/or her counsel of the scheduling of the deposition and just scheduled the same. It has been suggested to Plaintiff and her counsel that Dr. Mathews is available on January 8, 2003 for her deposition in this case.

4. But for the fact this Defendant filed a Motion to Compel Expert Reports, Plaintiff still would not have taken any action in this case to move the same along. In fact, until the filing of this Motion in November, Defendants were unaware that Plaintiff expired in September of 2002.

5. It is admitted this Defendant filed a Motion to Compel Plaintiff to Produce a Preliminary Report. It is the Plaintiff's lack of activity that the Court entered an Order against the Plaintiff in failing to respond to the outstanding Motion.

6. Denied in that said allegation is directed to another party.

7. Plaintiff filed a medical malpractice case and should have had a preliminary report. This Defendant is only asking for the preliminary report in this case. Based upon the fact that Plaintiff should have been producing information throughout this litigation to her expert, such is a non argument.

8. Denied and on the contrary, it is averred that Plaintiff's can produce at least preliminary reports against this Defendant. Such is an efficient and logical way to proceed.

9. Denied and on the contrary, it is averred that this Court has already entered an Order that the Plaintiff must comply with in order to move this litigation along.

10. Denied and on the contrary, it is averred that the Motion to Compel entered by Judge Ammerman is appropriate and once Plaintiff filed Motions to have the same stricken and evidence would have to be taken at a hearing, it was proper to ask that Judge to recuse himself in that he had indicated previously such would be appropriate and granted.

11.-12. Counsel for Defendant, Mathews indicated to Plaintiff's counsel that if Defendant, Mathew's deposition was taken on January 8, 2003 she would agree to allow the Plaintiff ninety (90) days from that date to produce an expert report rather than providing a report pursuant to the Court's Order of November 6, 2002.

WHEREFORE, Defendant, Anne Mathews, M.D., respectfully requests that the Court deny the Plaintiff's Response to the Motion of Anne Mathews, M.D., Dubois Regional Medical Center and Dennis Sean Parlavecchio, M.D. to Produce Expert Reports and allow the deposition of Dr. Mathews to proceed on January 8, 2003 and Order the Plaintiff's to produce a report against Dr. Mathews ninety (90) days from the date of receiving said transcript of Dr. Mathews

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

BY: 

Mary Lou Maierhofer, Esquire
Counsel for Defendant, Anne Mathews, M.D.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #62175

Date: December 2, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FRANCELIA WEIDENBOERNER,
Plaintiff

NO. 00-713-CD

vs.

DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.,
THOMAS JOSEPH BRADLEY, M.D.,
and ANNE MATHEWS, M.D.
Defendants

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, Counsel for the Defendant, Anne Mathews, M.D., hereby certify that on the **2nd day of December, 2002**, a true and correct copy of the within Opposition to The Plaintiff's Response to The Motion of Anne Mathews, M.D., Dubois Regional Medical Center And Dennis Sean Parlavecchio, M.D. to Produce Expert Reports, filed on behalf of said Defendant was served upon Counsel of record by first-class U.S. Mail, postage prepaid as follows:

Judd F. Crosby, Esquire
1450 Two Chatham Center
Pittsburgh PA 15219-3427

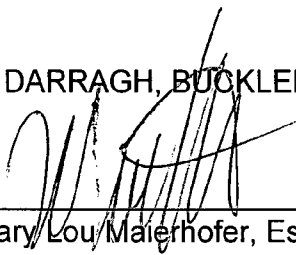
John L. McIntyre, Esquire
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Hollidaysburg PA 16648

John W. Blasko, Esquire
McQuaide, Blasko, Schwartz,
Fleming & Faulkner, Inc.
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BY


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FILED
MAY 11 2002
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William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL CENTER,
a corporation; DENNIS SEAN
PARLAVECCHIO, M.D.; THOMAS
JOSEPH BRADLEY, M.D.; and ANNE
MATHEWS, M.D.,

Defendants

No. 00 – 713 CD

ISSUE:
RESPONSE TO PLAINTIFF'S MOTION
TO COMPEL THE PRODUCTION OF
DOCUMENTS

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

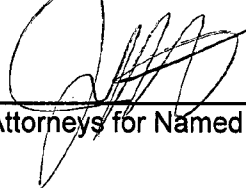
Attorney of Record for this Party:

John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, DUGAS, HARTYE
& SCHMITT
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Hollidaysburg, PA 16648

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I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 2ND DAY OF JANUARY, 2003.


Attorneys for Named Defendant

FILED

JAN 03 2003

William A. Shaw
Prothonotary

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

FRANCELIA WEIDENBOERNER,	:	No. 00 – 713 CD
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation; DENNIS SEAN	:	
PARLAVECCHIO, M.D.; THOMAS	:	
JOSEPH BRADLEY, M.D.; and ANNE	:	
MATHEWS, M.D.,	:	
	:	
Defendants	:	JURY TRIAL DEMANDED

**RESPONSE TO PLAINTIFF'S MOTION TO COMPEL THE PRODUCTION
OF DOCUMENTS ON BEHALF OF DUBOIS REGIONAL MEDICAL CENTER**

AND NOW, comes DUBOIS REGIONAL MEDICAL CENTER, by its attorneys, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Response to the Plaintiff's Motion to Compel the Production of Documents and in support sets forth:

1. It is denied that the action results from a stroke suffered by plaintiff on July 24, 1998, while an inpatient at DRMC. This is a material issue in the within lawsuit.
2. In response to paragraph 2 of the Motion, it is admitted that Dr. Bradley prescribed certain medications and one of the medications was a blood thinner. It is denied that Dr. Bradley prescribed the medication in a therapeutic manner.
3. Admitted.

4. In response to paragraph 4 of the Motion, the issue as to whether or not the doctors and hospital missed the medication in question, is the issue for the determination by the fact finder.

5. In response to paragraph 5 of the Motion, it is denied that DuBois Regional Medical Center admitted to mistakes which led to a stroke. The plaintiff has failed to identify which defendant admitted repeatedly to mistakes and a resulting stroke. Strict proof of this is demanded at the time of hearing.

6. In response to paragraph 6, DRMC cannot adequately respond, insofar as the plaintiff does not identify which of the doctors supposedly testified that this was a medical decision and further, whether this particular physician admitted mistakes which purportedly resulted in a stroke.

7. In response to paragraph 7, it is admitted that an investigation was undertaken by DRMC. It is denied that it occurred specifically or solely as a result of the request of Linda Ferraraccio.

8. In response to paragraph 8, the same cannot be admitted or denied insofar as there is no Exhibit "A" attached.

9. It is admitted that the hospital has not yet filed a response, although one will be filed. Further, with regard to the requests which are the subject of this Motion, that information and a detailed list of documents which the plaintiff is seeking, were provided to plaintiff's counsel as noted in the plaintiff's Motion. Further, it is believed that plaintiff never requested responses to the original Request for Production of Documents and more specifically, never filed a Motion seeking this discovery.

10. Admitted.

11. It is specifically denied that no response was received. To the contrary, DRMC filed full and complete answers, which have not been challenged, on or about January 21, 2002. Said answers are attached to the plaintiff's Motion and marked Exhibit "C".

12. In response to paragraph 12, it is denied that plaintiff was forced to file a Motion, although a Motion was filed. No Motion was ever filed, nor any request for the discovery of February 1, 2001.

13. In response to paragraph 13, the responses to plaintiff's Interrogatories and Request for Production of Documents were filed within 3 ½ months.

14. In response to paragraph 14 of the plaintiff's Motion, the plaintiff never filed a Motion to the fully and completely answered Interrogatories and Request for Production of Documents.

15. In response to paragraph 15, after discussion and agreement of counsel, DRMC filed supplemental answers to plaintiff's discovery which identified the documents which were withheld, said documents being protected by the PA Peer Review Act.

16. In response to paragraph 16, it is admitted that the supplemental response, which was prepared by agreement of counsel, listed, at the request of plaintiff's counsel, all of those documents which are in the possession of DRMC and are protected and confidential.

17. In response to paragraph 17, said information was obtained during an investigation requested by the Quality Assurance/Risk Management Department of DRMC. This information was gathered for the purpose of quality assurance/peer review. It was reviewed by the Risk Management/Quality Assurance Department at DRMC for

the purpose of improvement and maintenance of quality care for all patients at the hospital. This is the purpose for the peer review statute, to allow hospitals to review matters which occur within the four walls, for the purpose of maintaining and improving quality of care.

The Act protects the confidentiality of the records and proceedings of review organizations. "Peer review" is the procedure for evaluation by professional health care providers of the quality and efficiency of services ordered or performed by other professional health care providers, including practice analysis, inpatient hospital and extended care facility utilization review, medical audit, claims review and the compliance of a hospital, with appropriate standards.

Review organizations in Section 425.2 sets forth that a "review organization" is any committee engaging in peer review, including a hospitalization review committee, the hospital tissue committee, a health insurance review committee and a hospital planning corporation review committee. The committee is charged with reviewing information relating to care and treatment of patients for the purposes of evaluating and improving the quality of health care rendered; reducing morbidity and mortality; or establishing and enforcing guidelines designed to keep within reasonable bounds the cost of health care. It includes any hospital board, committee or individual reviewing the professional qualifications or activities of medical staff and pertains to the operation of hospitals.

18. In response to paragraph 18, DRMC has established that the records were used for purposes of peer review and health care quality improvement.

19. In response to paragraph 19, it is denied that the results of any investigation were shared with Mr. and Mrs. Blaise Ferraraccio and to the contrary, the plaintiff is filing the within Motion, contending that plaintiff is entitled to this information.

The plaintiff has not attached any testimony from anyone at DRMC, specifically Mr. Graeca, the President and CEO of the hospital, that suggests he actually provided information from the investigation to the Ferraraccios. Rather, we have the assertions of the plaintiff, who has an interest in the within case.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By 

Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

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FILED

NOCC

3/10:20 AM
JAN 03 2013

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KED

William A. Shaw
Proprietary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FRANCELIA WEIDENBOERNER,

Plaintiff

vs.

✓ DUBOIS REGIONAL MEDICAL
CENTER, a corporation; DENNIS
SEAN PARLAVECCHIO, M.D.; ✓
✓ THOMAS JOSEPH BRADLEY, M.D.;
and ANNE MATHEWS, M.D. ✓

Defendants.

CIVIL DIVISION

Case No. 00-713-CD

DISCONTINUANCE

Filed on behalf of plaintiff

Counsel of Record:

Judd F. Crosby
PA ID 16373
1450 Two Chatham Center
Pittsburgh, PA 15219-3427

(412) 471-3530

FILED

JAN 06 2003

William A. Shaw
Prothonetary

CERTIFICATE OF SERVICE

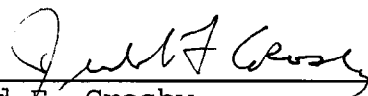
The undersigned hereby certifies that copies of the foregoing **Discontinuance**, were served this 3 day of January, 2003, by regular mail, postage prepaid, on the following counsel of record:

Mary Lou Maierhofer, Esq.
Meyer, Darragh, Buckler, Bebenek & Eck
120 Lakemont Park Boulevard
Altoona, PA 16602

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Hollidaysburg, PA 16648-0533



Judd F. Crosby

FILED

copy

Disc. to

CIA and Atty Gen

01/10/28
JAN 06 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Francelia Weidenboerner

Vs.

No. 2000-00713-CD

DuBois Regional Medical Center, a
corporation; Dennis Sean Parlavecchio, M.D.;
Thomas Joseph Bradley, M.D. and
Anne Mathews MD

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 January 6,
2003, marked:

Discontinued

Record costs in the sum of \$166.21 have been paid in full by Judd F. Crosby, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at
Clearfield, Clearfield County, Pennsylvania this 6th day of January A.D. 2003.

William A. Shaw, Prothonotary