

00-1205-CJ
DONALD OSWALT -vs- MATTHEW RYAN JOHNSTON

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

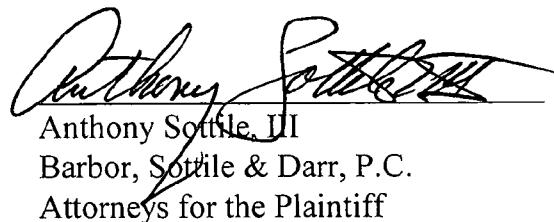
DONALD OSWALT, :
Plaintiff :
: NO. 1205 C.D. 2000
v. :
: Civil Action - Law
MATTHEW RYAN JOHNSTON, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above-captioned matter settled and forever discontinued.

Respectfully submitted,


Anthony Sottile, III
Barbor, Sottile & Darr, P.C.
Attorneys for the Plaintiff

FILED

FEB 12 2003

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather A. Harrington, Esquire on February 10, 2003 by regular mail, postage prepaid.


Anthony Sottile, III

BARBOR, SOTTILE & DARR, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

RECED'D Cert. of Disc.
to Atty
copy of Disc to CJA
E. S.
E. S.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Donald Oswalt

Vs.
Matthew Ryan Johnston

No. 2000-01205-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 12, 2003, marked:

Settled and Forever Discontinued

Record costs in the sum of \$400.00 have been paid in full by Michael N. Vaporis.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of February A.D. 2003.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT, : NO. 1205 C.D. 2000
: :
Plaintiff : :
: :
v. : Civil Action - Law
: :
: :
MATTHEW RYAN JOHNSTON, :
: :
: :
Defendant : :

PLAINTIFF'S PRE-TRIAL MEMORANDUM

AND NOW, comes the Plaintiff, by and through his attorneys, Barbor, Sottile & Darr, P.C., and, pursuant to Clearfield County Local Rule 212.4(e), files the following Pre-Trial Memorandum:

I. STATEMENT OF THE FACTS.

The present case is an action for personal injuries and income loss as a result of a motor vehicle-motorcycle collision on July 24, 2000 along State Route 219 in Greenwood Township, Clearfield County. At approximately 6:30 p.m., the Plaintiff was traveling south on State Route 219 in his 1984 Ford Bronco on his way home from work. At the same time, the Defendant was operating a 1988 Suzuki Katana motorcycle along a private driveway and preparing to enter State Route 219 from the Plaintiff's right.

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JAN 08 2003

**COURT ADMINISTRATOR'S
OFFICE**

As the Plaintiff approached a curve to his left on State Route 219, he noticed dog running toward the roadway from a yard on the Plaintiff's right. He slowed down in anticipation of the dog running into the road in his lane of travel and then noticed the Defendant's motorcycle proceeding down the driveway toward State Route 219. The Defendant never stopped prior to entering State Route 219. As a result, the Plaintiff slammed on the brakes of his vehicle, causing his vehicle to move across the center line of the roadway. The Defendant's motorcycle proceeded onto State Route 219 and collided with the front passenger side of the Plaintiff's vehicle in the center of State Route 219.

On the date of the accident, the Plaintiff was returning from his first day of work for LK Drilling as a rig hand and water truck driver. LK Drilling is a gas and oil well drilling company located in Indiana, Pennsylvania. The Plaintiff had been hired earlier in the day after completing various paperwork for the positions and undergoing a physical examination. He was hired at the rate of \$9.00 per hour and his work schedule consisted of working twelve straight days and then having two consecutive off-days. He was to receive his base rate of pay for the first 40 hours per week and then receive one and one-half times his base pay for overtime hours in excess of 40 hours per week. The rig hand position was a physically demanding one, requiring lifting of up to 100 pounds.

The Plaintiff presented himself to the Indiana Hospital Emergency Room on the evening of the collision with complaints of neck and mid-back pain, where X-rays of the cervical and thoracic spine were taken and reported as normal. He was given an excuse from work for the next two days and was instructed to follow-up with his family doctor in 2-3 days. He was also given a soft cervical collar and a prescription for Tylenol #3.

The Plaintiff proceeded to follow-up with his family doctor, Edward Woodle, M.D. on July 27, 2000 with complaints of a headache for three days, neck and back pain, and tingling in his left leg. His injuries were interfering with his ability to sleep. Dr. Woodle placed Mr. Oswalt on anti-inflammatory medication and ordered a course of physical therapy at Laurel Highlands Health Center. Physical therapy consisted of moist heat, ultrasound, electrical stimulation, manual therapy and stretching exercises. Fortunately, physical therapy did provide the Plaintiff with definite improvement in his condition and he was released to return to work at full duty on August 25, 2000.

Unfortunately, his job with LK Drilling was no longer available. Despite being advised of the Plaintiff's collision and injuries and his excuse from work, his employer filled his position on July 27, 2000, only three days after the collision.

Fortunately, the Plaintiff was able to secure employment on October 21, 2000 with Comm.Comm in Indiana, a telecommunications company, but at the reduced hourly wage of \$7.00, with no overtime. This employment continued until January 22, 2002. He then

found work at Valley Dairy, a restaurant in Indiana, in March 2002, again at a reduced hourly wage of \$5.25. However, due to the physical requirement of prolonged standing on a concrete surface, his employment at Valley Dairy exacerbated his injuries. He was forced to leave Valley Dairy in May 2002. On August 16, 2002, the Plaintiff began work with the Wal-Mart Superstore in Indiana. He worked 32 hours per week at an hourly rate of \$6.25. That position continued until September 2002. In November 2002, the Plaintiff began employment as a clerk at Choice Cigarette Discount Outlet in Indiana where he continues to work today. He is employed at 17 hours per week at an hourly wage of \$5.75.

The Plaintiff's injuries, however, were not resolved following his return to work in August 2000 and he returned to Dr. Woodle for follow-up treatment on April 3, 2001. At that time, his complaints were primarily related to his low back injury on the right side. His pain increased with sitting and lifting and he was having difficulty sleeping. Dr. Woodle continued prescriptions for anti-inflammatory mediation and pain medication and prescribed a new course of physical therapy. Again, the Plaintiff improved with physical therapy and was discharged on June 5, 2001.

Since his discharge from LK Drilling, the Plaintiff's employment consisted of light duty positions. He was unable to find a job in his field as a truck driver and his earnings were thereby reduced. His physical condition prevented him from performing more

strenuous labor. When he attempted more physical work around his home in 2002, he symptoms again became more severe.

On August 2, 2002, he returned to Dr. Woodle with complaints of increasing back pain and headaches from neck stiffness. He has again been returned to physical therapy and underwent a thoracic MRI. Due to continuing neck complaints, Dr. Woodle plans to have the Plaintiff undergo a cervical MRI as well. The Plaintiff is currently in physical therapy three times a week. Dr. Woodle anticipates future treatment consisting of physical therapy, anti-inflammatory medication, relaxation, moist heat and exercises. His prognosis is uncertain at this point in time.

II. UNUSUAL QUESTIONS OF LAW.

None.

III. LIST OF WITNESSES.

1. Donald Oswalt; 31 Sunset Lane, Indiana, Pennsylvania (liability and damages);
2. Matthew Ryan Johnston; R.D. #1, Box 521, Mahaffey, Pennsylvania (liability);
3. Dianna Stitt, Office Administrator for LK Drilling Corporation, Inc., 542 Lutz School Road, Indiana, Pennsylvania (damages);

4. Edward M. Woodle, D.O., 660 Stutzman Road, Indiana, Pennsylvania (damages) (medical expert witness); and,
5. Karla Lewis, 31 Sunset Lane, Indiana, Pennsylvania (damages).

IV. MEDICAL REPORTS.

The records of Edward M. Woodle, D.O., the Plaintiff's treating physician, are attached to this Memorandum as Exhibit A.

V. EXPERT REPORTS.

Other than Dr. Woodle, whose reports are attached to this Memorandum as Exhibit A, the Plaintiff will not be calling any other expert witnesses.

VI. STATEMENT OF DAMAGES.

The Plaintiff's claim is comprised of two parts. The first part is the recovery of the lost wages the Plaintiff has incurred as a result of the motor vehicle collision. As previously described, the Plaintiff lost a higher-paying job as a result of his injuries and has been physically unable to resume anything more than light duty work. As a result, he has incurred and continues to incur unreimbursed income loss. This portion of the claim is for economic damages, unaffected by the Plaintiff's selection of the limited tort alternative. An itemized statement of the Plaintiff's claim for lost wages is attached to this Memorandum as Exhibit B.

The second part of the Plaintiff's claim is for the pain and suffering he has endured as a result of the Defendant's negligence and the Plaintiff's resulting injuries. Pursuant to the limited tort statute, in order for the Plaintiff to recover, his injuries must result in a "serious impairment of body function." The Plaintiff has suffered injuries to his cervical and lumbar spine as a result of the subject collision, resulting in pain, limitation of motion, headaches and difficulty sleeping. He has had three instances of physical therapy which have provided only temporary relief. As a result, his employment opportunities have been greatly diminished and he is not now able to resume the truck-driving career which formed the bulk of his work history. According to Dr. Woodle's office note of June 5, 2001, the "pain may be intermittent and long term." In addition, Dr. Woodle's report of August 29, 2002 states that future treatment will be necessary and that "the prognosis will be uncertain at this point."

VII. EXHIBITS.

1. Itemized statement of damages for lost wages, attached to this Memorandum as Exhibit B;
2. Medical anatomical diagrams depicting Plaintiff's injuries;
3. Medical records from the Plaintiff's medical providers;
4. Plaintiff's personnel file with LK Drilling Corporation, Inc., and,

5. 5.04 – Conflicting Testimony
6. 5.30 – Expert Testimony–Credibility Generally
7. 5.50 – Burden of Proof
8. 6.00 – Damages
9. 6.01 – Injuries to Adult Not Resulting in Death
10. 6.01(C) – Past Lost Earnings and Lost Earning Capacity
11. 6.01 (D) – Future Lost Earnings and Lost Earning Capacity
12. 6.01(E) – Past Pain and Suffering
13. 6.01 (F) – Future Pain and Suffering
14. 6.01(I) – Enjoyment of Life
15. 6.02 (B) – Auto Negligence: Elements of Proof Explanation of Non-Economic Damages
16. 6.02 (C) – Auto Negligence: Economic Losses
17. 6.02(D) – Auto Negligence: Serious Impairment

Respectfully submitted,



Anthony Sottile, III
Barbor, Sottile & Darr, P.C.
Attorneys for the Plaintiff

EDWARD M. WOODLE, DO
660 STUTZMAN ROAD
INDIANA, PA 15701
(724) 465-9000

August 29, 2002

RE: Donald Oswalt

To Whom It May Concern:

Mr. Oswalt was reevaluated by myself on August 2, 2002 because he is stating that his back pain is getting worse and now he is having headaches, because of stiffness radiating up into his neck. To recap he was involved in a MVA on July 24, 2000 which he was a restrained driver struck by a motorcycle and then struck 6' II. high cement. The patient took himself to the ER later, the x-rays were negative and he was given Tylenol =3. On presentation at the office, he was stating that he was having pain in the upper back and neck region, which was worsening. He also had pain and tingling in the left leg, posterior and headache. He had not had any symptoms such as these prior to the MVA. He had undergone physical therapy, anti-inflammatory and muscle relaxants, moist heat and strengthening exercises. His last visit for these problems was on June 5, 2001 at which time his back pain had improved to the point where he was able to return to work. He states that at the time if he stood longer than three hours he would develop pain in the right side. He had discontinued physical therapy because they felt that he had plateaued in his treatment at that point.

Currently he continues to have lumbar pain, sometimes radiating to the right lower extremity exaggerated by prolong episodes of standing and sitting. He was told to use anti-inflammatory, moist heat, and strengthening exercises. I will see him on an intermittent basis. Upon his return on August 4th, he was still having stiffness in the back radiating up into the neck and causing headaches.

On examination, he had muscle contractions of the cervical spine. Range of motion of the cervical spine was degrees extension, 8 degrees flexion, side bending was at 10 degrees bilaterally. Rotation was at 12 degrees bilaterally. Neurologically, his exam was unremarkable. Motor sensory were equal in his upper and lower extremities. Reflexes were intact.

IMPRESSIONS: At this time it is my opinion within a reasonable degree of medical certainty that the patient is still having ongoing intermittent cervical pain from strain and headaches, related to tension headaches as a result of the MVA August 2, 2002. He was sent for a MRI of the thoracic spine, which was done August 10th 2002, which was interpreted as a normal MRI of the thoracic spine. This was the area with most of his complaints were originating from. He was also seen at Physical therapy for another initial evaluation on August 7th 2002. He is undergoing Physical therapy at this time along with moist heat, exercises and due to this prolongation of cervical symptoms at this point it would be relevant to order an MRI of his cervical spine since the MRI of the thoracic spine was negative. We will continue with the ongoing efforts. As far as his future treatments this will involve Physical therapy, anti-inflammatory, muscle relaxer, relaxation, moist heat and exercises. The prognosis will be uncertain at this point.

Should you have any further questions, please don't hesitate to contact me.

Sincerely,

Edward M. Woodle, DO



Oswalt Don
06/05/01

WT. 223 * BP: 130/84 ^(R)

Re✓ back pain, somewhat improved

Stand 7' 3" = pain @ side

Mike Valporis - Attorney

ED

06-05-2001 OSWALT, Donald

His back pain is improved to the point where he is able to work. He states that if he stands longer than three hours he does develop pain on the right side. He has discontinued physical therapy at this point as they have felt that he has plateaued.

PHYSICAL EXAMINATION: Range of motion of the lumbar spine is approximately 90% at this point. Neurologically, lower extremities, DTRs are 1+ and equal. Strength and motor sensation are equal bilaterally.

IMPRESSIONS: Continued lumbar pain with referred pain sometimes down the right lower extremity especially with prolonged episodes of sitting and standing. I told him he could use analgesics, moist heat, and strengthening exercises, but that this pain may be intermittent and long term. I will see him back on an as needed basis.
EMW/rdh

9-1-01 Rx Sustosac 20+gd + 300 mg cl

Oswalt Donald
05/09/01

DOB 05-06-65

Wt: 223 lbs. Hgt: 140/88 ① Rev back pain, improving C PT
El

05-09-2001 OSWALT, Donald

Rechecking his back pain. Low back pain is improving with physical therapy, anti-inflammatory and pain medication.

PHYSICAL EXAMINATION: He has minimal contraction of the lumbar spine. Range of motion is approximately 80% at this point. Neurologically, he is intact.

IMPRESSIONS: Lumbar strain. Continue with his current treatment since he is showing improvement. Reevaluate next month. EMW/rdh

Oswalt, Donald

DOB - 5/6/65

8/25/00

WT: 228⁺ BP: 130/80 ② MVA rev Neck pain 2/8

04/03/01

WT: 223⁺ BP: 140/70 ① clo↓ Back pain since the auto accident. The pain is intermittent ED

4/13/01 Rx RA Enycin 333 i fil x 7 day(s)

04-03-2001 OSWALT, Donald

Complaining of low back pain since the MVA. Pain is intermittent. Palpation of the lumbar spine reveals some muscle contractions bilaterally in the L3-L5 region. Range of motion was slightly diminished by approximately 10%. Neurovascularly, his lower extremities appear to be intact. Reflexes are also intact.

IMPRESSIONS: Continued low back pain intermittent. He is going to be referred to physical therapy. Continue his anti-Inflammatories and pain medication. Stretching exercises were reviewed. Reevaluate in 2-3 weeks' time. EMW/rdm

Oswalt, Donald

DOB 5/6/65

8/18/00

WT 122.8⁴ BP 130/88 ^(R) MVA re ✓ improving & PT but neck
is still painful, HA's daily & I

8-18-2000

OSWALT, Donald

The patient states his neck is still having some pain. He is also getting daily headaches but he feels that physical therapy is improving his symptoms at this point.

EXAMINATION: examination of the cervical region revealed good range of motion. HEENT: Eyes show conjunctivae and lids are not erythematous or edematous and no injections bilaterally. PERLA, EMOB: Ears external, auditory canals without any lesions. Canals appear to be patent. TM's are not erythematous. There is good light reflex bilaterally. No scars or lesions. Assessment of gross hearing appears to be intact. Nasal examination, there is no gross deformity. Turbinates do not appear to be swollen. Nasal mucosal is not edematous as well. Examination of the mouth, lips appear to be symmetrical without lesions. Teeth are present without caries and gums do not show any gross signs of infection. Posterior pharynx appears to be clear. Hard and soft palates, tongue, tonsils, without exudates or lesions. **EXTREMITIES:** have equal strength upper and lower, bilaterally. **NEUROLOGIC:** intact

IMPRESSION: resolving neck pain. Continue with therapy for 1 more week and we will assess him at that point in time. Assess his strength and as his ability to possibly return to work.

BMW 100

Oswalt, Donald

8.4.00 - W1228# BP: 140/84 MVA flu. 90 Neck + back pain
NA's daily El

Donald Oswalt, DOB 5-6-65 #21150

7-24-00 - Wt: 227 1/2 B.P. 130/82 L&K PE Done
Was referred to Comp attorney Alles & Bauman
in P.O. 1800-344-3090. Hu

7-26-00 - Wt. 227 1/2 B.P. 130/82

Head ache for 3 days, Neck hurts Back hurts
feels a shocking feeling in left leg.

MVA 7-24-00. Restrained driving struck
motorcycle then struck 6" high cement. Pt. took
himself to ER later x-rays neg. Tyl #3

upper back/neck pain - worsening

Tingling ① leg Posterior

No 1/2 hr before now

② HA

③

DONALD OSWALT v. MATTHEW RYAN JOHNSTON

LOST WAGES INCURRED BY DONALD OSWALT

1. WAGE RATE AT LK DRILLING, INC. PER TESTIMONY OF DIANA STITT: \$9.00 PER HOUR.
2. HOURS TO BE WORKED PER WEEK AT LK DRILLING, INC. PER TESTIMONY DIANA STITT: 72 HOURS (40 HOURS AT REGULAR HOURLY RATE, 32 HOURS AT OVERTIME RATE OF \$13.50 PER HOUR = \$792.00 PER WEEK)
3. TWO MONTHS OF EACH YEAR (MARCH AND APRIL), HOURS REDUCED TO 60 HOURS PER WEEK (40 HOURS AT REGULARLY HOURLY RATE, 20 HOURS AT OVERTIME RATE OF \$13.50 PER HOUR = \$630.00 PER WEEK)
4. TIME MISSED FROM WORK AT LK DRILLING, INC. AS A RESULT OF SUBJECT COLLISION: PERIOD FROM JULY 24, 2000 UNTIL DECEMBER 31, 2002

YEAR 2000: 22 weeks @ \$792.00 per week = \$17,424.00

YEAR 2001: 52 weeks
43 weeks @ \$792.00 per week = \$34,056.00
9 weeks @ \$630.00 per week = \$5,670.00

YEAR 2002: 52 weeks
43 weeks @ \$792.00 per week = \$34,056.00
9 weeks @ \$630.00 per week = \$5,670.00

5. TOTAL AMOUNT OF LOST WAGES FROM LK DRILLING: \$96,876.00

6. REDUCTION FOR WAGES EARNED FROM OTHER EMPLOYMENT

A. COMM.COMM

1. WAGE RATE: \$7.00 FOR FIRST YEAR; \$7.20 THEREAFTER; 40 hours per week
2. PERIOD OF EMPLOYMENT: OCTOBER 16, 2000 UNTIL JANUARY 22, 2002 = 66 WEEKS



3. WAGES EARNED DURING PERIOD OF EMPLOYMENT:

- a. 10-16-00 to 10-16-01: 52 weeks @ \$280.00 per week = \$14,560.00
- b. 10-17-01 to 01-22-02: 14 weeks @ \$288.00 per week = \$4,032.00

4. TOTAL WAGES EARNED: \$18,592.00

B. VALLEY DAIRY

1. WAGE RATE: \$5.15 per hour, 30 hours per week during first period of employment; \$5.40 per hour, 30 hours per week during second period of employment

2. PERIODS OF EMPLOYMENT:

- a. NOVEMBER 3, 2000 UNTIL JANUARY 26, 2001
- b. NOVEMBER 17, 2001 UNTIL MAY 22, 2002

3. WAGES EARNED DURING PERIOD OF EMPLOYMENT:

- a. 11-03-00 to 01-26-01: 12 weeks @ \$154.50 per week = \$1,854.00
- b. 11-17-01 to 05-22-02: 27 weeks @ \$162.00 per week = \$4,374.00

4. TOTAL WAGES EARNED: \$6,228.00

C. WAL MART

1. WAGE RATE: \$6.25 per hour, 32 hours per week

2. PERIOD OF EMPLOYMENT: AUGUST 16, 2002 TO SEPTEMBER 20, 2002

3. WAGES EARNED DURING PERIOD OF EMPLOYMENT:

08-16-02 to 09-20-02: 5 weeks @ \$200.00 per week = \$1,000.00

4. TOTAL WAGES EARNED: \$1,000.00

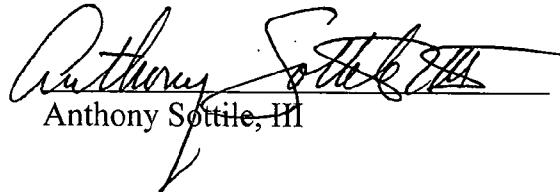


EXHIBIT

C

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather A. Harrington, Esquire on January 7, 2003 by regular mail, postage prepaid.


Anthony Sottile, III

BARBOR, SOTTILE & DARR, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

(A)

BARBOR, SOTTILE & DARR, P.C.
ATTORNEYS AT LAW
917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701
(724) 465-5618
FAX 724-465-5410

JOHN H. BARBOR
ANTHONY SOTTILE, III

OF COUNSEL
WILLIAM M. DARR

January 7, 2003

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Oswalt v. Johnston
No. 1205 CD 2000

Dear Mr. Meholick:

Pursuant to your letter of December 23, 2002 and the Clearfield County Local Rules, enclosed please find an original copy of the Plaintiff's Pre-Trial Memorandum in the above-captioned matter.

Under separate cover on this date, a copy has been forwarded to counsel for the Defendant.

If you have any questions, please feel free to call.

Very truly yours,



Anthony Sottile, III

AS/pes
Enclosure

RECEIVED

JAN 08 2003

COURT ADMINISTRATOR'S
OFFICE

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

DONALD OSWALT,

Plaintiff,

vs.

MATTHEW RYAN JOHNSTON,

Defendant.

No. 00-1205-CD

ISSUE:
PRE-TRIAL STATEMENT

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS
PARTY:

McINTYRE, DUGAS, HARTYE
& SCHMITT

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 30TH DAY OF DECEMBER, 2002.


ATTORNEY FOR DEFENDANT

RECEIVED
JAN 02 2003
COURT ADMINISTRATOR'S
OFFICE

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS
Plaintiff, : OF CLEARFIELD COUNTY, PA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

PRE-TRIAL STATEMENT

AND NOW, comes Defendant, MATTHEW RYAN JOHNSTON, by and through his counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the within Pre-Trial Statement, as follows:

STATEMENT OF CASE

This case stems from an automobile accident which occurred on July 24, 2000, at approximately 5:30 p.m. on S.R. 219 in Greenwood Township, Clearfield County. That evening Matthew Johnston was riding a 1988 Suzuki Katana motorcycle. He was attempting to make a left hand turn to exit from the driveway of his home. The plaintiff was operating a 1984 Bronco II south on Route 219. As Matthew exited the driveway, after checking for oncoming traffic, the plaintiff's vehicle began to swerve into the northbound lane in an attempt to avoid a dog which was running on the west berm of the roadway. It is the position of the defense that if Mr. Oswalt had remained in his lane of travel, Mr. Johnston could have exited the driveway into the northbound lane of Route 219 without the vehicles coming in contact. However, because the plaintiff swerved to his left towards the northbound lane, the vehicles collided causing Mr. Johnston to be thrown from the motorcycle. Mr. Johnston does not remember the accident because he sustained a closed head injury.

On the date of the accident, Mr. Oswalt was returning home from his first day of work for L. K. Drilling, Inc. Mr. Oswalt had been hired that day to work as a rig hand and to drive the water

If Mr. Oswalt was injured in this accident, which the defendant denies, then the injury was a mere strain or sprain which resolved by August 25, 2000, when Mr. Oswalt was released by Dr. Woodle, without restriction.

It should also be noted that in December of 1999, Mr. Oswalt was injured while at work and as a result, complained of pain in his neck and back.

LIST OF WITNESSES

1. Matthew Ryan Johnston;
2. Donald Oswalt; and
3. Diana Stitt, Office Administrator of L. K. Drilling, Indiana, Pennsylvania.

EXHIBITS

1. Treatment records of Dr. Woodle;
2. Treatment records of Laurel Highlands Health Center;
3. Treatment records of Indiana Hospital;
4. Employment and personnel file from L. K. Drilling.

RESERVATIONS

Defendant hereby reserves his right to call as a witness or to use as an exhibit any individual or item identified by the plaintiff in his Pre-Trial Narrative Statement. The defendant further reserves the right to supplement this Statement with proper notice to the Court and counsel.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By _____

Attorneys for Defendant

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

(A)

LAW OFFICES
MCINTYRE, DUGAS, HARTYE & SCHMITT

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

—
(814) 696-3581
FAX (814) 696-9399
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December 30, 2002

Our Reference: PG 091 NH

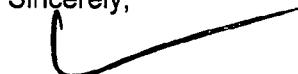
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Donald Oswalt vs. Matthew Ryan Johnston
No. 00-1205-CD
Clearfield County

Dear Court Administrator:

Per the Clearfield County Local Rules, enclosed is a Pre-Trial Statement of defendant Matthew Ryan Johnston.

Sincerely,



Heather A. Harrington

HAH:slh
Enclosure

cc: Anthony Sottile, III, Esquire
(w/enclosure)

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JAN 02 2003

**COURT ADMINISTRATOR'S
OFFICE**

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

DONALD OSWALT,

No. 00-1205-CD

Plaintiff,

vs.

PROPOSED POINTS FOR CHARGE

MATTHEW RYAN JOHNSTON,

FILED ON BEHALF OF DEFENDANT

Defendant.

McINTYRE, DUGAS, HARTYE & SCHMITT

HEATHER A. HARRINGTON, ESQUIRE

PA I.D.# 62977

P.O. Box 533

Hollidaysburg, PA 16648-0533

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 JANUARY,
2003.

Heather A. Harrington
ATTORNEY FOR DEFENDANT

RECEIVED

JAN 06 2003

COURT ADMINISTRATOR'S
OFFICE

DONALD OSWALT,
Plaintiff,
vs.
MATTHEW RYAN JOHNSTON,
Defendant.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
No. 00-1205-CD
JURY TRIAL DEMANDED

REQUESTED POINTS FOR CHARGE

AND NOW, comes Defendant, Matthew Ryan Johnston, by and through his undersigned counsel, and submits the following Proposed Points for Charge pursuant to Pa.R.C.P. 226:

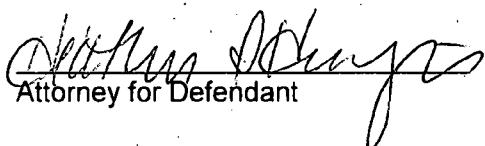
1. Defendant, Matthew Ryan Johnston, has admitted that he was at fault and caused the accident. Just because Defendant, Matthew Ryan Johnston, has admitted that he was responsible for causing the accident, does not mean that he admits that Plaintiff was injured as a result of the accident, and just because Defendant, Matthew Ryan Johnston, has admitted that he was responsible for causing the accident does not mean that the Plaintiff is automatically entitled to any or all of the damages which he claims. The Plaintiff still has the burden of proving his damages in his case. Nor should the fact that Defendant, Matthew Ryan Johnston, has admitted that he was responsible for causing the accident, be held against her by you in determining whether the Plaintiff is entitled to an award of damages in his case.

2. Even where the facts of an accident are sufficient to establish negligence on the part of the Defendant, and even in a case like this where the Defendant has admitted responsibility in causing the accident, the Plaintiff still has the burden of proving that his injuries were caused by the negligence of the Defendant. The issue as to whether Plaintiff really suffered any pain, whether he was disabled, and whether such pain or disability was caused by the Defendant's conduct is a question for the jury, and you are not required to award the Plaintiff any amount of money if you believe that the injuries Plaintiff claims to have suffered are insignificant

9. Where the Plaintiff's evidence as to damages is contested and placed in doubt, as in this case, it is within your power to decide that the Plaintiff did not meet his burden of proof with regard to her damages. Morgan v. Philadelphia Electric Co., 299 Pa.Super. 545, 445 A.2d 1263 (1982).

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant

HEATHER A. HARRINGTON, ESQUIRE
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

(A)

LAW OFFICES
MCINTYRE, DUGAS, HARTYE & SCHMITT

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

—
(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

January 3, 2003

Our Reference: PG 091 NH

Court Administrator
Clearfield County Courthouse
228 Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: Donald Oswalt vs. Matthew Ryan Johnston
No. 00-1205-CD

Dear Court Administrator:

Enclosed for filing are the Proposed Points for Charge of Defendant Matthew Johnston, per your Local Rule. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,


Heather A. Harrington

HAH/slw
Enclosure

cc (w/encl): Anthony Sottile, III, Esquire

RECEIVED

JAN 06 2003

**COURT ADMINISTRATOR'S
OFFICE**

Date: 01/09/2003

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 11:04 AM

ROA Report

Page 1 of 1

Case: 2000-01205-CD

Current Judge: Fredric J. Ammerman

Donald Oswalt vs. Matthew Ryan Johnston

Civil Other

Date	Judge
09/28/2000	Please refer to docket book for entries prior to November, 2000. No Judge
11/03/2000	SHERIFF RETURN, RETURN PRAECIPE AND SUMMONS 'NOT SERVED, TIME EXPIRED' AS TO DEFENDANT. SO ANSWERS, CHESTER A. HAWKINS S/MARILYN HAMM No Judge ✓
11/07/2000	Praecipe for Reissue of Writ of Summons, filed by /s/Michael N. Vaporis Re-issued writ to Sheriff No Judge ✓
12/07/2000	Sheriff Return, Summons upon Defendant, So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm No Judge ✓
08/08/2001	Praecipe for Rule to File Complaint, filed by s/Heather A. Harrington, Esq. No CC Rule issued to Attorney Harrington No Judge ✓
	Praecipe for Appearance, filed by s/Heather A. Harrington, Esq. on behalf of Defendant, Matthew Ryan Johnston, filed. No CC No Judge ✓
08/14/2001	Certificate of Service of Rule to File Complaint Served on Michael N. Vaporis, Esq. Filed by s/Heather A. Harrington, Esq. no cc No Judge ✓
08/24/2001	Complaint with Jury Demand. Filed by s/Michael N. Vaporis, Esq. Cert of Svc Verification, s/Donald Oswalt 1 cc atty Vaporis No Judge ✓
09/28/2001	Answer and New Matter. Filed by s/Heather A. Harrington, Esq. Verification. s/Matthew Ryan Johnston. Cert of Svc no cc No Judge ✓
10/03/2001	Reply to New Matter. Filed by s/Michael N. Vaporis, Esq. Cert of Svc 2 cc Atty Vaporis No Judge ✓
10/26/2001	Notice of Service of Interrogatories and Request For Production of Documents Directed to Plaintiff Dated October 25, 2001. s/Heather A. Harrington, Esq. no cc No Judge ✓
11/14/2001	Notice of Service of Responses to Plaintiffs' First Set of Interrogatories and Request For Production of Documents. Filed by s/Heather A. Harrington, Esq. no cc No Judge ✓
02/14/2002	Notice of Deposition of Donald Oswalt. Filed by s/Heather A. Harrington, Esq. no cc No Judge ✓
05/30/2002	Notice of Deposition of Diana Still. Filed by s/Heather A. Harrington, Esq. no cc No Judge ✓
06/03/2002	Filing: Praecipe/List For Arbitration Paid by: Vaporis, Michael N. (attorney for Oswalt, Donald) Receipt number: 1843373 Dated: 06/03/2002 Amount: \$20.00 (Check) No Judge ✓
	Praecipe To Appoint Arbitration Panel. Filed by s/Michael N. Vaporis Certificate of Service no cc Copy to CA No Judge ✓
06/04/2002	Revised Notice of Deposition of Diana Still, set for Jun. 14, 2002, at 9:00 a.m. Filed by s/Heather A. Harrington, Esq. no cc No Judge ✓
06/24/2002	Second Revised Notice of Deposition of Diana Still. Filed by s/Heather A. Harrington, Esq. no cc No Judge ✓
09/20/2002	Oath or Affirmation of Arbitrators, filed. Award of Arbitrators, In Favor of Defendant. s/Michael P. Yeager, Chairman s/Chris A. Pentz s/Christopher E. Mohney Entry of Award, Witness My Hand and the Seal of the Court, William A. Shaw, Prothonotary No Judge ✓
10/09/2002	Filing: Notice of Appeal from Award of Board of Arbitrators Paid by: Vaporis, Michael N. (attorney for Oswalt, Donald) Receipt number: 1849693 Dated: 10/09/2002 Amount: \$300.00 (Check) filed by s/Anthony Sottile, III, Esq. One CC Attorney Sottile, III One CC Attorney Harrington & copy to C/A No Judge ✓

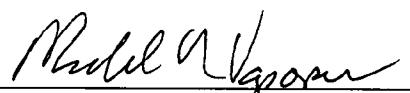
21 DONALD OSWALT, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
: NO. C.D. 2000
V. :
23 MATTHEW RYAN JOHNSTON, :
Defendant :
00-1205-00

PRAECIPE FOR WRIT OF SUMMONS

TO: PROTHONOTARY

Kindly issue a Writ of Summons to the Defendant, Matthew Ryan Johnston, whose last known address is R.D.#1, Box 521, Mahaffey, PA 15757.

Respectfully submitted,



Michael N. Vaporis
BARBOR & VAPORIS, P.C.
Attorneys for the Plaintiff

FILED

SEP 28 2000

William A. Shaw
Prothonotary

FILED

SEP 28 2009

John D. Stryk
William A. Sraw
Prothonotary

\$10,000

Writ Summons

to City

BARBOR & VAPORIS, P.C.
ATTORNEYS AT LAW
917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

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

DONALD OSWALT

Plaintiff(s)

COPY
S U M M O N S
No: 00-1205-CD

vs.

MATTHEW RYAN JOHNSTON

Defendant(s)

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

Date September 28, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Michael N. Vaporis, Esquire
BARBOR & VAPORIS, P.C.
917 Philadelphia Street
Indiana, PA 15701

11.7.00 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10310

OSWALT, DONALD

00-1205-CD

VS.

JOHNSTON, MATTHEW RYAN

PRAECIPE & SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 2, 2000 RETURN THE WITHIN PRAECIPE & SUMMONS "NOT SERVED, TIME EXPIRED" AS TO MATTHEW RYAN JOHNSTON, DEFENDANT.

Return Costs

Cost	Description
------	-------------

14.00	SHFF. HAWKINS PAID BY: ATTY.
-------	------------------------------

10.00	SURCHARGE PAID BY: ATTY.
-------	--------------------------

NOV 03 2000
013125
W...
T...
E...
R...
D...

Sworn to Before Me This

3rd Day Of November, 2000


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

So Answers,


by Marilyn Hawkins
Chester A. Hawkins
Sheriff

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

DONALD OSWALT

Plaintiff(s)

vs.

S U M M O N S
No: 00-1205-CD

MATTHEW RYAN JOHNSTON

Defendant(s)

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



Date September 28, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Michael N. Vaporis, Esquire
BARBOR & VAPORIS, P.C.
917 Philadelphia Street
Indiana, PA 15701

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO. C.D. 2000
MATTHEW RYAN JOHNSTON, :
Defendant :
:

PRAECIPE FOR WRIT OF SUMMONS

TO: PROTHONOTARY

Kindly issue a Writ of Summons to the Defendant, Matthew Ryan
Johnston, whose last known address is R.D.#1, Box 521, Mahaffey, PA 15757.

Respectfully submitted,

Michael N. Vaporis
Michael N. Vaporis
BARBOR & VAPORIS, P.C.
Attorneys for the Plaintiff

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

[SEP 28 2000]

Attest:

William L. Shaffer
Prothonotary

BARBOR & VAPORIS, P.C.
ATTORNEYS AT LAW
917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

11.7.00

Reinstated/Reissued to Sheriff/Attorney
or service. 100 6/11

DEPUTY PROTHONOTARY

BARBOR & VAPORIS, P.C.
ATTORNEYS AT LAW
817 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

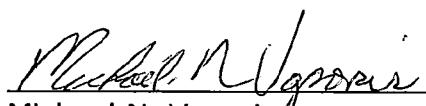
DONALD OSWALT, : IN THE COURT OF COMMON PLEAS
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
: : NO. 1205 C.D. 2000
V. :
: :
MATTHEW RYAN JOHNSTON, :
: :
Defendant :
:

PRAECIPE FOR REISSUE OF WRIT OF SUMMONS

TO: PROTHONOTARY

Kindly reissue the Writ of Summons to the Defendant, Matthew Ryan Johnston, whose last known address is R.D.#1, Box 521, Mahaffey, PA 15757.

Respectfully submitted,


Michael N. Vaporis
BARBOR & VAPORIS, P.C.
Attorneys for the Plaintiff

NOV 07 2000

WITNESS A. C. HOW
Prothonotary

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

2007

DONALD OSWALT

Plaintiff(s)

S U M M O N S
No: 00-1205-CD

vs.

MATTHEW RYAN JOHNSTON

Defendant(s)

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

Date September 28, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Michael N. Vaporis, Esquire
BARBOR & VAPORIS, P.C.
917 Philadelphia Street
Indiana, PA 15701

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10310

OSWALT, DONALD

00-1205-CD

VS.

JOHNSTON, MATTHEW RYAN

PRAECIPE & SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 13, 2000 AT 11:07 AM EST SERVED WITHIN SUMMONS ON MATTHEW RYAN JOHNSTON, DEFENDANT AT RESIDENCE, RD#1, BOX 521, MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAN JOHNSTON, FATHER OF DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
32.21	SHFF. HAWKINS PAID BY: ATTY.

FILED

DEC 07 2000
01399
William A. Shaw
Prothonotary

JKW

Sworn to Before Me This

7th Day of December 2000

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

So Answers,

Chesler Hawkins
by Marilyn Harris
Chesler A. Hawkins
Sheriff

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

DONALD OSWALT,

Plaintiff,

vs.

MATTHEW RYAN JOHNSTON,

Defendant.

No. 00-1205-CD

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS
PARTY:

PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533.
814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 7TH DAY OF AUGUST, 2001.

Heather A. Harrington
ATTORNEY FOR DEFENDANT

FILED

AUG 08 2001

William A. Shaw
Prothonotary

DONALD OSWALT,
Plaintiff,
vs.
MATTHEW RYAN JOHNSTON,
Defendant.

IN THE COURT OF COMMON PLEAS,
OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 00-1205-CD
JURY TRIAL DEMANDED

PRAECIPE FOR RULE TO FILE COMPLAINT

TO PROTHONOTARY:

Please enter a Rule upon Plaintiff, **Donald Oswalt**, to file a Complaint in the
above-captioned action within twenty (20) days of the date of service of said Rule.

Respectfully submitted,

PFAFF, MCINTYRE, DUGAS, HARTYE &
SCHMITT

Matthew Ryan Johnston

Attorney for Defendant
MATTHEW RYAN JOHNSTON

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

Rule issued to Ally Harrington

10:23 AM
08/08/2001
No
cc

William A. Shaw
Prothonotary

COPY

DONALD OSWALT,

Plaintiff,

vs.

MATTHEW RYAN JOHNSTON,

Defendant.

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

No. 00-1205-CD

JURY TRIAL DEMANDED

RULE TO FILE COMPLAINT

AND NOW, this _____ day of _____, 2001, Rule is entered on the
Plaintiff, Donald Oswalt, to file a Complaint.

BY THE COURT

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

DONALD OSWALT, : No. 00-1205-CD
Plaintiff, :
VS. :
MATTHEW RYAN JOHNSTON, :
Defendant. :
: PRAEICE FOR APPEARANCE
: FILED ON BEHALF OF DEFENDANT
: COUNSEL OF RECORD FOR THIS
: PARTY:
: PFAFF, McINTYRE, DUGAS,
: HARTYE & SCHMITT
: HEATHER A. HARRINGTON, ESQUIRE
: PA I.D.# 62977
: P.O. Box 533
: Hollidaysburg, PA 16648-0533
: 814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 7th DAY OF AUGUST, 2001.

Heather A. Harrington
ATTORNEY FOR DEFENDANT

FILED

AUG 08 2001

William A. Shaw
Prothonotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my Appearance as counsel of record for **Defendant, Matthew Ryan Johnston**, in the above-entitled action.

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

Heather A. Harrington

Attorney for Defendant

HEATHER A. HARRINGTON, ESQUIRE
Pa. I.D. #62977
P. O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

FILED

NO. 2781
AUG 08 2001

William A. Shaw
Prothonotary

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

DONALD OSWALT,

No. 00-1205-CD

vs.
Plaintiff,

**Certificate of Service of Rule to
File Complaint Served on Plaintiff**

MATTHEW RYAN JOHNSTON,
Defendant.

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS
PARTY:

PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 13th DAY OF AUGUST, 2001.

Heather A. Hartye
ATTORNEY FOR DEFENDANT

FILED

AUG 14 2001

William A. Shaw
Prothonotary

DONALD OSWALT,
Plaintiff,
vs.
MATTHEW RYAN JOHNSTON,
Defendant.

IN THE COURT OF COMMON PLEAS,
OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 00-1205-CD
JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE OF RULE
TO FILE COMPLAINT SERVED ON PLAINTIFF**

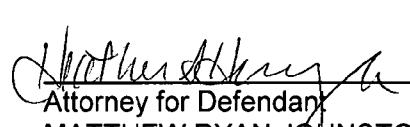
TO PROTHONOTARY:

You are hereby notified that on the 13th day of August, 2001, Defendant, MATTHEW RYAN JOHNSTON, served a RULE TO FILE COMPLAINT upon the Plaintiff, DONALD OSWALT, by mailing the original of same via First Class Mail, postage prepaid, addressed to the plaintiff's counsel:

Michael N. Vaporis, Esquire
Barbor & Vaporis, P.C.
917 Philadelphia Street
Indiana, PA 15701

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE &
SCHMITT



Attorney for Defendant
MATTHEW RYAN JOHNSTON

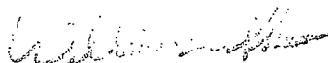
HEATHER A. HARRINGTON, ESQUIRE
PA I.D.#: 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

RULE TO FILE COMPLAINT

AND NOW, this 8th day of August, 2001, Rule is entered on the
Plaintiff, Donald Oswalt, to file a Complaint.

BY THE COURT



FILED
MTO:1964
AUG 14 2001
FBI
William A. Shaw
Postsecondary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT,

Plaintiff

NO. 1205 C.D. 2000

v.

MATTHEW RYAN JOHNSTON,

Civil Action - Law

Defendant

NOTICE TO DEFEND

To: Defendant

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

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

COURT ADMINISTRATOR'S OFFICE
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 756-2641

FILED

AUG 24 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT, :
Plaintiff :
: NO. 1205 C.D. 2000
v. :
:
MATTHEW RYAN JOHNSTON, : Civil Action - Law
:
Defendant :
:

Complaint With Jury Demand

Now comes the Plaintiff, by and through his attorneys, Barbor & Vaporis, and demanding a trial by jury in this case, pleads as follow.

1. The Plaintiff is an individual residing at 31 Sunset Lane, Indiana, Pennsylvania.

2. The Defendant is an individual residing at RD #1, Box 521, Mahaffey, Pennsylvania.

3. On July 24, 2000, at approximately 6:30 p.m., the Plaintiff was operating his 1984 Ford Bronco in a southernly direction of State Route 219 near Curry Run Road in Greenwood Township, Clearfield County Pennsylvania.

4. On the date and time specified above, the Defendant was operating his motor vehicle from a private driveway on the west berm of State Route 219, when the Defendant pulled out and struck the front of the passenger side of the Plaintiff's vehicle.

5. The collision of the vehicles was due to the negligence of the Defendant in the following respects:

- a) failing to yield the right of way;
- b) failing to see the Plaintiff's vehicle;
- c) improperly braking or failing stop his vehicle in time to avoid the collision;
- d) failing to properly maintain his motor vehicle;
- e) pulling out onto the road without first looking stopping and/or looking to see if it could be done safely.

6. As a result of the Defendant's negligence, the Plaintiff suffered personal injuries, including injury to his neck and back.

7. As a result of the injuries received due to the negligence of the Defendant, the Plaintiff missed work, lost his job, suffered pain, inconvenience, disability, limitation of motion, muscle cramps, impairment of his sleep, some or all of which may be permanent.

Wherefore, the Plaintiff prays for judgement against the Defendant, in an amount in excess of twenty-five thousand dollars, plus interest and costs, to recover for which this suit is brought.

Respectfully submitted,

Michael N. Vaporis

Michael N. Vaporis, Esq.
Barbor & Vaporis, P.C.
917 Philadelphia Street
Indiana, Pennsylvania 15701
(724) 465-5618
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather A. Harrington, Esquire, P.O. Box 533, Hollidaysburg, Pennsylvania 16648, on August 22, 2001 by regular mail, postage prepaid.

Michael N. Vaporis

Michael N. Vaporis

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT, :
Plaintiff :
: NO. 1205 C.D. 2000
v. :
MATTHEW RYAN JOHNSTON, : Civil Action - Law
Defendant :
:

VERIFICATION

I verify that the statements made in this 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.A. §4904 relating to unsworn falsification to authorities.

Date:



FILED

AUG 24 2001

11:45 AM CATH

William A. Shaw

Prothonotary

Barbor & Vaporis, P.C.

Barbor & Vaporis, P.C.
ATTORNEYS AT LAW
917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

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

DONALD OSWALT,

Plaintiff,

vs.

MATTHEW RYAN JOHNSTON,

Defendant.

No. 00-1205-CD

ANSWER AND NEW MATTER

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS
PARTY:

PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
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 September, 2001.

Heather A. Harrington
ATTORNEY FOR DEFENDANT

FILED

SEP 28 2001

William A. Shaw
Prothonotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, : JURY TRIAL DEMANDED
Defendant.

ANSWER AND NEW MATTER

ANSWER

AND NOW, comes the Defendant, Matthew Ryan Johnston, by and through his counsel, Pfaff, McIntyre, Dugas, Hartye & Schmitt, and files the within Answer to the Complaint, as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. and 5. a) through 5. e) Denied.

6. - 7. Paragraphs 6 and 7 contain conclusions of law and medicine to which no responsive pleading is required. Insofar as a response is required, it is specifically denied that the Plaintiff suffered any compensable injury as a result of this automobile accident or as a result of any action by the Defendant.

WHEREFORE, Defendant Johnston respectfully requests that this Honorable Court enter judgment in his favor, and against the Plaintiff, with prejudice.

NEW MATTER

AND NOW, comes Defendant Johnston, by and through his counsel, Pfaff, McIntyre, Dugas, Hartye and Schmitt, and files the within New Matter to the Plaintiff's Complaint, as follows:

8. The Defendant hereby incorporates his responses to Paragraphs 1 through 7 of the Complaint, as set forth at length.

9. The Pennsylvania Motor Vehicle Financial Responsibility Law was in force and effect at the time of all incidents described in the Plaintiff's Complaint. As such, the Pa. MVFRL controls this litigation.

10. The Defendant hereby asserts all set-offs, credits and defenses to him under the Pa. MVFRL including but not limited to the Plaintiff's selection of the Limited Tort Option.

11. It is believes and therefore averred that the alleged injuries of the Plaintiff are not serious, under the definition in the Pa. MVFRL, and the Plaintiff is therefore barred from recovery of non-economic damages.

12. The factual and legal cause of the accident in question were the actions of plaintiff, Donald Oswalt, in failing to be attentive and allowing his vehicle to cross the center line in violation of 75 Pa. C.S.A. § 3301.

WHEREFORE, Defendant Johnston respectfully requests that this Honorable Court enter judgment in his favor, and against the Plaintiff, with prejudice.

Respectfully submitted:

PFAFF, McINTYRE, DUGAS, HARTYE &
SCHMITT

Heather A. Harrington
Atorneys for Defendant
Heather A. Harrington, Esquire
PA I.D. No. 62977
Post Office Box 533
Hollidaysburg, PA 16648
Ph: (814) 693-7998

Notice to Plead

To: Plaintiff, Donald Oswalt

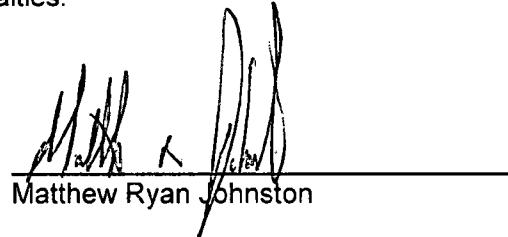
You are hereby notified to file a written response to the enclosed **NEW MATTER** within twenty (20) days from service hereof or a judgment may be entered against you.

Heather A. Harrington
Heather A. Harrington, Esquire
Attorney for Defendant

VERIFICATION

I, **Matthew Ryan Johnston**, do hereby verify that I have read the foregoing **ANSWER** **AND NEW MATTER**. 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.



Matthew Ryan Johnston

Date: 9-21-01

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT, :
Plaintiff :
: NO. 1205 C.D. 2000
v. :
MATTHEW RYAN JOHNSTON, : Civil Action - Law
Defendant :
:

REPLY TO NEW MATTER

NOW comes the Plaintiff, by and through his attorneys, Barbor & Vaporis, and files the following response to the Defendant's New Matter.

8. No response required.

9-11. The averments contained in paragraph 9, 10 and 11 constitute conclusions of law to which no response is necessary. To the extent a response is deemed necessary, they are denied for the reasons set forth in Plaintiff's complaint, which is incorporated herein by reference as if re-written in full.

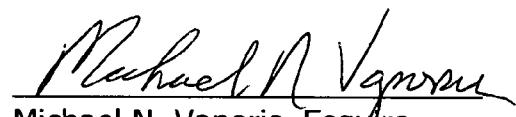
12. Denied. It is specifically denied that the Plaintiff, in an effort to avoid striking the Defendant's vehicle, was negligent because he crossed the center line. To the contrary, as the Defendant negligently pulled out in front of

FILED the Plaintiff from the Plaintiff's right (from Plaintiff's perspective, a sudden emergency), it was reasonable for the Plaintiff to turn to the left in an effort to
OCT 03 2001

William A. Shaw
Prothonotary

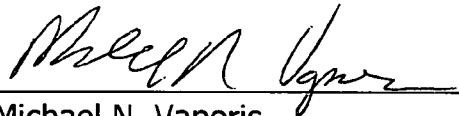
avoid hitting the Defendant due to the Defendant's negligence. It is specifically denied that the Plaintiff was inattentive; to the contrary, no reasonable person could have expected the Defendant to pull out as he did.

Respectfully submitted,


Michael N. Vaporis, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather Harrington, Esquire on October 2, 2001 by regular mail, postage prepaid.


Michael N. Vaporis

FILED

OCT 03 2001

cc at Vapors
William A. Shaw
Prothonotary

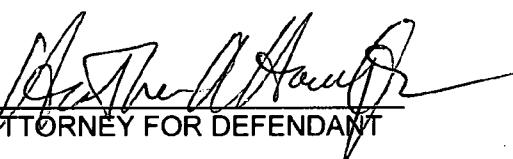
W.A.S.

BARBOR & VAPORIS, P.C.
ATTORNEYS AT LAW
917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

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

DONALD OSWALT, : No. 00-1205-CD
Plaintiff, :
vs. : NOTICE OF SERVICE OF INTERROGATORIES
: AND REQUEST FOR PRODUCTION OF
: DOCUMENTS DIRECTED TO PLAINTIFF
: DATED OCTOBER 25, 2001
MATTHEW RYAN JOHNSTON, :
Defendant. : FILED ON BEHALF OF DEFENDANT
: COUNSEL OF RECORD FOR THIS PARTY:
: McINTYRE, DUGAS, HARTYE & SCHMITT
: HEATHER A. HARRINGTON, ESQUIRE
: PA I.D.# 62977
: P.O. Box 533
: Hollidaysburg, PA 16648-0533
: Ph: 814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 25TH DAY OF OCTOBER,
2001.



ATTORNEY FOR DEFENDANT

FILED

OCT 26 2001

William A. Shaw
Prothonotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

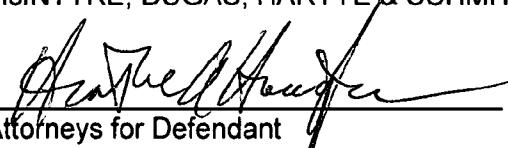
**NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF
DIRECTED TO PLAINTIFF DATED OCTOBER 25, 2001 DOCUMENTS**

TO: PROTHONOTARY

You are hereby notified that on the 25TH day of OCTOBER, 2001, Defendants, Matthew Ryan Johnston, served Interrogatories and Request for Production of Documents Directed to Plaintiff Dated October 25, 2001 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Michael N. Vaporis, Esquire
BARBOR & VAPORIS, P.C.
917 Philadelphia Street
Indiana, PA 15701

McINTYRE, DUGAS, HARTYE & SCHMITT


Attoorneys for Defendant

Heather A. Harrington, Esquire
Pa. I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

OCT 26 2001
MILLER INOC
William A. Shaw
Prothonotary

*CS
Kef*

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

DONALD OSWALT,

No. 00-1205-CD

Plaintiff,

NOTICE OF SERVICE OF RESPONSES
TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS

vs.

MATTHEW RYAN JOHNSTON,

FILED ON BEHALF OF DEFENDANT

Defendant.

COUNSEL OF RECORD FOR THIS PARTY:

MCINTYRE, DUGAS, HARTYE & SCHMITT

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
Ph: 814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 13TH DAY OF NOVEMBER,
2001.


ATTORNEY FOR DEFENDANT

FILED

NOV 14 2001
m 11/10/01 no cc
Heather A. Shaw
Monotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: PROTHONOTARY

You are hereby notified that on the 12TH day of NOVEMBER, 2001, Defendant, Matthew Ryan Johnston, served Responses to Plaintiffs' First Set of Interrogatories and Request for Production of Documents by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Michael N. Vaporis, Esquire
BARBOR & VAPORIS, P.C.
917 Philadelphia Street
Indiana, PA 15701

McINTYRE, DUGAS, HARTYE & SCHMITT


Attnorneys for Defendant

Heather A. Harrington, Esquire
Pa. I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

DONALD OSWALT,

: No. 00-1205-CD

Plaintiff,

: NOTICE OF DEPOSITION

vs.

MATTHEW RYAN JOHNSTON,

: FILED ON BEHALF OF DEFENDANT

Defendant.

: COUNSEL OF RECORD FOR THIS PARTY:

: McINTYRE, DUGAS, HARTYE & SCHMITT

: HEATHER A. HARRINGTON, ESQUIRE

: PA I.D.# 62977

: P.O. Box 533

: Hollidaysburg, PA 16648-0533

: Ph: 814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 13TH DAY OF FEBRUARY,
2002.

Heather A. Harrington
ATTORNEY FOR DEFENDANT

FILED

FEB 14 2002

110:461n051

William A. Shaw
Prothonotary



DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Donald Oswalt
c/o Michael N. Vaporis, Esquire
Barbor & Vaporis, P.C.
917 Philadelphia Street
Indiana, PA 15701

Please take notice that the deposition of **Donald Oswalt** shall be taken upon oral examination by an official Court Reporter at Barbor & Vaporis, P.C., 917 Philadelphia Street, Indiana, PA 15701 (ph: 724-465-5618) on **Thursday, the 14th day of March, 2002**, commencing at **10:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT

Heather A. Harrington
Attorneys for Defendant

Heather A. Harrington, Esquire
Pa. I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

cc: Sargents Court Reporting Services, Inc.

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

DONALD OSWALT,

: No. 00-1205-CD

Plaintiff,

: NOTICE OF DEPOSITION

VS.

MATTHEW RYAN JOHNSTON,

: FILED ON BEHALF OF DEFENDANT

Defendant.

: COUNSEL OF RECORD FOR THIS PARTY:

: MCINTYRE, DUGAS, HARTYE & SCHMITT

: HEATHER A. HARRINGTON, ESQUIRE

: PA I.D.# 62977

: P.O. Box 533

: Hollidaysburg, PA 16648-0533

: Ph: 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 MAY, 2002.

Heather A. Harrington
ATTORNEY FOR DEFENDANT

FILED

MAY 30 2002

WILLIAM A. SHAW
Prothonotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

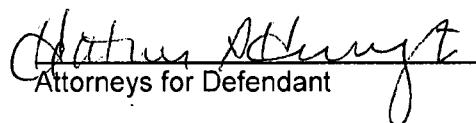
TO: Diana Stitt, Office Administrator
L&K Drilling Corporation, Inc.
542 Lutz School Road
Indiana, PA 15701

Michael N. Vaporis, Esquire
Barbor & Vaporis, P.C.
917 Philadelphia Street
Indiana, PA 15701

Please take notice that the deposition of **Diana Still, Office Administrator of L&K Drilling Corporation, Inc.** shall be taken upon oral examination by an official Court Reporter at the office of L&K Drilling Corporation, Inc., 542 Lutz School Road, Indiana, PA 15701 (ph: 724-465-9130) on **Monday, the 17th day of June, 2002**, commencing at **11:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case. You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendant

Heather A. Harrington, Esquire
Pa. I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

cc: Sargents Court Reporting Services, Inc.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT,

Plaintiff

NO. 1205 C.D. 2000

v.

MATTHEW RYAN JOHNSTON,

Defendant

Civil Action - Law

PRAECIPE TO APPOINT ARBITRATION PANEL

Please appoint an arbitration panel for the above-captioned case.

Respectfully submitted,



Michael N. Vaporis
BARBOR, VAPORIS & SOTTILE
Attorneys for the Plaintiff

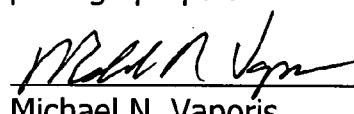
FILED

JUN 03 2002

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather Harrington, Esquire on May 30, 2002 by regular mail, postage prepaid.



Michael N. Vaporis

FILED

Aug 12 2002

2000

JUN 03 2002

Copy to CJA

William A. Shaw
cc
Prothonotary

*6/12/02
AS*

BARBOR, VAPORIS & SOTTILE, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

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

DONALD OSWALT,

: No. 00-1205-CD

Plaintiff,

: REVISED NOTICE OF DEPOSITION

VS.

MATTHEW RYAN JOHNSTON,

: FILED ON BEHALF OF DEFENDANT

Defendant.

: COUNSEL OF RECORD FOR THIS PARTY:

: McINTYRE, DUGAS, HARTYE & SCHMITT

: HEATHER A. HARRINGTON, ESQUIRE

: PA I.D.# 62977

: P.O. Box 533

: Hollidaysburg, PA 16648-0533

: Ph: 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 Jun, 2002.

Heather Harrington
ATTORNEY FOR DEFENDANT

FILED

JUN 04 2002

WPA/BS/rdcc
William A. Shaw
Prothonotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

REVISED NOTICE OF DEPOSITION

TO: Diana Stitt, Office Administrator
L&K Drilling Corporation, Inc.
542 Lutz School Road
Indiana, PA 15701

Michael N. Vaporis, Esquire
Barbor & Vaporis, P.C.
917 Philadelphia Street
Indiana, PA 15701

Please take notice that the deposition of **Diana Still, Office Administrator of L&K Drilling Corporation, Inc.** shall be taken upon oral examination by an official Court Reporter at the office of L&K Drilling Corporation, Inc., 542 Lutz School Road, Indiana, PA 15701 (ph: 724-465-9130) on **Friday, the 14th day of June, 2002**, commencing at **9:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case. You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendant

Heather A. Harrington, Esquire
Pa. I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

cc: Sargents Court Reporting Services, Inc.

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

DONALD OSWALT,

No. 00-1205-CD

Plaintiff,

vs.

MATTHEW RYAN JOHNSTON,

SECOND REVISED NOTICE OF DEPOSITION

Defendant.

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS PARTY:

McINTYRE, DUGAS, HARTYE & SCHMITT

HEATHER A. HARRINGTON, ESQUIRE

PA I.D.# 62977

P.O. Box 533

Hollidaysburg, PA 16648-0533

Ph: 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 JUNE, 2002.


ATTORNEY FOR DEFENDANT

FILED

JUN 24 2002

m 184/rock
William A. Shaw
Prothonotary

DONALD OSWALT, : IN THE COURT OF COMMON PLEAS,
Plaintiff, : OF CLEARFIELD COUNTY, PENNSYLVANIA
vs. : No. 00-1205-CD
MATTHEW RYAN JOHNSTON, :
Defendant. : JURY TRIAL DEMANDED

SECOND REVISED NOTICE OF DEPOSITION

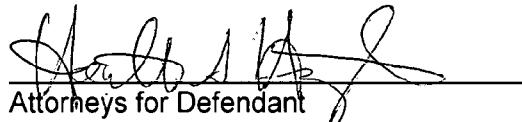
TO: Marilyn T. McClure-Demers, Esquire
McNees, Wallace & Nurick
100 Pine Street
Post Office Box 1166
Harrisburg, PA 17108-1166

Michael N. Vaporis, Esquire
Barbor & Vaporis, P.C.
917 Philadelphia Street
Indiana, PA 15701

Please take notice that the deposition of **Diana Still, Office Administrator of L&K Drilling Corporation, Inc.** shall be taken upon oral examination by an official Court Reporter at the office of L&K Drilling Corporation, Inc., 542 Lutz School Road, Indiana, PA 15701 (ph: 724-465-9130) on **Wednesday, the 24th day of July, 2002**, commencing at **10:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case. You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendant

Heather A. Harrington, Esquire
Pa. I.D. No. 62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

cc: Sargents Court Reporting Services, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Donald Oswalt

vs.

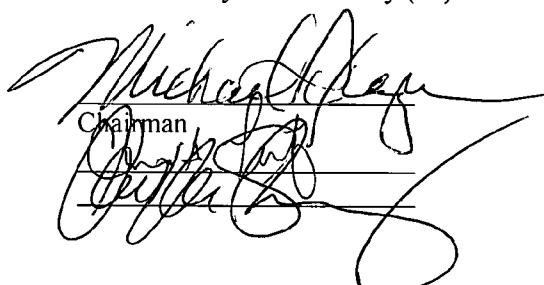
Matthew Ryan Johnston

No. 2000-01205-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 20th day of September, 2002, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Michael P. Yeager, Esq.

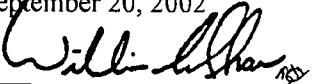


Michael P. Yeager
Chairman

Chris A. Pentz, Esq.

Christopher E. Mohney, Esq.

Sworn to and subscribed before me this
September 20, 2002


Prothonotary

AWARD OF ARBITRATORS

Now, this 20th day of September, 2002, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

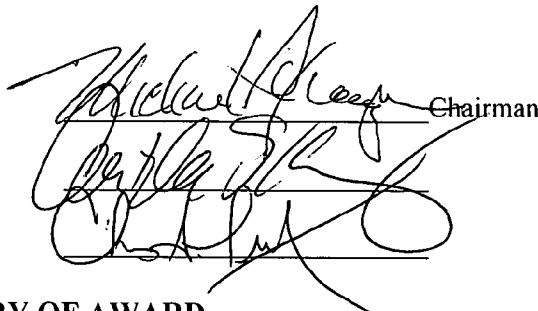
IN FAVOR OF DEFENDANT

FILED

SEP 20 2002

William A. Shaw
Prothonotary

(Continue if needed on reverse.)

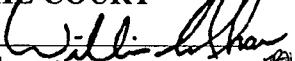


William A. Shaw
Chairman

ENTRY OF AWARD

Now, this 20th day of September, 2002, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT



William A. Shaw
Prothonotary
By _____

FILED

Notice to Attorney
of 9/17/02
SEP 20 2002
Notice to Attorney
Hasnigton

William A. Shaw
Prothonotary

W.A.S.

COPY

IN THE COURT OF
PLEAS OF CLEARF
No. 2000-01205-CD

Donald Oswalt

Vs.

Matthew Ryan Johnston

NOTICE OF AWARD

TO: HEATHER A. HARRINGTON, ESQ

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on September 20, 2002 and have awarded:

In favor of the Defendant.

William A. Shaw

Prothonotary

By _____

September 20, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

COPY

Donald Oswalt

: IN THE COURT OF
PLEAS OF CLEARF
No. 2000-01205-CD

Vs.

:

Matthew Ryan Johnston

:

NOTICE OF AWARD

TO: MICHAEL N. VAPORIS, ESQ.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on September 20, 2002 and have awarded:

In favor of the Defendant.

William A. Shaw
Prothonotary
By

September 20, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT, :
Plaintiff :
: NO. 1205 C.D. 2000
v. :
: MATTHEW RYAN JOHNSTON, : Civil Action - Law
Defendant :
:

NOTICE OF APPEAL FROM AWARD OF BOARD OF ARBITRATORS

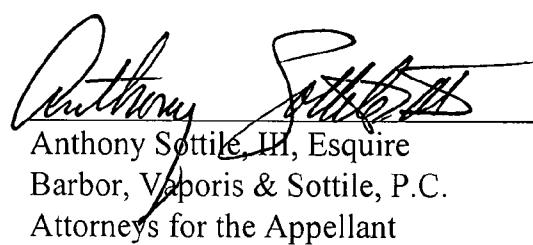
TO THE PROTHONOTARY:

Notice is given that the Plaintiff appeals from the award of the Board of Arbitrators entered in this case on September 20, 2002.

A jury trial is demanded.

I hereby certify that the compensation of the Arbitrators has been paid.

Respectfully submitted,


Anthony Sottile, III, Esquire
Barbor, Vaporis & Sottile, P.C.
Attorneys for the Appellant

FILED

OCT 09 2002

William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather A. Harrington, Esquire on October 8, 2002 by regular mail, postage prepaid.



Anthony Sottile III

FILED
100
Amy Sotile
100
OCT 09 2002

100-000-1
Amy Sotile
100
Amy Harrington (postage & env. provided)

cc to CIN
2002-10-09

William A. Shaw
Prothonotary

cc
2002-10-09

BARBOR, VAPORIS & SOTILE, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701

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

FILED

JAN 20 2003

DONALD OSWALT,
Plaintiff

*

*

*

vs.

*

*

*

MATTHEW RYAN JOHNSTON,
Defendant

*

*

*

William A. Shaw
Prothonotary

NO. 2000-1205-C.D.

O R D E R

NOW, this 16th day of January, 2003, following Pre-Trial Conference with counsel for the parties as set forth above and the Court, it is the ORDER of this Court as follows:

1. Jury Selection will be held on January 23, 2003 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

2. Jury Trial is hereby scheduled for April 8, 2003 commencing at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

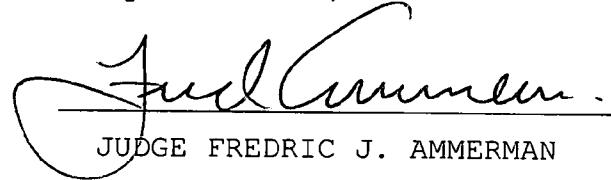
3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said

objections no later than fifteen (15) days prior to the commencement of Trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.

5. The Defendant is not contesting the issue of negligence. The issues for the Jury shall be causation and damages.

By the Court,



JUDGE FREDRIC J. AMMERMAN

FILED

01/26/01
JAN 20 2003



William A. Shaw
Prothonotary

- 2 certified copies to Anthony Sottile, III, Esquire
- 2 certified copies to Heather A. Harrington, Esquire
- 1 copy to Judge Ammerman
- 1 copy to Court Administrator
- 1 copy to each of the three tipstaff, John Curley, Dean Johnston & Gordon Bloom



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~6000~~ 7449

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

July 1, 2002

Michael N. Vaporis, Esquire
Barbor, Vaporis & Sottile
917 Philadelphia Street
Indiana, PA 15701

Heather A. Harrington, Esquire
McIntyre, Dugas, Hartye & Schmitt
Post Office Box 533
Hollidaysburg, PA 16648-0533

RE: DONALD OSWALT
vs.
MATTHEW RYAN JOHNSTON
No. 00-1205-CD

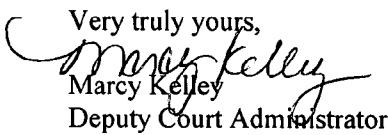
Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Friday, September 20, 2002. The following have been appointed to the Board of Arbitrators:

James A. Naddeo, Esquire
Michael P. Yeager, Esquire
Christopher E. Mohney, Esquire
Michael S. Marshall, Esquire
David R. Thompson, Esquire

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

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,

Marcy Kelley
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~5642~~ 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

July 15, 2002

Michael N. Vaporis, Esquire
Barbor, Vaporis & Sottile
917 Philadelphia Street
Indiana, PA 15701

Heather A. Harrington, Esquire
McIntyre, Dugas, Hartye & Schmitt
Post Office Box 533
Hollidaysburg, PA 16648-0533

RE: DONALD OSWALT
vs.
MATTHEW RYAN JOHNSTON
No. 00-1205-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Friday, September 20, 2002 at 8:30 A.M.** The following have been appointed as Arbitrators:

James A. Naddeo, Esquire, Chairman
Michael P. Yeager, Esquire
Christopher E. Mohney, Esquire

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

Very truly yours,

Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: James A. Naddeo, Esquire
Michael P. Yeager, Esquire
Christopher E. Mohney, Esquire

LAW OFFICES
MCINTYRE, DUGAS, HARTYE & SCHMITT

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

—
(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

August 30, 2002

Our Reference: PG 091 NH

David Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Donald Oswalt vs. Matthew Ryan Johnston
No. 00-1205-CD

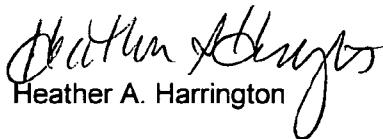
Dear Mr. Meholic:

Pursuant to the directions of your office, enclosed please find the original **Pre-Trial Arbitration Memorandum** on behalf of Defendant, Matthew Ryan Johnston, in the above-captioned matter. This matter is scheduled for Arbitration on September 20, 2002.

By copy of this letter, I am forwarding copies of the enclosed to plaintiff's counsel and each member of the Board of Arbitrators.

Should you need anything further, please do not hesitate to contact me. Thank you.

Sincerely,


Heather A. Harrington

HAH/eh
Enclosure

cc: Michael N. Vaporis, Esquire
James A. Naddeo, Esquire
Michael P. Yeager, Esquire
Christopher E. Mohney, Esquire
(All w/Enclosure)

RECEIVED

SEP 03 2002

COURT ADMINISTRATOR'S
OFFICE

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

DONALD OSWALT,

Plaintiff,

vs.

MATTHEW RYAN JOHNSTON,

Defendant.

No. 00-1205-CD

ISSUE:
PRE-TRIAL ARBITRATION
MEMORANDUM

FILED ON BEHALF OF DEFENDANT

COUNSEL OF RECORD FOR THIS
PARTY:

McINTYRE, DUGAS, HARTYE
& SCHMITT

HEATHER A. HARRINGTON, ESQUIRE
PA I.D.# 62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
814/696-3581

I HEREBY CERTIFY THAT A
TRUE AND CORRECT COPY OF
THE WITHIN WAS MAILED TO
ALL COUNSEL OF RECORD
THIS 30TH DAY OF AUGUST, 2002.


ATTORNEY FOR DEFENDANT

RECEIVED

SEP 03 2002

COURT ADMINISTRATOR'S
OFFICE

DONALD OSWALT,	IN THE COURT OF COMMON PLEAS
Plaintiff,	OF CLEARFIELD COUNTY, PA
vs.	No. 00-1205-CD
MATTHEW RYAN JOHNSTON,	JURY TRIAL DEMANDED
Defendant.	

PRE-TRIAL ARBITRATION MEMORANDUM

AND NOW, comes Defendant, MATTHEW RYAN JOHNSTON, by and through his counsel, MCINTYRE, DUGAS, HARTYE & SCHMITT, and files the within Pre-Trial Memorandum and Rule 1305 Notice, as follows:

STATEMENT OF CASE

This case stems from an automobile accident which occurred on July 24, 2000, at approximately 5:30 p.m. on S.R. 219 in Greenwood Township, Clearfield County. That evening Matthew Johnston was riding a 1988 Suzuki Katana motorcycle. He was attempting to make a left hand turn to exit from the driveway of his home. The plaintiff was operating a 1984 Bronco II south on Route 219. As Matthew exited the driveway, after checking for oncoming traffic, the plaintiff's vehicle began to swerve into the northbound lane in an attempt to avoid a dog which was running on the west berm of the roadway. It is the position of the defense that if Mr. Oswalt had remained in his lane of travel, Mr. Johnston could have exited the driveway into the northbound lane of Route 219 without the vehicles coming in contact. However, because the plaintiff swerved to his left towards the northbound lane, the vehicles collided causing Mr. Johnston to be thrown from the motorcycle. Mr. Johnston does not remember the accident because he sustained a closed head injury.

On the date of the accident, Mr. Oswalt was returning home from his first day of work for L. K. Drilling, Inc. Mr. Oswalt had been hired that day to work as a rig hand and to drive the water

truck. Because of complaints of neck pain, Mr. Oswalt obtained a work excuse for July 24th and 25th. He reported this excuse to Diana Stitt of L. K. Drilling. However, after July 25th, Mr. Oswalt did not provide L. K. Drilling with any type of work excuse or update as to his ability to return to the job. As such, L. K. Drilling was unable to keep his position open. However, Ms. Stitt did testify that if Mr. Oswalt had advised L. K. Drilling of his work status, they would have made every effort to keep a position open for him. Because of Mr. Oswalt's failure to advise L. K. Drilling of his work status, he abandoned that job on July 26, 2000. Therefore, any claims for lost wages stemming from the L. K. Drilling job should be denied as the plaintiff failed to mitigate his damages or take the steps necessary to ensure that that work remained open to him. (All facts regarding the L. K. Drilling position and lost work claim are established by the deposition testimony of Diana Stitt, a copy of which is attached hereto as Exhibit "A").

On the date of the accident, Mr. Oswalt went to the Indiana Hospital emergency room complaining of neck pain. He was diagnosed with a cervical/thoracic strain. He was discharged with a soft collar, Tylenol #3 and instructions to follow with his family physician. Mr. Oswalt reported to Dr. Woodle, his family physician, on July 27th complaining of headaches and neck pain. Dr. Woodle recommended physical therapy at Laurel Highlands Health Center. Mr. Oswalt underwent physical therapy at Laurel Highlands for one month. He was discharged on August 25, 2000. On that same date, Dr. Woodle released Mr. Oswalt to return to work without restriction.

Mr. Oswalt sought no treatment for his alleged neck pain and headaches from August 25, 2000 until April 3, 2001, some seven months without treatment. In April and May of 2001, Mr. Oswalt received physical therapy at Laurel Highlands. He was discharged from Laurel Highlands on June 5, 2001, noting that his pain had reduced to a level of .8/10 while standing, lifting or sitting. His last treatment for any complaints of neck pain or headaches was June 5, 2001 with Dr. Woodle.

If Mr. Oswalt was injured in this accident, which the defendant denies, then the injury was a mere strain or sprain which resolved by August 25, 2000, when Mr. Oswalt was released by Dr. Woodle, without restriction.

It should also be noted that in December of 1999, Mr. Oswalt was injured while at work and as a result, complained of pain in his neck and back.

LIST OF WITNESSES

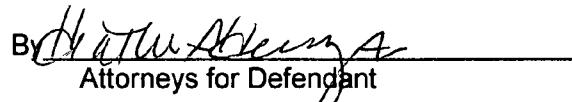
1. Matthew Ryan Johnston;
2. Donald Oswalt; and
3. Diana Stitt (via deposition).

EXHIBITS – RULE 1305 NOTICE

The defendant reserves the right to present to the panel for consideration the enclosed medical records from Dr. Woodle, Laurel Highlands Health Center and Indiana Hospital.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

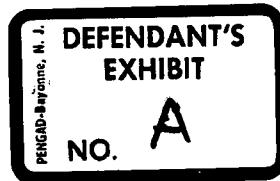
By 
Atorneys for Defendant

Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 (Fax)

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

* * * * * * * * *
DONALD OSWALT, *
Plaintiff * Case No.
vs. * 00-1205-CD
MATTHEW RYAN *
JOHNSTON, *
Defendant *
* * * * * * * * *

DEPOSITION OF
DIANA STITT
July 24, 2002



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by the certifying agency.

	Page 2		Page 4
1 DEPOSITION		1 INDEX	
2 OF		2	
3 DIANA STITT, taken on behalf of the		3 WITNESS: DIANA STITT	
4 Defendant herein, pursuant to the		4 EXAMINATION	
5 Rules of Civil Procedure, taken		5 By Attorney Harrington 7 - 32	
6 before me, the undersigned, Lacey		6 DISCUSSION AMONG PARTIES 32 - 33	
7 Gray, a Court Reporter and Notary		7 EXAMINATION	
8 Public in and for the Commonwealth of		8 By Attorney Vaporis 34 - 36	
9 Pennsylvania, at the offices of LK		9 REEXAMINATION	
10 Drilling Corporation, Incorporated,		10 By Attorney Harrington 36	
11 542 Lutz School Road, Indiana,		11 CERTIFICATE 37	
12 Pennsylvania on Wednesday, July 24,		12	
13 2002 beginning at 10:05 a.m.		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 3		Page 5
1 APPEARANCES		1 EXHIBIT PAGE	
2		2	
3 MARILYN T. MCCLURE-DEMERS, ESQUIRE		3 PAGE	
4 McNees, Wallace & Nurick, LLC		4 NUMBER DESCRIPTION IDENTIFIED	
5 100 Pine Street		5	
6 P.O. Box 1166		6 NONE OFFERED	
7 Harrisburg, PA 17108-1166		7	
8 COUNSEL FOR DIANA STITT		8	
9		9	
10 HEATHER A. HARRINGTON, ESQUIRE		10	
11 McIntyre, Dugas, Hartye & Schmitt		11	
12 P.O. Box 533		12	
13 Hollidaysburg, PA 16648-0533		13	
14 COUNSEL FOR DEFENDANT		14	
15		15	
16 MICHAEL N. VAPORIS, ESQUIRE		16	
17 Barbor & Vaporis, P.C.		17	
18 917 Philadelphia Street		18	
19 Indiana, PA 15701		19	
20 COUNSEL FOR PLAINTIFF		20	
21		21	
22		22	
23		23	
24		24	
25		25	

1 OBJECTION PAGE

2

3 ATTORNEY

PAGE

4 NONE MADE

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25

1 something. I just want to know if
 2 you do and if so, what that knowledge
 3 is. Okay?

4 A.Okay.

5 Q.We'll try not to talk over
 6 each other because we're getting a
 7 transcript made, and it will be a lot
 8 easier to read if we're a little
 9 patient. Also try to make all of
 10 your answers oral, no nods or shakes
 11 of the head, so that it will be more
 12 clear when we review it later what
 13 your actual answer is. And if you
 14 forget we will remind you. Okay?

15 A.Okay.

16 Q.Would you state your full name
 17 and business address for the record,
 18 please.

19 A.Diana M. Stitt, 542 Lutz
 20 School Road, Indiana, Pennsylvania.

21 Q.And what is this business,

22 ma'am? What's its name?

23 AIt's a gas and oil well
 24 drilling company. LK Drilling, I'm
 25 sorry.

1 P R O C E E D I N G S

2 -----

3 DIANA STITT, HAVING FIRST BEEN DULY
 4 SWORN, TESTIFIED AS FOLLOWS:

5 -----

6 EXAMINATION

7 BY ATTORNEY HARRINGTON:

8 QMa'am, my name is Heather

9 Harrington, and as I indicated, I

10 represent Daniel Johnston in a suit

11 filed by Mr. Oswalt. Is it Mrs.

12 Stitt?

13 A.Yes.

14 QI'm going to be asking you

15 some questions regarding Mr. Oswalt's

16 employment here at L & K Drilling,

17 and if at any time you're not sure

18 what I'm asking or you don't

19 understand my question, please let me

20 know. If you want to take a break,

21 consult with your Counsel, that's

22 fine too. If you don't know or you

23 don't remember, that's fine. If I ask

24 you a question, I'm not assuming or

25 inferring that you should know

1 QIs it L & K or just LK?

2 ALK, no ampersand.

3 Q.And what is your position here
 4 at that company?

5 A.I'm the office administrator.

6 QDo you have any ownership
 7 interest in the company?

8 A.No.

9 QWho owns the company?

10 AMr. Leo Kay.

11 QHow do you spell his last
 12 name?

13 A.K-A-Y.

14 QHow long have you been with
 15 LK?

16 A.Three years.

17 QAnd would you have been
 18 working here in July of 2000?

19 A.Yes.

20 Q.What are your responsibilities
 21 as office manager?

22 A.I oversee all the office

23 duties and also the rigs along with
 24 the drilling superintendent.

25 Q.Okay. Would it be fair to say

	Page 10	Page 12
<p>1 that this business contracts with 2 individuals or businesses to drill 3 oil and water, gas wells ---? 4 AOil and gas. 5 QOil and gas. And water wells 6 as well or no? 7 A. Not recently, but we can, yes. 8 QOkay. Do your 9 responsibilities include interviewing 10 potential candidates for jobs? 11 A.Yes. 12 QDo you do the actual hiring 13 decision? 14 A.Yes. 15 QAnd do you fire anybody if 16 they need to be let go for any 17 reason? 18 A.Yes. 19 QDo you remember Mr. Oswalt? 20 A.Yes. 21 QSo if he were to walk in to 22 the room today, you'd recognize him? 23 A.Yes. 24 QOkay. Do you remember when 25 you first came in contact with him?</p>	<p>1 QAll right. Thank you. And 2 what job was he applying for? 3 A.To be a rig hand and a water 4 truck driver. 5 QAnd what do those job titles 6 entail? 7 A.A rig hand is a laborer. He 8 assists the driller while he is 9 drilling. They go and pick up pipes, 10 the bolts, the nuts, just your 11 everyday labor. 12 QAnd let me ask you, are there 13 any, if you know, weight --- strike 14 that. 15 How much weight would somebody 16 who works as a rig hand, how much 17 would they have to pick up? 18 A.Up to 100 pounds. 19 QOkay. Go ahead. Any other? 20 AHe also had a CDL license, 21 therefore we needed a water truck 22 driver. And there are certain times 23 throughout the day and during the 24 course of the drilling that water 25 needs to be hauled in to the site or</p>	
<p>1 AJuly 14th, 2000. 2 QJuly 14th, 2000. And can you 3 tell me about that meeting? 4 AHe put in his application, and 5 I spoke to him and asked what he knew 6 how to do, what he was interested in. 7 We talked about the specific job, 8 and he told me what he was qualified 9 in. And then I looked at the 10 information on who needed rig hands, 11 and I found him a rig to go to. 12 QLet me just stop you there 13 because I want to ask you some more 14 specific questions. 15 AOkay. 16 QYou said it was July 14th. My 17 understanding was that he was 18 actually hired the day of this 19 accident, which was July 24th. Does 20 that refresh your memory at all as to 21 the date. 22 A.Yes. 23 QWould it be July 24th then? 24 AHe came --- the first meeting 25 I had with him was July 14th.</p>	Page 11	<p>1 the location, and he would be the 2 person to do that. 3 QAnd CDL is a commercial 4 driver's license? 5 A.Correct. 6 QSo he was actually 7 interviewing for two positions or a 8 joint position? 9 A.Yes. 10 QOkay. And did you, in fact, 11 hire him on that date, on the 14th? 12 ANo, I called him a few days 13 later. 14 QAnd what was that 15 conversation? 16 AAnd he told me he could not 17 come in until the --- he could not 18 start 'til the 25th of July. 19 QDid he give you a reason? 20 A.Yes, he had to give notice to 21 his current employer. 22 QDo you remember who that was? 23 ANo, I do not. 24 QSo was a decision or was an 25 agreement made that he would begin</p>

Page 14

1 work on July 25th?
 2 A.Correct.
 3 Q.Okay. When he was hired, the
 4 rig hand and the water truck driver,
 5 do they have two separate rates of
 6 pay?
 7 A.No.
 8 Q.What rate of pay was he hired
 9 at?
 10 A.\$9.
 11 Q.Per hour?
 12 A.Yes.
 13 Q.What was the anticipated or
 14 scheduled workweek for him, if there
 15 was one?
 16 A.July 23rd ---.
 17 Q.My question wasn't clear. How
 18 many hours a week would you have
 19 expected that he would work as a rig
 20 hand or a water truck driver?
 21 A.A minimum of 40 hours.
 22 Q.And what's a day?
 23 A.Twelve (12) hours.
 24 Q.Twelve (12)-hour days. When
 25 would overtime accrue? After 8 hours

Page 16

1 it was 12 straight days and then a
 2 weekend off; is that correct?
 3 A.Correct.
 4 Q.So it wouldn't be you'd work
 5 say Monday through Saturday and have
 6 Sunday off. You'd work two full
 7 weeks including a weekend and then
 8 have a weekend off?
 9 A.Yes.
 10 Q.Okay. And was this seasonal
 11 work?
 12 A.No.
 13 Q.So this would be year round?
 14 A.Yes.
 15 Q.In your experience, have there
 16 been lulls or times of the year when
 17 the work would not be 60 to 70 hours
 18 a week?
 19 A.Yes.
 20 Q.Can you tell me about that?
 21 A.March and April we consider
 22 that the Spring thaw. The reason
 23 being is that when the weather starts
 24 thawing out it's very difficult for
 25 our rigs and equipment to get in and

Page 15

1 or after 40 hours?
 2 A.After 40 hours.
 3 Q.What would the overtime rate
 4 be?
 5 A.Time and a half.
 6 Q.Would you do payroll as well?
 7 A.I oversee it.
 8 Q.From your experience with that
 9 with other water truck drivers or rig
 10 hands, do you have any knowledge as
 11 to what average overtime hours would
 12 be for that position?
 13 A.Between 20 and 32 hours.
 14 Q.A week?
 15 A.Yes.
 16 Q.So you would think that
 17 someone working as a rig hand or
 18 water truck driver would each week
 19 receive 40 hours straight pay and
 20 then 20 to 32 hours of overtime pay?
 21 A.Yes.
 22 Q.And was this a five-day
 23 workweek?
 24 A.Six.
 25 Q.I think I saw somewhere that

Page 17

1 out of the locations.
 2 Q.It gets muddy?
 3 A.Correct. And it becomes very
 4 dangerous for our men. So therefore
 5 they work Monday through Friday and
 6 then they get every weekend off.
 7 Q.Okay. Would it still be 12-
 8 hour days?
 9 A.Yes.
 10 Q.So it would be like a 60-hour
 11 week?
 12 A.Yes.
 13 Q.Now, when did Mr. Oswalt
 14 actually begin working at LK?
 15 A.The 24th of July.
 16 Q.So this was the day before he
 17 originally was going to start;
 18 correct?
 19 A.Yes.
 20 Q.What happened to cause that
 21 change?
 22 A.On the 24th, he needed to come
 23 in and fill out all his paperwork
 24 before I could allow him to go to the
 25 locations to begin work.

Page 18	Page 20
<p>1 Q And did he come to the 2 location where we are now? 3 A Yes. 4 Q And then what did he do? 5 A He filled out all his 6 paperwork, one of the directions to 7 the rig, I gave him the directions, 8 and he wanted to go out to look at 9 the location. I called ahead, which 10 I have to do, and let them know that 11 he was coming. And they said great, 12 and he went out there. 13 Q Obviously you weren't there, 14 but do you know from any reports from 15 other LK employees as to whether he 16 did any actual work that day? 17 A Yes. 18 Q He did? 19 A Yes. 20 Q How many hours did he work on 21 July 24th? 22 A Six. 23 Q However, LK did pay him for a 24 full 12-hour shift; did they not? 25 A Correct.</p>	<p>1 had happened? 2 A Yes. 3 Q What, if anything, did he tell 4 you about what he was going to do 5 about his neck? 6 A He told me he was going to 7 come back here to go to Indiana 8 Hospital to get an x-ray. 9 Q From where he lived or from 10 where the accident ---? 11 A Yes, from where the accident - 12 -- up in Mahaffey. 13 Q Well, where was he when he 14 called; do you know? 15 A No, I don't. 16 Q Do you know if it was on a 17 cell phone that he called? 18 A I do not know. 19 Q All right. So he told you he 20 was going to go to Indiana Hospital? 21 A Yes. 22 Q Did you have any discussion as 23 to whether he would be in to work the 24 next day? 25 A Not at that specific time.</p>
<p>1 Q And we know that later that 2 day, he was involved in the accident 3 with Mr. Johnston. How did you find 4 out about that? 5 A He called me? 6 Q When was that? 7 A At 6:30 p.m. 8 Q On the 24th? 9 A On the 24th. 10 Q What were you told? 11 A That he was leaving the 12 location on his way home and a street 13 bike person pulled out in front of 14 him, and he hit him. 15 Q Okay. Did he say anything to 16 you in regard to any injuries or pain 17 or problems he was having? 18 A He said that his neck was 19 bothering him. 20 Q Was there any discussion as to 21 whether this would be a compensable 22 Workers' Compensation claim? 23 A No. 24 Q So it was your impression that 25 he was simply notifying you of what</p>	<p>1 Q Did you speak to him at all 2 again on the 24th? 3 A No. 4 Q How about on the 25th? 5 A Yes. 6 Q Okay. Tell me about that 7 discussion. 8 A I told him I needed the 9 reports from the hospital. 10 Q Did he come in or was this a 11 phone conversation? 12 A Phone conversation. 13 Q Did you call him or did he 14 call you? 15 A I don't recall. 16 Q That's fine. So you told him 17 you needed paperwork from the 18 hospital? 19 A Yes. 20 Q Was that in response to his 21 information to you that he would not 22 be in to work? Was that to document 23 that? 24 A Just to document it. 25 Q Okay. What did he tell you</p>

Page 22

Page 24

1 about being able to return to work?
 2 A He said that he had a doctor's
 3 excuse to be off the 24th and 25th,
 4 and he would return on the 26th.
 5 Q And you told him you needed a
 6 copy of the doctor's excuse?
 7 A Yes.
 8 Q Any other conversation that
 9 you can recall in regard to his
 10 injuries or his ability to work?
 11 A No.
 12 Q Do you remember what days of
 13 the week these days were you're
 14 talking about?
 15 A Monday was the 24th, and
 16 Tuesday was the 25th.
 17 Q So it was your understanding
 18 he would return to work on July 26th,
 19 Wednesday?
 20 A Correct.
 21 Q Now, was he going to report to
 22 the office here or just go right out
 23 to the site?
 24 A Go to the location.
 25 Q And was that project still

1 Q Okay. Would that be in his
 2 personnel file?
 3 A Yes.
 4 Q What happened on August 17th?
 5 A He came in with another
 6 doctor's excuse saying that he could
 7 return to work full duty.
 8 Q Was there any contact at all
 9 between Mr. Oswalt and LK Drilling,
 10 to your knowledge, between July 25th,
 11 when he called you about being off
 12 work, and when he came in on August
 13 17th?
 14 A I tried calling him.
 15 Q Did you ever reach him?
 16 A No.
 17 Q So there was no contact at
 18 all?
 19 A No.
 20 Q So during that time frame, all
 21 you knew is that he had a doctor's
 22 excuse for two days off work;
 23 correct?
 24 A Yes.
 25 Q And you were given no further

Page 23

Page 25

1 going on that he had visited on
 2 Monday?
 3 A Yes.
 4 Q Okay. so he knew where to go.
 5 A Yes.
 6 Q To your knowledge, did he
 7 report to work on July 26th?
 8 A No.
 9 Q Did you have any contact with
 10 him on the 26th?
 11 A No, I tried calling him.
 12 Q Were you able to reach him?
 13 A No.
 14 Q When was the next time that
 15 you either were able to reach him
 16 yourself or he contacted you?
 17 A August 17th.
 18 Q And I guess I should ask, just
 19 so we have background. You're pretty
 20 good on the dates. Did you review
 21 any documents before we came here
 22 today?
 23 A Yes.
 24 Q What did you review?
 25 A My dates.

1 information?
 2 A That's correct.
 3 Q Okay. So basically he came in
 4 on the 17th and said I'm ready,
 5 willing and able to go back to work?
 6 A Yes.
 7 Q And what was your response to
 8 him?
 9 A Unfortunately, I do not have a
 10 position for you.
 11 Q When did you fill that
 12 position?
 13 A The 27th.
 14 Q Thursday, July 27th?
 15 A Yes.
 16 Q Does LK have any policies in
 17 regard to keeping positions open for
 18 workers who were out for injury or
 19 sickness?
 20 A As long as they notify the
 21 main office or myself, no, I guess
 22 not.
 23 Q You don't have any formal
 24 policy?
 25 A No.

<p>1 Q.Would it be fair to say that 2 each situation would be dealt with 3 depending on what the job 4 requirements are, what LK needed and 5 what the employee needed? 6 A.Yes. 7 Q.Would you have been able to 8 keep this job, and when I say job, 9 actually, it was two; right? It was 10 rig hand and water truck driver? 11 A.Yes. 12 Q.The person that you got to 13 fill this position, did he do both as 14 well? 15 A.Yes. 16 QOkay. So even though it's two 17 jobs, I'm going to say this job or 18 this position. Would you have been 19 able to keep that position open 20 beyond Wednesday, July 26th if Mr. 21 Oswalt had been in touch with you as 22 to his status? 23 A.Yes. 24 QDo you have any idea how long 25 you would have been able to keep it</p>	Page 26	<p>1 how did you qualify it for your 2 records? 3 A.He abandoned his job. 4 QIf you could tell me a little 5 bit about the efforts that you made 6 to contact Mr. Oswalt during that 7 several-week period. 8 A.I tried contacting him on the 9 25th and received no response. On 10 August 3rd, I received a court order 11 regarding child support. I tried 12 contacting him then, and I can tell 13 you exactly the times. 2:30 to 6:30 14 that day and his phone was busy. 15 QNow, how is it that you 16 remember those times? 17 A.I reviewed the file. I 18 reviewed my notes. 19 QYou made notes at the time? 20 A.I make notes on everyone's 21 file. 22 QSo anytime you make a call or 23 attempt to call, you make a note? 24 A.Absolutely. 25 QAny idea during that four-hour</p>
<p>1 open? 2 A.No, I do not. 3 Q.Would you have made an effort 4 to keep the position open if he had 5 informed you as to his status of his 6 injury and when he thought he might 7 be coming back? 8 A.Yes. 9 QAny further discussion or 10 comments on August 17th between you 11 and him once you advised him that the 12 position had been filled? 13 A.No. 14 QDo you know if he ever got 15 back in touch with you or anybody at 16 LK about work? 17 A.No. 18 QSo the last contact was on 19 August 17th? 20 A.Yes. 21 QWould you consider Mr. 22 Oswalt's employment as terminated? 23 Did you fire him? 24 A.No. 25 QHow would you describe it or</p>	Page 27	<p>1 period how many times you actually 2 called? 3 A.No, I can't tell you. I don't 4 know. 5 QAny other specific dates or 6 times that come to your mind that you 7 tried to contact him and were not 8 able? 9 A.I don't recall. 10 QWas he sent any written 11 notification or request for 12 information? 13 A.I'm sorry, could you please 14 repeat. 15 QSure. Did you or did LK send 16 him anything in the mail saying you 17 need to get back in contact with us 18 because we don't know what's going on 19 or we need a doctor's excuse? Did 20 you contact him in writing at all? 21 A.I don't recall. I don't 22 remember. 23 QWould that be a policy of LK? 24 A.Yes. 25 QOkay. If you had done so,</p>

Page 30

1 would you have kept copies of those
2 documents?
3 A.Yes.
4 Q.Would you be willing to look
5 in his file to see if there are
6 copies of any such letters? Or do
7 you know from your recent review if
8 there are such letters? Well, let me
9 break it down. Do you know from the
10 review that you did for today whether
11 there are any such letters in that
12 file?
13 ANo, I don't recall.
14 Q.You don't recall or no they
15 are not?
16 A I believe there is none in
17 there.
18 QAll right. If you would
19 double-check and let Counsel know,
20 and she can review, providing those
21 to us if they exist. Okay?
22 AOkay, yes.
23 Q.Thanks. And again after
24 August 18th, you don't believe he had
25 ever inquired again as to work?

Page 32

1 QSo because that is in the file
2 do you think then that there was a
3 claim made for unemployment benefits?
4 A.Yes.
5 QDid LK fight that do you know?
6 AI don't know.
7 QDo you have any idea what the
8 outcome of that claim was? If he
9 received the benefits or not?
10 ANo, no.
11 ATTORNEY HARRINGTON:
12 I don't know that we
13 ever actually subpoenaed the
14 records, but would you be
15 willing to provide a copy of
16 his employment file?
17 ATTORNEY DEMERS:
18 If you've got a
19 subpoena we will.
20 ATTORNEY HARRINGTON:
21 Could we get a
22 stipulation or authorization
23 on the record for that
24 document, or would you prefer
25 something in writing from the

Page 31

Page 33

1 A.When he came in on the 25th of
2 August.
3 QSo he did come back? I'm
4 talking about after August 17th,
5 2000.
6 AI don't remember right now. I
7 have it in my notes, but I know
8 something happened on August 25th,
9 and I don't remember now.
10 QDid he ever ask you for any
11 documentation in regard to the job
12 description, the job rates, anything
13 like that?
14 A.Other than the paperwork that
15 he filled out when he was employed,
16 we make copies of everything that
17 they sign and give to them, but
18 that's all.
19 QDo you know if you were ever
20 asked to sign off on any kind of
21 claim for unemployment or anything
22 like that?
23 A.There is an unemployment ---
24 there is unemployment paperwork in
25 his file.

1 Claimant?
2 ATTORNEY VAPORIS:
3 What's in the personnel
4 file?
5 AAll the paperwork that's
6 filled out at the time of him being
7 employed, and the doctor's excuse,
8 and report from the hospital.
9 ATTORNEY VAPORIS:
10 I don't have a problem
11 with that.
12 ATTORNEY HARRINGTON:
13 So I can do a letter.
14 ATTORNEY DEMERS:
15 That will be fine.
16 ATTORNEY HARRINGTON:
17 Just so we are clear on
18 the record, Counsel for Mr.
19 Oswalt has agreed to release
20 the employment file from LK
21 Drilling for Mr. Oswalt.
22 Thank you. I believe that's
23 all I have. Counsel may have
24 a few more questions.
25 EXAMINATION

1 BY ATTORNEY VAPORIS:
 2 QI believe you had indicated
 3 that he had worked on that one day
 4 six hours?
 5 AYes, sir.
 6 QDid Karen Brady work for LK
 7 Drilling at that time from payroll?
 8 AYes.
 9 QOn her form here, I believe
 10 she indicated that he worked five
 11 hours?
 12 AYes, I see that.
 13 QThen in the letter you wrote
 14 to Allstate --- I'm sorry, I only
 15 have one copy. You indicated four
 16 hours?
 17 AYes.
 18 QCan you explain the
 19 discrepancy in the hours for me,
 20 please?
 21 ASometimes it's very difficult
 22 for the guys to turn in the times out
 23 there, so there is the discrepancy
 24 between four and six hours.
 25 QHad Mr. Oswalt stayed an

1 employee, what other benefits would
 2 he have received apart from his
 3 direct wages?
 4 AAfter 30 days of employment,
 5 he would have received half benefits,
 6 after one year, a 401(k) plan.
 7 QAnd what kind of vacation do
 8 you typically give to employees in
 9 that position?
 10 AAt that specific time?
 11 QYes.
 12 AThere was none.
 13 QApart from health insurance,
 14 was there dental insurance available?
 15 AYes.
 16 ATTORNEY VAPORIS:
 17 I believe that's all
 18 the questions I have. Thank
 19 you.
 20 REEXAMINATION
 21 BY ATTORNEY HARRINGTON:
 22 QI just want to clarify.
 23 Regardless of what might have been
 24 orally reported or on the paperwork
 25 when you got it later in regard to

1 the actual number of hours worked, he
 2 was paid for a full 12-hour shift;
 3 correct?
 4 ACorrect.
 5 ATTORNEY HARRINGTON:
 6 Okay. That's all I
 7 have. Thank you.
 8 AThank you.
 9 ATTORNEY HARRINGTON:
 10 Would you like to read
 11 it?
 12 ATTORNEY DEMERS:
 13 Yes.
 14 * * * * *
 15 DEPOSITION CONCLUDED AT 10:30 A.M.
 16 * * * * *
 17
 18
 19
 20
 21
 22
 23
 24
 25

<p>-\$-</p> <p>\$9 [1] 14:10</p> <p>-'</p> <p>'til [1] 13:18</p> <p>---</p> <p>-hour [1] 14:24</p> <p>-0-</p> <p>00-1205-CD [1] 1:7</p> <p>-1-</p> <p>100 [2] 3:5 12:18 10:05 [1] 2:13 10:30 [1] 36:15 1166 [1] 3:6 12 [4] 14:23,24 16:1 17:7 12-hour [2] 18:24 36:2 14th [5] 11:1,2,16,25 13:11 15701 [1] 3:19 16648-0533 [1] 3:13 17108-1166 [1] 3:7 17th [7] 23:17 24:4,13 25:4 27:10,19 31:4 18th [1] 30:24</p> <p>-2-</p> <p>20 [2] 15:13,20 2000 [4] 9:18 11:1,2 31:5 2002 [2] 1:15 2:13 23rd [1] 14:16 24 [2] 1:15 2:12 24th [10] 11:19,23 17:15 17:22 18:21 19:8,9 21:2 22:3,15 25th [9] 13:18 14:1 21:4 22:3,16 24:10 28:9 31:1,8 26th [5] 22:4,18 23:7,10 26:20 27th [2] 25:13,14 2:30 [1] 28:13</p> <p>-3-</p> <p>30 [1] 35:4 32 [4] 4:5,6 15:13,20 33 [1] 4:6 34 [1] 4:8 36 [2] 4:8,10 37 [1] 4:11 3rd [1] 28:10</p> <p>-4-</p> <p>40 [4] 14:21 15:1,2,19 401 [1] 35:6</p> <p>-5-</p>	<p>533 [1] 3:12 542 [2] 2:11 8:19</p> <p>-6-</p> <p>60 [1] 16:17 60-hour [1] 17:10 6:30 [2] 19:7 28:13</p> <p>-7-</p> <p>7 [1] 4:5 70 [1] 16:17</p> <p>-8-</p> <p>8 [1] 14:25</p> <p>-9-</p> <p>917 [1] 3:18</p> <p>-A-</p> <p>a.m [2] 2:13 36:15 abandoned [1] 28:3 ability [1] 22:10 able [8] 22:1 23:12,15 25:5 26:7,19,25 29:8 Absolutely [1] 28:24 accident [4] 11:19 19:2 20:10,11 accrue [1] 14:25 actual [4] 8:13 10:12 18:16 36:1 address [1] 8:17 administrator [1] 9:5 advised [1] 27:11 again [3] 21:2 30:23,25 agency [1] 1:25 agreed [1] 33:19 agreement [1] 13:25 ahead [2] 12:19 18:9 allow [1] 17:24 Allstate [1] 34:14 along [1] 9:23 AMONG [1] 4:6 ampersand [1] 9:2 answer [1] 8:13 answers [1] 8:10 anticipated [1] 14:13 anytime [1] 28:22 apart [2] 35:2,13 application [1] 11:4 applying [1] 12:2 April [1] 16:21 assists [1] 12:8 assuming [1] 7:24 attempt [1] 28:23</p> <p>Attorney [19] 4:5,8,10 6:3 7:7 32:11,17,20 33:2 33:9,12,14,16 34:1 35:16 35:21 36:5,9,12</p> <p>August [10] 23:17 24:4 24:12 27:10,19 28:10</p>	<p>30:24 31:2,4,8 authorization [2] 1:24 32:22 available [1] 35:14 average [1] 15:11</p> <p>-B-</p> <p>background [1] 23:19 Barbor [1] 3:17 becomes [1] 17:3 begin [3] 13:25 17:14,25 beginning [1] 2:13 behalf [1] 2:3 benefits [4] 32:3,9 35:1 35:5 between [5] 15:13 24:9 24:10 27:10 34:24 beyond [1] 26:20 bike [1] 19:13 bit [1] 28:5 bolts [1] 12:10 bothering [1] 19:19 Box [2] 3:6,12 Brady [1] 34:6 break [2] 7:20 30:9 business [3] 8:17,21 10:1 businesses [1] 10:2 busy [1] 28:14</p> <p>-C-</p> <p>C [2] 3:1 7:1 candidates [1] 10:10 Case [1] 1:6 CDL [2] 12:20 13:3 cell [1] 20:17 certain [1] 12:22 CERTIFICATE [1] 4:11 certifying [1] 1:25 change [1] 17:21 child [1] 28:11 Civil [2] 1:3 2:5 claim [4] 19:22 31:21 32:3,8 Claimant [1] 33:1 clarify [1] 35:22 clear [3] 8:12 14:17 33:17 CLEARFIELD [1] 1:2 coming [2] 18:11 27:7 comments [1] 27:10 commercial [1] 13:3 COMMON [1] 1:1 Commonwealth [1] 2:8 company [4] 8:24 9:4,7 9:9 compensable [1] 19:21 Compensation [1] 19:22 CONCLUDED [1] 36:15 consider [2] 16:21 27:21</p>	<p>consult [1] 7:21 contact [9] 10:25 23:9 24:8,17 27:18 28:6 29:7 29:17,20 contacted [1] 23:16 contacting [2] 28:8,12 contracts [1] 10:1 conversation [4] 13:15 21:11,12 22:8 copies [3] 30:1,6 31:16 copy [3] 22:6 32:15 34:15 Corporation [1] 2:10 correct [12] 13:5 14:2 16:2,3 17:3,18 18:25 22:20 24:23 25:2 36:3,4 Counsel [7] 3:8,14,20 7:21 30:19 33:18,23 COUNTY [1] 1:2 course [1] 12:24 court [3] 1:1 2:7 28:10 current [1] 13:21</p> <p>-D-</p> <p>D [2] 4:1 7:1 dangerous [1] 17:4 Daniel [1] 7:10 date [2] 11:21 13:11 dates [3] 23:20,25 29:5 days [8] 13:12 14:24 16:1 17:8 22:12,13 24:22 35:4 dealt [1] 26:2 decision [2] 10:13 13:24 Defendant [3] 1:10 2:4 3:14 DEMERS [3] 32:17 33:14 36:12 dental [1] 35:14 depending [1] 26:3 DEPOSITION [3] 1:13 2:1 36:15 describe [1] 27:25 description [2] 5:4 31:12 Diana [6] 1:14 2:3 3:8 4:3 7:3 8:19 difficult [2] 16:24 34:21 direct [1] 35:3 directions [2] 18:6,7 discrepancy [2] 34:19 34:23 discussion [5] 4:6 19:20 20:22 21:7 27:9 DIVISION [1] 1:3 doctor's [6] 22:2,6 24:6 24:21 29:19 33:7 document [3] 21:22,24 32:24 documentation [1] 31:11 documents [2] 23:21 30:2 DONALD [1] 1:5 done [1] 29:25</p> <p>-E-</p> <p>E [5] 3:1,1 4:1 7:1,1 easier [1] 8:8 effort [1] 27:3 efforts [1] 28:5 either [1] 23:15 employed [2] 31:15 33:7 employee [2] 26:5 35:1 employees [2] 18:15 35:8 employer [1] 13:21 employment [5] 7:16 27:22 32:16 33:20 35:4 entail [1] 12:6 equipment [1] 16:25 ESQUIRE [3] 3:3,10,16 everyday [1] 12:11 everyone's [1] 28:20 exactly [1] 28:13 EXAMINATION [4] 4:4,7 7:6 33:25 excuse [6] 22:3,6 24:6,22 29:19 33:7 EXHIBIT [1] 5:1 exist [1] 30:21 expected [1] 14:19 experience [2] 15:8 16:15 explain [1] 34:18</p> <p>-F-</p> <p>fact [1] 13:10 fair [2] 9:25 26:1 few [2] 13:12 33:24 fight [1] 32:5 file [10] 24:2 28:17,21 30:5,12 31:25 32:1,16 33:4,20 filed [1] 7:11 fill [3] 17:23 25:11 26:13 filled [4] 18:5 27:12 31:15 33:6 fine [4] 7:22,23 21:16 33:15</p>
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fire [2] 10:15 27:23
 first [3] 7:3 10:25 11:24
 five [1] 34:10
 five-day [1] 15:22
FOLLOWs [1] 7:4
 forget [1] 8:14
 form [1] 34:9
 formal [1] 25:23
 found [1] 11:11
 four [2] 34:15,24
 four-hour [1] 28:25
 frame [1] 24:20
 Friday [1] 17:5
 front [1] 19:13
 full [5] 8:16 16:6 18:24
 24:7 36:2

-G-

G [1] 7:1
 gas [4] 8:23 10:3,4,5
 given [1] 24:25
 good [1] 23:20
 Gray [1] 2:7
 great [1] 18:11
 guess [2] 23:18 25:21
 guys [1] 34:22

-H-

half [2] 15:5 35:5
 hand [7] 12:3,7,16 14:4
 14:20 15:17 26:10
 hands [2] 11:10 15:10
 Harrington [12] 3:10 4:5
 4:10 7:7,9 32:11,20 33:12
 33:16 35:21 36:5,9

Harrisburg [1] 3:7
 Hartye [1] 3:11
 hauled [1] 12:25
 head [1] 8:11
 health [1] 35:13
 Heather [2] 3:10 7:8
 herein [1] 2:4
 hire [1] 13:11
 hired [3] 11:18 14:3,8
 hiring [1] 10:12
 hit [1] 19:14
 Hollidaysburg [1] 3:13

home [1] 19:12
 hospital [5] 20:8,20 21:9
 21:18 33:8
 hour [2] 14:11 17:8
 hours [18] 14:18,21,23,25
 15:1,2,11,13,19,20 16:17
 18:20 34:4,11,16,19,24
 36:1

-I-

idea [3] 26:24 28:25 32:7
 IDENTIFIED [1] 5:4
 impression [1] 19:24

include [1] 10:9
 including [1] 16:7
 Incorporated [1] 2:10
 Indiana [5] 2:11 3:19
 8:20 20:7,20
 indicated [4] 7:9 34:2
 34:10,15
 individuals [1] 10:2
 inferring [1] 7:25
 information [4] 11:10
 21:21 25:1 29:12
 informed [1] 27:5
 injuries [2] 19:16 22:10
 injury [2] 25:18 27:6
 inquired [1] 30:25
 insurance [2] 35:13,14
 interest [1] 9:7
 interested [1] 11:6
 interviewing [2] 10:9
 13:7
 involved [1] 19:2

-J-

job [10] 11:7 12:2,5 26:3
 26:8,8,17 28:3 31:11,12
 jobs [2] 10:10 26:17
 Johnston [3] 1:9 7:10
 19:3
 joint [1] 13:8
 July [19] 1:15 2:12 9:18
 11:1,2,16,19,23,25 13:18
 14:1,16 17:15 18:21 22:18
 23:7 24:10 25:14 26:20

-K-

k [3] 7:16 9:1 35:6
 K-A-Y [1] 9:13
 Karen [1] 34:6
 Kay [1] 9:10
 keep [4] 26:8,19,25 27:4
 keeping [1] 25:17
 kept [1] 30:1
 kind [2] 31:20 35:7
 knew [3] 11:5 23:4 24:21
 knowledge [4] 8:2 15:10
 23:6 24:10

-L-

L [2] 7:16 9:1
 labor [1] 12:11
 laborer [1] 12:7
 Lacey [1] 2:6
 last [2] 9:11 27:18
 leaving [1] 19:11
 Leo [1] 9:10
 letter [2] 33:13 34:13
 letters [3] 30:6,8,11
 license [2] 12:20 13:4
 lived [1] 20:9
 LK [17] 2:9 8:24 9:1,2,15
 17:14 18:15,23 24:9 25:16

26:4 27:16 29:15,23 32:5
 33:20 34:6
 LLC [1] 3:4
 location [5] 13:1 18:2,9
 19:12 22:24
 locations [2] 17:1,25
 look [2] 18:8 30:4
 looked [1] 11:9
 lulls [1] 16:16
 Lutz [2] 2:11 8:19

-M-

M [1] 8:19
 ma'am [2] 7:8 8:22
 Mahaffey [1] 20:12
 mail [1] 29:16
 main [1] 25:21
 manager [1] 9:21
 March [1] 16:21
 MARILYN [1] 3:3
 MATTHEW [1] 1:8
 may [1] 33:23
 MCCLURE-DEMERS
 [1] 3:3
 McIntyre [1] 3:11
 McNees [1] 3:4
 meeting [2] 11:3,24
 memory [1] 11:20
 men [1] 17:4
 MICHAEL [1] 3:16
 might [2] 27:6 35:23
 mind [1] 29:6
 minimum [1] 14:21
 Monday [4] 16:5 17:5
 22:15 23:2
 Mrs [1] 7:11
 muddy [1] 17:2

-N-

N [4] 3:1,16 4:1 7:1
 name [4] 7:8 8:16,22 9:12
 neck [2] 19:18 20:5
 need [3] 10:16 29:17,19
 needed [8] 11:10 12:21
 17:22 21:8,17 22:5 26:4,5
 needs [1] 12:25
 next [2] 20:24 23:14
 nods [1] 8:10
 none [4] 5:6 6:4 30:16
 35:12
 Notary [1] 2:7
 note [1] 28:23
 notes [4] 28:18,19,20 31:7
 notice [1] 13:20
 notification [1] 29:11
 notify [1] 25:20
 notifying [1] 19:25
 now [6] 17:13 18:2 22:21
 28:15 31:6,9
 number [2] 5:4 36:1

Nurick [1] 3:4
 nuts [1] 12:10

-O-

O [1] 7:1
 OBJECTION [1] 6:1
 Obviously [1] 18:13
 off [8] 16:2,6,8 17:6 22:3
 24:11,22 31:20
 OFFERED [1] 5:6
 office [5] 9:5,21,22 22:22
 25:21
 offices [1] 2:9
 oil [4] 8:23 10:3,4,5
 once [1] 27:11
 one [5] 14:15 18:6 34:3
 34:15 35:6
 open [4] 25:17 26:19 27:1
 27:4
 oral [1] 8:10
 orally [1] 35:24
 order [1] 28:10
 originally [1] 17:17
 Oswalt [10] 1:5 7:11
 10:19 17:13 24:9 26:21
 28:6 33:19,21 34:25
 Oswalt's [2] 7:15 27:22
 outcome [1] 32:8
 oversee [2] 9:22 15:7
 overtime [4] 14:25 15:3
 15:11,20
 ownership [1] 9:6
 owns [1] 9:9

-P-

P [3] 3:1,1 7:1
 P.C [1] 3:17
 p.m [1] 19:7
 P.O [2] 3:6,12
 PAGE [4] 5:1,3 6:1,3
 paid [1] 36:2
 pain [1] 19:16
 paperwork [7] 17:23
 18:6 21:17 31:14,24 33:5
 35:24
 PARTIES [1] 4:6
 patient [1] 8:9
 pay [5] 14:6,8 15:19,20
 18:23
 payroll [2] 15:6 34:7
 Pennsylvania [3] 2:9
 2:12 8:20
 Per [1] 14:11
 period [2] 28:7 29:1
 person [3] 13:2 19:13
 26:12
 personnel [2] 24:2 33:3
 Philadelphia [1] 3:18
 phone [4] 20:17 21:11,12
 28:14
 pick [2] 12:9,17
 Pine [1] 3:5

-Q-

qualified [1] 11:8
 qualify [1] 28:1
 questions [4] 7:15 11:14
 33:24 35:18

-R-

R [2] 3:1 7:1
 rate [2] 14:8 15:3
 rates [2] 14:5 31:12
 reach [3] 23:12,15 24:15
 read [2] 8:8 36:10
 ready [1] 25:4
 reason [3] 10:17 13:19
 16:22
 receive [1] 15:19
 received [5] 28:9,10 32:9
 35:2,5
 recent [1] 30:7
 recently [1] 10:7
 recognize [1] 10:22
 record [3] 8:17 32:23
 33:18
 records [2] 28:2 32:14
 REEXAMINATION
 [2] 4:9 35:20
 refresh [1] 11:20
 regard [5] 19:16 22:9
 25:17 31:11 35:25
 regarding [2] 7:15 28:11
 Regardless [1] 35:23
 release [1] 33:19
 remember [9] 7:23 10:19
 10:24 13:22 22:12 28:16
 29:22 31:6,9

<p>remind [1] 8:14 repeat [1] 29:14 report [3] 22:21 23:7 33:8 reported [1] 35:24 Reporter [1] 2:7 reports [2] 18:14 21:9 represent [1] 7:10 reproduction [1] 1:23 request [1] 29:11 requirements [1] 26:4 response [3] 21:20 25:7 28:9 responsibilities [2] 9:20 10:9 return [4] 22:1,4,18 24:7 review [6] 8:12 23:20,24 30:7,10,20 reviewed [2] 28:17,18 rig [11] 11:10,11 12:3,7 12:16 14:4,19 15:9,17 18:7 26:10 right [6] 12:1 20:19 22:22 26:9 30:18 31:6 rigs [2] 9:23 16:25 Road [2] 2:11 8:20 room [1] 10:22 round [1] 16:13 Rules [1] 2:5 RYAN [1] 1:8</p>	<p>Spring [1] 16:22 start [2] 13:18 17:17 starts [1] 16:23 state [1] 8:16 status [2] 26:22 27:5 stayed [1] 34:25 still [2] 17:7 22:25 stipulation [1] 32:22 Stitt [7] 1:14 2:3 3:8 4:3 7:3,12 8:19 stop [1] 11:12 straight [2] 15:19 16:1 street [3] 3:5,18 19:12 strike [1] 12:13 subpoena [1] 32:19 subpoenaed [1] 32:13 such [3] 30:6,8,11 suit [1] 7:10 Sunday [1] 16:6 superintendent [1] 9:24 support [1] 28:11 SWORN [1] 7:4</p>	<p>understand [1] 7:19 unemployment [4] 31:21,23,24 32:3 Unfortunately [1] 25:9 up [4] 12:9,17,18 20:12</p> <hr/> <p style="text-align: center;">-V-</p> <p>vacation [1] 35:7 Vaporis [7] 3:16,17 4:8 33:2,9 34:1 35:16 visited [1] 23:1 vs [1] 1:7</p> <hr/> <p style="text-align: center;">-W-</p> <p>wages [1] 35:3 walk [1] 10:21 Wallace [1] 3:4 water [10] 10:3,5 12:3,21 12:24 14:4,20 15:9,18 26:10 weather [1] 16:23 Wednesday [3] 2:12 22:19 26:20</p> <p>week [6] 14:18 15:14,18 16:18 17:11 22:13 weekend [4] 16:2,7,8 17:6 weeks [1] 16:7 weight [2] 12:13,15 wells [2] 10:3,5 willing [3] 25:5 30:4 32:15 without [1] 1:24 WITNESS [1] 4:3 worked [3] 34:3,10 36:1 workers [1] 25:18 Workers' [1] 19:22 works [1] 12:16 workweek [2] 14:14 15:23 writing [2] 29:20 32:25 written [1] 29:10 wrote [1] 34:13</p> <hr/> <p style="text-align: center;">-X-</p> <p>X [1] 4:1 x-ray [1] 20:8</p> <hr/> <p style="text-align: center;">-Y-</p> <p>year [3] 16:13,16 35:6 years [1] 9:16 yourself [1] 23:16</p>
<p>-S-</p> <p>S [2] 3:1 7:1 Saturday [1] 16:5 saw [1] 15:25 scheduled [1] 14:14 Schmitt [1] 3:11 School [2] 2:11 8:20 seasonal [1] 16:10 see [2] 30:5 34:12 send [1] 29:15 sent [1] 29:10 separate [1] 14:5 several-week [1] 28:7 shakes [1] 8:10 shift [2] 18:24 36:2 sickness [1] 25:19 sign [2] 31:17,20 simply [1] 19:25 site [2] 12:25 22:23 situation [1] 26:2 six [4] 15:24 18:22 34:4 34:24 someone [1] 15:17 Sometimes [1] 34:21 somewhere [1] 15:25 sorry [3] 8:25 29:13 34:14 speak [1] 21:1 specific [5] 11:7,14 20:25 29:5 35:10 spell [1] 9:11 spoke [1] 11:5</p>	<p>too [1] 7:22 touch [2] 26:21 27:15 transcript [2] 1:23 8:7 tried [5] 23:11 24:14 28:8 28:11 29:7 truck [7] 12:4,21 14:4,20 15:9,18 26:10 try [2] 8:5,9 Tuesday [1] 22:16 turn [1] 34:22 Twelve [2] 14:23,24 two [6] 13:7 14:5 16:6 24:22 26:9,16 typically [1] 35:8</p> <hr/> <p style="text-align: center;">-U-</p> <p>undersigned [1] 2:6</p>	

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HOLLIDAYSBURG, PA 16648-0533

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www.mdhslaw.com

December 20, 2001

Our Reference: PG 091 NH

Edward Woodle, D.O.
660 Stutzman Road
Indiana, PA 15701

35

Re: Patient: Donald Oswalt
SSN: 195-54-5479
DOB: 5/6/65

Dear Dr. Woodle:

Enclosed is an authorization requesting the release of medical documentation regarding the above listed patient. Please forward copies at your earliest convenience. This is to advise that we will reimburse you for reasonable retrieving, copying and forwarding charges. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Heather A. Harrington
Heather A. Harrington

HAH/slw
Enclosure

cc: Michael N. Vaporis, Esquire

OSWALT Don

DOB 05-06-65

11-19-01

WT: 223 BP: 130/88
VS intermittent El

(R)

cb lesion @ shoulder that

11-19-2001 OSWALT, Donald

Lesion on his right shoulder that is intermittent. This appears to be slightly erythematous and flesh at this point. However, as described by the patient, this sometimes gets erythematous and raised. It could possibly be psoriasis. I am unsure, however. He is being referred to Derm for evaluation. I will see him back and follow-up at their recommendations. EMW/rdh

Oswalt Don

06/05/01

WT. 223[#] BP: 130/84^(R)

Re✓ back pain, somewhat improved

Stand \rightarrow 3 hr = pain @ side

Mike Valporis - Attorney

EL

06-05-2001 OSWALT, Donald

His back pain is improved to the point where he is able to work. He states that if he stands longer than three hours he does develop pain on the right side. He has discontinued physical therapy at this point as they have felt that he has plateaued.

PHYSICAL EXAMINATION: Range of motion of the lumbar spine is approximately 90% at this point. Neurologically, lower extremities, DTRs are 1+ and equal. Strength and motor sensation are equal bilaterally.

IMPRESSIONS: Continued lumbar pain with referred pain sometimes down the right lower extremity especially with prolonged episodes of sitting and standing. I told him that he could use anti-inflammatories, moist heat, and strengthening exercises, but that this pain may be intermittent and long term. I will see him back on an as needed basis.
EMW/rdh

9-15-01 Rx Endosec 20-75g + 300 mg C

Oswalt Donald

DOB 05-06-65

05/09/01

WT 223⁺ BP: 140/88 ① Rev back pain, improving c PT

El

05-09-2001 OSWALT, Donald

Rechecking his back pain. Low back pain is improving with physical therapy, anti-inflammatory and pain medication.

PHYSICAL EXAMINATION: He has minimal contraction of the lumbar spine. Range of motion is approximately 80% at this point. Neurologically, he is intact.

IMPRESSIONS: Lumbar strain. Continue with his current treatment since he is showing improvement. Reevaluate next month. EMW/rdh

Oswalt, Donald

DOB - 5/6/65

8/25/00

Wt 228⁺ BP 130/80 ② MVA rev Neck pain ④

04/03/01

Wt 223⁺ BP 140/70 ② 40↓ Back pain since the auto accident. The pain is intermittent ED

4/12/01 Rx RA Encycan 333 mg x 7 b/d

04-03-2001 OSWALT, Donald

Complaining of low back pain since the MVA. Pain is intermittent. Palpation of the lumbar spine reveals some muscle contractions bilaterally in the L3-L5 region. Range of motion was slightly diminished by approximately 10%. Neurovascularly, his lower extremities appear to be intact. Reflexes are also intact.

IMPRESSIONS: Continued low back pain intermittent. He is going to be referred to physical therapy. Continue his anti-inflammatories and pain medication. Stretching exercises were reviewed. Reevaluate in 2-3 weeks' time. EMW/rdh

Oswalt, Donald

DOB 5/6/65

8/18/00

WT 122.8 BP: 130/88 (P) MVA re✓ improving & PT but neck
is still painful, HA's daily &

8-18-2000

OSWALT, Donald

The patient states his neck is still having some pain. He is also getting daily headaches but he feels that physical therapy is improving his symptoms at this point.

EXAMINATION: examination of the cervical region revealed good range of motion. HEENT: Eyes show conjunctivae and lids are not erythematous or edematous and no injections bilaterally. PERLA, EMOL. Ears external auditory areas without any lesions. Canals appear to be patent. TM's are not erythematous. There is good light reflex bilaterally. No scars or lesions. Assessment of gross hearing appears to be intact. Nasal examination, there is no gross deformity. Turbinates do not appear to be swollen. Nasal mucosa is not edematous as well. Examination of the mouth, lips appear to be symmetrical without lesions. Teeth are present without caries and gums do not show any gross signs of infection. Posterior pharynx appears to be clear. Hard and soft palates, tongue, tonsils, without exudates or lesions. EXTREMITIES: have equal strength upper and lower, bilaterally. NEUROLOGIC: intact

IMPRESSION: is resolving neck pain. Continue with therapy for 1 more week and we will access him at that point in time. Assess his strength and as his ability to possibly return to work.

EMW/jej

Oswalt, Donald

8-4-00 - W1228# BP: 140/84 MVA flu. 90 Neck + back pain.
NA's daily El

Donald Oswalt, DOB 5-6-65 #2115.0

7-24-00: Wt: 227 1/2 B.P. 190/82 L&K PE Done
Was referred to Comp Attorney Alles & Bauman
in Pts: 1800-344-3090: Hu

7-26-00-Wt. 227 1/2 B.P- 190/80

Head ache for 3 days, Neck hurts Back hurts
feels a shocking feeling in left leg.

MVA 7-24-00. Restrained driving struck
motorcycle then struck 6" high cement. Pt. took
himself to ER Later x-rays neg Tyl #3

upper Back/Neck Pain - worsening

Tingling ① leg Posterior

no 1/2 s^x before mid

④ HA

(P) (Q)

Oswalt, Donald DOB: 05-06-65

#2115.0

MAR 25 1998 WT 217^{1/2} BP: 144/72^(R) Rev cervical strain Pt. has a grinding sound when turning his neck, some minimal pain.

S/ feeling better & feels ready to return to work

O/ Neck - Good ROM. Minimal pain elicited c side to side movement. No crepitus noted

Back - + ROM. neg pain/crepitus

A/ Back/Cervical strain resolving

P/ Continue on Non-steriodals, flexerilgs & moist heat

May return to work 3/26/98. RTD 1wk for 1/2 visit

Kelly A. Campbell C.N.P.

DP

APR 08 1998 Pt. called to cancel appt. Pt did not wish to reschedule. Pt back feeling better. A/C KAC

02-10-00 Rx Walmart 2-Pak Day Cl.

03-20-00 Rx Walmart Pen V & K 500 g 6" x 7" auf. cl

4-08-00 Pt did not show. tth

Walmart 2-Pak

Oswalt, Donald

DOB:05-06-65

#2115.0

MAR 20 1998 W/214# BP:130/90^(R) Re/acute cervical/lumbar strain
Pt is doing better but sore. El

03-2098 OSWALT, Donald

Patient states that he is still pretty sore in the neck and lower back. He did not get his prescriptions filled due to the fact that he did not have the money for this.

SPINE, RIBS, PELVIS: There is some tenderness and decreased range of motion of the neck. Some decreased range of motion of the lower back. Some tenderness to palpation of the lumbar area. Upon examination, there does not appear to be any misalignment or asymmetry, no crepitation, defects, masses or effusions. There did not appear to be any dislocations, subluxation or laxity in any of those joints. Muscle tone appeared to be normal and strength was normal, appropriate and equal. There was no noted atrophy or abnormal movements. No spasticity, cogwheel effect or plasticity.

IMPRESSION: Cervical lumbar strain.

We will give patient samples of Cataflam 50 mg. one TID. He is to use moist heat. He is given an excuse for 03-23 to 03-25. We will see him back here on 03-25. KAC/ayc *Kelly A Campbell CRN#411199*

Oswalt, Donald

DOB: 05-06-65

+ 215.0

MAR 18 1998

Ht: 5'9" Wt: 214[#] BP: 122/82 T: 97.2 Pt was involved
in a truck accident yesterday. The dump truck bed was raised
& tipped over.

CB back, neck pain. CB tingling sensation in legs. EL

03-18-98

5: CB neck & back pain P. being in a truck when the
bed of truck twisted off & the cab which he was in
twisted & turned over onto the ground. He climbed
out of the window on passenger side because the
doors would not open. He climbed back into the
truck for personal belongings & when climbing
out - fell onto the ground.

32 yr. old, male who is in moderate distress
C above 5x.

Heart - head WNL, neck - tenderness, bilaterally
& slightly swollen - limited movement to R¹ & L¹
sides posteriorly - tenderness & slightly edematous.
Eyes - clear, ears - this clear, nose - clear, pink
Moist. Throat - pink, clear & moist. Tonsils
+2 enlarged

Heart - regular rate & rhythm.

Lungs - clear to auscultation in all fields.

ABD - + BS, soft, non-tender. Tongue, megaly.

Neuro - CN 2-12 contact. Sensory & motor intact.

Reflexes +2. Tenderness to lower back

when raising R¹ & L¹ leg. Spine & thoracic

area - painful, swelling ^{edema} Bilateral

tenderness superior to ilium. Swelling

A: Acute cervical / lumbar strain.

P: Sent to hospital for C-spine L5-S1 spine

X-rays - neg. Started on Naprosyn

500mg BID, Flexeril 10mg TID, rest, moist

heat & will recheck in 2 days. Off

work for 2 days. Call if any of wors.

J. Mullendore, APRN
Kelly A. Campbell CRNP



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Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788

Department of Laboratory Medicine 724-357-7160
Steven P. Griffin, M.D., Director of Laboratories

PATIENT: OSWALT, DONALD
MED. REC.#: (0000)00027466 FIN #. 013286133
DOB: 05/06/1965 AGE: 36 YRS SEX: M
LOCATION: DELIVERED SPECIMEN
PHYSICIAN: WOODLE, DR. EDWARD
COPY TO: NO PRIMARY CARE PHYSICIAN
COPY TO: NONE SPECIFIED
COPY TO: NONE SPECIFIED
COPY TO: NONE SPECIFIED

THROAT CULTURE
SOURCE: THROAT

ACC# 01-310-0682

COLLECTED: 11/06/01 0830
RECEIVED: 11/06/01 1623

FINAL REPORT

11/08/01 0750

FINAL REPORT
NORMAL FLORA

MAIL TO:

DR. EDWARD WOODLE
660 STUTZMAN ROAD
INDIANA PA 15701

PRINTED DATE/TIME: 11/09/2001 0303
OUTPATIENT REPORT

PAGE 1

END OF REPORT

PATIENT: OSWALT, DONALD
MED. REC. #: (0000)00027466 FN #: 013286133
DOB: 05/06/1965 AGE: 36 YRS SEX: M
LOCATION: DELIVERED SPECIMEN
PHYSICIAN: WOODLE, DR. EDWARD
COPY TO: NO PRIMARY CARE PHYSICIAN
COPY TO: NONE SPECIFIED
COPY TO: NONE SPECIFIED
COPY TO: NONE SPECIFIED



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Department of Laboratory Medicine 724-357-7160
Steven P. Griffin, M.D., Director of Laboratories

THROAT CULTURE SOURCE: THROAT PRELIMINARY REPORT PRELIMINARY 11/07/01 1326 NO NORMAL FLORA

COLLECTED: 11/06/01 0830
RECEIVED: 11/06/01 1623

MAIL TO:

DR. EDWARD WOODLE
660 STUTZMAN ROAD
INDIANA PA 15701

PRINTED DATE/TIME: 11/08/2001 0303
OUTPATIENT REPORT

PAGE 1

ACCESSION #: S-00-01770
 PATIENT: OSWALT, DONALD
 DOB: 05/06/1965 AGE: 34 YRS SEX: M
 LOCATION: AMBUL TREATMENT AREA ROOM:
 MED REC #: (0000) 00027466
 DATE OF SURGERY: 03/31/2000
 SUBMISSION DATE: 03/31/2000
 PHYSICIAN: BOYKIN, DR. MARK E.
 COPY TO: WOODLE, DR. EDWARD
 COPY TO:



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SURGICAL PATHOLOGY

PREOPERATIVE DIAGNOSIS:

GERD

CLINICAL INFORMATION:

Esophagitis

TISSUE SUBMITTED:

Esophagus biopsy

GROSS DESCRIPTION:

Irregular-shaped fragments of a tannish-brown, soft, rubbery tissue measure 0.4 cm. in diameter in the aggregate. Entire specimen, one block.

SPG:ALS

03/31/00

MICRO DIAGNOSIS:

Biopsy of the esophagus:

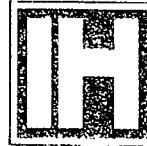
Inflamed and irritated squamous mucosa consistent with reflux esophagitis.
 Inflamed gastric mucosa with partial intestinal metaplasia but without goblet cell transformation suggesting transitional epithelium.
 Staining with Alcian blue is not helpful.
 Dysplasia is not identified.

CODE 88305 88313

SPG:ALS

04/03/00

GRIFFIN, STEVEN M.D.
 (ELECTRONIC SIGNATURE)
 END OF REPORT



PATIENT: OSWALT, DONALD
 MED REC #: (0000)00027466 FIN #: 0J029894!
 DOB: 05/06/1965 AGE: 34 YRS SEX: M
 LOCATION: AMBUL TREATMENT AREA
 PHYSICIAN: BOYKIW, DR. MARK E.
 COPY TO: NO PRIMARY CARE PHYSICIAN
 COPY TO: BOYKIW, DR. MARK E.
 COPY TO: NONE SPECIFIED
 COPY TO: NONE SPECIFIED

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MICROBIOLOGY-ROUTINE CULTURES - SMEARS

HELMICOBACTER PYLORI SCREEN

ACC# 00-091-0549

COLLECTED: 03/31/00 1140

SOURCE: ANTRUM

RECEIVED: 03/31/00 1351

FINAL REPORT

04/01/00 1525

FINAL REPORT

POSITIVE

MAIL TO:

DR. EDWARD WOODLE
 660 STUTZMAN ROAD

INDIANA

PA 15701

PRINTED DATE/TIME: 04/02/2000 0313
 OUTPATIENT REPORT

PAGE: 1

END OF REPORT

PATIENT: OSWALT, DONALD
MED REC #: (0000)00027466 FIN #: 010277473
DOB: 05/06/1965 AGE: 34 YRS SEX: M
LOCATION: DELIVERED SPECIMEN
PHYSICIAN: HUGHES, DR. DAVID C.
COPY TO: NO PRIMARY CARE PHYSICIAN
COPY TO: HUGHES, DR. DAVID C.
COPY TO: NONE SPECIFIED
COPY TO: NONE SPECIFIED



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MICROBIOLOGY-ROUTINE CULTURES - SMEARS

MAIL TO:

**DR. EDWARD WOODLE
660 STUTZMAN ROAD**

INDIANA PA 15701

PRINTED DATE/TIME: 03/27/2000 0303
OUTPATIENT REPORT

PAGE: 1

END OF REPORT



PATIENT: OSWALT, DONALD
 MED REC #: (0000)00027466 FIN #: 010277473
 DOB: 05/06/1965 AGE: 34 YRS SEX: M
 LOCATION: DELIVERED SPECIMEN
 PHYSICIAN: HUGHES, DR. DAVID C.
 COPY TO: NO PRIMARY CARE PHYSICIAN
 COPY TO: HUGHES, DR. DAVID C.
 COPY TO: NONE SPECIFIED
 COPY TO: NONE SPECIFIED

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Department of Laboratory Medicine 724-357-7160
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MICROBIOLOGY-ROUTINE CULTURES-SMEARS

THROAT CULTURE

ACC# 00-084-0536

COLLECTED: 03/24/00 0935

SOURCE: THROAT

RECEIVED: 03/24/00 1316

PRELIMINARY REPORT

PRELIMINARY 03/25/00 0748

--NORMAL FLORA--

MAIL TO:

DR. EDWARD WOODLE
 660 STUTZMAN ROAD

INDIANA PA 15701

PRINTED DATE/TIME: 03/26/2000 0304
 OUTPATIENT REPORT

PAGE: 1

NAME: OSWALT, DONALD
PHYS: GEISER, BERNARD MD
DOB: 05/06/1965 AGE: 35 SEX: M
ACCT: 1010873370 LOC: ER
EXAM DATE: 07/24/2000 STATUS: REG ER
RADIOLOGY NO: 062034
UNIT NO: M00027456



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Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

EDWARD M. DO WOODLE
660 STUTZMAN ROAD
INDIANA, PA 15701

724-465-9000

PROCEDURES:

PAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
PAD/THORACIC SPINE
REASON FOR EXAM? FX - R/O FRACTURE

EXAM DATE 07/24/2000

EXAM DATE 07/24/2000

CERVICAL SPINE:

The alignment and mineralization of the cervical spine are normal. The intervertebral spaces are well maintained and there is no encroachment on the neuroforamina. The odontoid process and atlanto-axial articulation are normal. There is no evidence of fracture or subluxation.

IMPRESSION: NORMAL CERVICAL SPINE.

THORACIC SPINE:

The alignment and mineralization of the thoracic spine are normal. The pedicles are intact and the stature of the individual vertebral bodies is well maintained.

IMPRESSION: NORMAL THORACIC SPINE

REPORTED BY: DANIEL J. BARNICLE, M.D.

CC: BERNARD GEISER MD, EDWARD M. DO WOODLE

TRANSCRIBED DATE/TIME: 07/25/2000 (0951)

TRANSCRIPTIONIST: DIS CLM

BATCH NO: 133

PAGE 1

EDWARD M. DO WOODLE

NAME: OSWALT, DONALD
PHYS: WOODLE, EDWARD M. DO
DOB: 05/06/1955 AGE: 35 SEX: M
ACCT: 1010869428 LCC: DIAG
EXAM DATE: 07/24/2000 STATUS: REG REF
RADIOLOGY NO: 062034
UNIT NO: MC0027466



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PROCEDURES:

RAD/LUMBOSACRAL SPINE - AP & LAT
REASON FOR EXAM? OTH - OTHER

EXAM DATE: 07/24/2000
PRE EMPLOYMENT

LUMBAR SPINE:

There is normal lumbar lordosis and alignment of the vertebral bodies. The vertebral body and intervertebral disc heights are normal. No definite disc disease or facet arthropathy can be seen. Bilateral sacroiliac joints appear unremarkable.

IMPRESSION: NORMAL LUMBAR SPINE.

REPORTED BY: JONGWON LEE, M.D.

CC:

TRANSCRIBED DATE/TIME: 07/25/2000 (0940)

TRANSCRIPTIONIST: DIS MWD

BATCH NO: 427

PAGE 1

CHART COPY

NAME: OSWALT, DONALD
PHYS: CHUNG, KWANG H MD
DOB: 05/06/1965 AGE: 34 SEX: M
ACCT: 1010369031 LOC: ER
EXAM DATE: 04/12/2000 STATUS: REG ER
RADIOLOGY NO: 062034
UNIT NO: M00027465



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Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

EDWARD M. DO. WOODLE
660 STUTZMAN ROAD
INDIANA, PA 15701

724-465-9000

PROCEDURES:

RAD/CHEST - TWO VIEWS

EXAM DATE: 04/12/2000

REASON FOR EXAM? PNEU - PNEUMONIA

CHEST:

There are probable infiltrates in the right perihilar region in the right upper lobe. Remainder of the lungs appear unremarkable. The heart size is normal.

IMPRESSION: PROBABLE RIGHT UPPER LOBE PNEUMONIA IN THE PERIHILAR REGION.
SUGGEST CLINICAL CORRELATION AND FOLLOW-UP.

REPORTED BY: GOVINDARAJ V. MOHAN, M.D.

CC: KWANG H CHUNG MD, EDWARD M. DO WOODLE

TRANSCRIBED DATE/TIME: 04/12/2000 (1346)

TRANSCRIPTIONIST: DIS WKB

BATCH NO: 149

PAGE: 1

EDWARD M. DO WOODLE

APP. REC.
ON 4/28/00 10:15 PM

NAME: OSWALT, DONALD
PHYS: ~~WOODFORD, EDWARD M, DO~~
DOB: 05/06/65 AGE: 32 SEX: M
ACCT: I006393003 LOCATION: DIAG
STATUS: OUT
D.I.#: 062034
MR#: M00027466



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Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788

Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

PROCEDURES:
RAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? OTH - OTHER
RAD/LUMBOSACRAL SPINE - COMPLETE
REASON FOR EXAM? OTH - OTHER

EXAM DATE: 03/18/98
TRUCK ACCIDENT 3\17\98
EXAM DATE: 03/18/98
TRUCK ACCIDENT 3\17\98

CERVICAL SPINE:

The alignment and mineralization of the cervical spine are normal. The intervertebral spaces are well maintained and there is no encroachment on the neuroforamina. The odontoid process and atlanto-axial articulation are normal. There is no evidence of fracture or subluxation.

IMPRESSION: NORMAL CERVICAL SPINE.

LUMBOSACRAL SPINE:

The alignment and mineralization of the lumbosacral spine are normal. The intervertebral spaces are well maintained and the sacroiliac joints are normal.

IMPRESSION: NORMAL LUMBOSACRAL SPINE.

REPORTED BY: GOVINDARAJ V. MOHAN, M.D.

CC:

TRANSCRIBED DATE/TIME: 03/19/98 (1024)

TRANSCRIPTIONIST: DIS CLM

BATCH NO: 562

PAGE 1

CHART COPY

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Don Oswalt

DATE: 5/9/01

PHYSICIAN: Dr. Woodle

DIAGNOSIS: lower back pain

TREATMENT: Pt. is receiving treatment including moist heat, ultrasound, myofascial release and soft tissue mobilization, and progression of therapeutic exercise, including flexibility as well as trunk stabilization and strengthening.

PROGRESS: At this time, the pt. is noting lower back pain rated 2.2/10 on the visual analog scale. This is improved since treatment has been initiated. Pt. reports that he has been able to get up better after sitting for a prolonged period of time, however, still noting difficulty with lifting activities. Presently trunk mobility is improving and measures 88° flexion, 16° extension, 12° right side bending, 15° left side bending, 3/4 range right rotation and WNLs left rotation. S.R has increased to 50° right with pain and 65° left with complaints of hamstring tightness. Dorsal stretch is positive on the right. Pt. continues to demonstrate some functional trunk weakness rated 4- to 4.5/5. Left L5 strength is WNLs. Right hip flexion 4 to 4+5, abduction/adduction 4+ to 5/5. Right knee strength measures 4+ to 5/5 and ankle is WNLs.

RECOMMENDATIONS: Pt. is progressing well, however, may benefit from continued PT treatment. This is, however, at your discretion pending your evaluation of this pt. If you wish for him to continue, or have further recommendations, please advise.

Thank you for this referral.

PHYSICAL THERAPIST: Julia N. Fairman, P.T., C.W.T.

Julia N. Fairman, P.T., C.W.T.

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY: _____

DURATION: _____

ADDITIONAL RECOMMENDATIONS: _____

PHYSICIAN SIGNATURE: 

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION



PHONE # 357-9991

FAX# 357-9993

LAUREL HIGHLANDS HEALTH CENTER

176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Donald Oswalt

DATE: 6/5/01

PHYSICIAN: Dr. Woodle

DIAGNOSIS: 1 B pain

TREATMENT: moist heat, ultrasound (disc 5129), myofascial release, progression of ROM/flexibility ex. strengthening, instructions in proper body mechanics.

PROGRESS: Don reports a significant reduction of pain which is now rated 0-8/10 with standing, lifting, or prolonged sitting. Trunk ROM has improved to 95° flexion, 15° extension, 30° R+L sidebending. SLR to 65°. Trunk strength has improved to 5-15 grade. R hip ROM, good & pain.

RECOMMENDATIONS: Pt has done well with P.T. Rx. He feels he could continue with home exercises independently at this time. Thank you for this

PHYSICAL THERAPIST: Amy S. Berne SP-T

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY:

DURATION:

ADDITIONAL RECOMMENDATIONS:

PHYSICIAN SIGNATURE:

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION

PHONE # 357-9991

FAX# 357-9993



Your "CENTER" for Physical Therapy

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Donald Oswalt

DATE: 8-16-00

PHYSICIAN: Dr. Woodle

DIAGNOSIS: Neck & Back Pain

TREATMENT: Moist heat, interferential electrical stimulation, ultrasound, massage, manual cervical distraction, myofascial release, progression of therapeutic exercises, including range of motion, stretching & flexibility exercises, stabilization & progression of functional strengthening with reinforcement of proper body mechanics.

PROGRESS: Mr. Oswalt is describing general improvement, yet still voicing complaints of right-sided neck and central low back pain with neck grading at 6.2/10, and low back rating at 3.5 out of 10 on visual analog scale. He has discontinued use of soft cervical collar at this time. Cervical ROM has improved as measured with UI 320 to include 28 degrees of flexion, 35 degrees extension, lateral flexion -left 25 degrees & right 30 degrees, rotation 55 degrees right & left. LS ROM has definitely improved to 80 degrees flexion, extension 25 degrees, 50 degrees lateral flexion right & left. Improvement in overhead reach, general flexibility. Manual muscle testing is rated at 5/5 in motes L2-S1. Mild proximal upper extremity weakness, paracervical & prevertebral musculature at 4/5 to 4 1/2 grade. Distal upper extremity strength is within full limits. Mr. Oswalt continues to describe intermittent headache complaints, which appear to radiate from the right cervical & occipital area.

RECOMMENDATIONS: Mr. Oswalt has done well with physical therapy treatment, yet still deficit in functional ROM and strength with complaints of pain. Symtoms have decreased since initial evaluation. He is describing increase in ADL status at home and is questioning return to work. If you have any further recommendations, please advise. Thank you for this referral.

PHYSICAL THERAPIST: Amy S. Bencic, L. P. T.

Amy S. Bencic LPT

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED: DISCONTINUE TREATMENT:

FREQUENCY: _____

DURATION: _____

ADDITIONAL RECOMMENDATIONS: _____

PHYSICIAN SIGNATURE: _____

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION

PHONE # 357-9991

FAX# 357-9993



*baed
b*



Your "CENTER" for Physical Therapy

LATROBE

Mailing Address

Physical Therapy Center

Latrobe Plaza

911 Ligonier Street

Suite 001

Latrobe, PA 15650

(724) 537-9577

x (724) 537-0195

Physical Therapy Center

& Work Place

Unity Plaza Office

Routes 30 and 981

Latrobe, PA 15650

(724) 537-2340

Fax (724) 537-5340

Physical Therapy Center

Abbey View Medical Arts Building

1315 Clearview Drive

Latrobe, PA 15650

(724) 539-6667

Fax (724) 539-6614

INDIANA

Physical Therapy Center

& Work Place

6 Mansfield Ave.

Indiana, PA 15701

(724) 357-9991

Fax (724) 357-9993

IRWIN

Physical Therapy Center

Norwin Hills Office Park II

8791 Barnes Lake Road Suite 102

North Huntingdon PA 15642

(724) 864-6750

Fax (724) 864-6752

- Paul L. Imbrogno, MS, PT, ATC
- Thomas A. Buches, MS, PT, OCS
- Amy S. Bencic, PT, CWT
- Mary Rechtenwald, MA, PT, ATC
- Julie N. Fairman, PT, CWT
- Floyd F. Mechling III, PT, ATC

August 1, 2000

Edward Woodle, D.O.
660 Stutzman Rd.
Indiana, PA 15701

RE: DONALD OSWALT
OFFICE LOCATION: INDIANA

INITIAL EVALUATION
Pg. 1

SUBJECTIVE:

Patient is a 35 year old male who sustained injury as a result of a MVA when a motorcycle pulled out in front of his vehicle. He described complaints of low back and neck pain immediately following the accident. He described approximately 3 days post accident a feeling of left leg paresthesias, however, this has subsided. His chief complaint today is of neck and back pain with significant headaches. Patient was seen at the local emergency room and x-rays were negative for fracture. He is currently utilizing a soft cervical collar. He was independent in all aspects of ADLs prior to the injury and employed at L & K Drilling as a rig hand at a heavy duty position.

OBJECTIVE:

Pain: Patient's chief complaint is of neck and back pain with a constant headache with rating at 3/10 in the day time, and 8/10 at night. He complains of disturbed sleeping patterns. He denies any paresthesias at this time.

Inspection: Inspection reveals guarded cervical posturing. Right scapular/shoulder height is elevated as compared to left. There is mild lateral shift to low back with right ASIS, PSIS and iliac crest elevated as compared to the left. There is a small laceration over the left lateral lower leg.

Palpation: Patient demonstrates diffuse palpatory tenderness throughout the TLS spine and corresponding paraspinal musculature as well as cervical spine and paracervicals. Also tenderness elicited over the anterior cervical area including sternocleidomastoid and 2+ spasm of levator scapulae, trapezius, suboccipitals with significant deep paracervical tightness.

ROM: ROM as measured with the EDI 320 includes cervical flexion 20° with complaints of pain and stiffness, extension 5° with increased pain, lateral flexion right and left at 15°, rotation 40° right and left. LS ROM measures 40° flexion with complaints of pain. There is obvious lateral deviation during forward bending. Extension is to 15°, lateral flexion right and left 20°. There is limitation of full overhead reach with 140° flexion and 140° abduction bilateral shoulders with complaints of pain and tightness in the upper back and neck. There is general tightness of the hamstrings, hip flexors and piriformis.

Strength: Proximal UE strength demonstrates weakness with complaints of pain including deltoid, traps, levator scapulae and rotator cuff at 4/5 grade, distal UE strength is WFLs. Grip strength at Jamar #2 measures 120 pounds right as compared to 110 pounds left. LE strength is graded at 5/5 myotomes L2 through S1. Abdominal trunk extensor weakness noted with complaints of pain.

Ambulation: Patient is ambulatory without assistive devices. He currently uses a soft cervical collar.

Special Tests: There is positive occipital Tinel's sign. Patient is able to toe and heel walk. He is able to squat and return to the upright position with complaints of pain. DTRs symmetric for biceps, triceps, brachioradialis, quadriceps and Achilles jerk. Further testing deferred due to acute nature of injury.

ADLs: Patient reports difficulty with standing, lying down, walking, climbing up and down stairs, riding in a car, reaching, lifting and carrying. He is currently not driving due to complaints of pain and limitation in cervical mobility.

ASSESSMENT:

Patient is a 35 year old male with referring diagnosis of neck and back pain as a result of a MVA 7/24/00. Patient demonstrates muscle guarding, pain, restricted functional mobility and strength deficits which is affecting his ADLs. He could benefit from treatment for goals of:

1. Pain reduction 0 to 1/10 grade at rest and with activity.
2. Increase available ROM of the back and neck to WFLs as well as overall flexibility.
3. Increase strength of the spinal stabilizing musculature 4+/5 grade.
4. Reduce palpable trigger points and tenderness.
5. Increase soft tissue extensibility throughout the neck and back.
6. Independence in maintaining a safe spine during ADLs as to prevent further injury.
7. Independence in a home exercise program emphasizing function.

DONALD OSWALT

Pg. 3

PLAN OF CARE:

Patient evaluated and could benefit from treatment to include:

1. Modalities of moist heat and interferential electrical stimulation as well as ultrasound.
2. Manual therapy including massage, myofascial release, joint and soft tissue mobilization.
3. Progression of ROM and flexibility exercises.
4. Progression of functional strengthening and general conditioning.
5. Instructions in proper body mechanics.
6. Progression of work related activities to ensure a safe return to work.
7. Progression of a home program.

FREQUENCY: 3X/week

DURATION: 4 to 6 weeks

Amy S. Bencic PT, CWT 8/1/00

Amy S. Bencic, L.P.T., C.W.T.

8/1/00

Edward Woodle, D.O.

ASB:If

Patient

M.E. BOYKIW, M.D.

OSWALT, DONALD

DOB: 5-6-65

#2930-00

APR 11 2000
KHPW
5-18-a
Woodle
This gentleman comes in after EGD. He has some distal esophagitis, but he has a duodenal ulcer. He was helicobacter positive. I gave him a 7 day supply of samples for the PrevPac and gave him a prescription for another week. I'll see him again in about 1 month, but I think that this will help in a significant fashion.

tcm/4-12-00

cc: Dr. Woodle

See reference for 4-12-00 notation. plh

4/18/00 Mr. Oswalt called stating he was having an upset stomach while taking PrevPac and Amoxicillin. He thought he could not take the Amoxicillin because he had had problems in the past. plh

4/20/00 Attempts to contact patient via telephone unsuccessful. plh

4/28/00 Patient called the office. Has been off of the PrevPac since the 18th. Is not taking any other antibiotics now for suspected pneumonia. Wants to start another therapy if possible. Per Dr. Boykiw, prescriptions will be sent to him. Patient could not be reached via telephone. Message was left on his answering machine. plh

5/2/00 Attempted to contact patient via telephone. Prescriptions mailed. See copy. plh

5-2-00 I sent this gentleman a group of prescriptions for his helicobacter infection, Flagyl 500 mg tid #42, caution no ethanol use, Omeprazole 20 mg 1 bid #28, Pepto Bismol 151 mg 1 qid #56, Tetracycline 500 mg qid #56.

tcm/5-3-00

1AY 1-8 2000 This gentleman comes in, he is still in treatment for his helicobacter pylori. His symptoms have resolved completely though. His abdomen is benign. Under the circumstances, he'll just finish out his medication and I'll see him on a pm basis. He'll follow up with Dr. Woodle.

lmb/5-18-00

cc: Dr. Woodle

INDIANA HOSPITAL
DEPARTMENT OF EMERGENCY SERVICES

PT: OSWALT, DONALD
ACCT #: I010369031
MR# M00027466
DOV: 04/12/00
PHONE # 724-463-3527

Waddle

PRIMARY PHYSICIAN:

CHIEF COMPLAINT: Vomiting blood.

HISTORY: Donald Oswalt is a 34-year-old white male who came to the emergency room on 04/12/00 because of vomiting blood. According to the patient, he has been coming down with cough and congestion. He has been coughing up bright red blood. The patient denied chest pain or shortness of breath. The patient was just discovered to have stomach ulcers.

SOCIAL HISTORY: The patient is a smoker.

PHYSICAL EXAMINATION: Temperature 97.5. Pulse rate 88. Respirations 20. Blood pressure 102/70. Pulse Ox on room air 98%. HEENT unremarkable. Neck supple. The lung sounds revealed mild crackles at the right base. The heart was regular. The abdomen was benign. The extremities are unremarkable. Rectal exam by the PA student, Michael, was negative for guaiac.

EMERGENCY ROOM COURSE: Chemistries unremarkable. Serum amylase 37. PT and PTT normal. CBC showed H&H 16.4 and 48.1. WBC count 11.3. Chest x-ray showed right perihilar pneumonia.

IMPRESSION: Right pneumonia.

PLAN:

1. The patient is being discharged on E-Mycin 333 mg tid x 10 days.
2. A repeat chest x-ray was ordered in 10 days for follow up since the patient is a smoker. The patient agreed to have a chest x-ray done.

KWANG H CHUNG, MD

DICTATED: 04/12/2000 15:47:50 CHUKW
TRANSCRIBED: 04/14/2000 12:11:26 MRD.LRN

DICTATED: 04/12/00 CHUKW
TRANSCRIBED: 04/14/00 MRD.LRN

KWANG H CHUNG, MD

DATE SIGNED:

TIME SIGNED:

M. E. BOYKIN, M.D.

OSWALT, DONALD

DOB: 5-6-65

#2930-00

APR 1 1 2000

KH W
5-18-a

Woodle

This gentleman comes in after EGD. He has some distal esophagitis, but he has a duodenal ulcer. He was helicobacter positive. I gave him a 7 day supply of samples for the PrevPac and gave him a prescription for another week. I'll see him again in about 1 month, but I think that this will help in a significant fashion.

tcm/4-12-00

cc: Dr. Woodle





University of Pittsburgh Physicians

Department of Otolaryngology

Part of
UPMC Health System

David C. Hughes, MD
1803 Philadelphia Street
Indiana, PA 15701
724-349-2445
Fax: 724-349-6367

SUMMARY OF CARE:

DATE: March 24, 2000

TO: Dr. Woodle

RE: Donald Oswalt

DATE OF EVALUATION: March 24, 2000

REASON FOR VISIT: Sore throat for five years.

DIAGNOSIS: Chronic sore throat, GERD and deviated septum and allergic rhinitis.

COMMENTS: I took a throat culture. He was put on Allegra and Allegra D and Flonase. He is a candidate for surgery to correct GERD, septoplasty and may need a tonsillectomy. I will refer the patient back to Dr. Boykiw for work up for GERD.

An appt was made for him to see Dr. Boykiw on 3-28.

RETURN APPOINTMENT:

Thank you for the opportunity of participating in your patient's care.

Sincerely,


David C. Hughes, M. D.

DCH/njh



PT: OSWALT, DONALD
MR#: M00027466
ROOM:
STATUS: REG CLI ACC#: I010298941
PCP: WOODLE, EDWARD M. DO.

INDIANA HOSPITAL
OPERATIVE REPORT

DATE: 03/31/00 SURGEON: MARK E BOYKIW, MD

ASSISTANT:

PREOPERATIVE DIAGNOSIS: Dysphagia.

POSTOPERATIVE DIAGNOSIS: Esophagitis. Duodenal ulcer.

OPERATION: EGD with CLO test and multiple esophageal biopsies.

ANESTHESIA: Pontocaine gargle. IV sedation.

PATHEOLOGY: The esophagus was somewhat inflamed at the lower end of the esophagus. There was slight advancement at the squamocolumnar junction, perhaps 2 cm up the distal esophagus. This area seemed to be mildly inflamed. EGD junction, itself, appeared to be close to 40 cm. The stomach showed some edema suggestive of gastritis in the body and the antrum. In the duodenum, there was a small bulbar ulcer with surrounding inflammation. No other pathology was noted.

TECHNIQUE: The patient was identified, prepped, and draped in the usual fashion. Under satisfactory appropriate anesthetic, the patient was placed in the left lateral decubitus position. Flexible Olympus gastroscope was placed into the hypopharynx, passed down through the esophagus and the stomach and the duodenum under direct vision. The duodenum was evaluated. The scope was pulled back to the antrum and reintroduced to the bulb. The bulb, pyloric channel and the antrum were re-evaluated. CLO test was performed. Scope was pulled back examining the gastric mucosa closely. J-maneuver was performed. The EG junction was encountered at about 40 cm. The scope was pulled back up into the esophagus. There was inflammation in the distal esophagus. It was biopsied. The scope was passed back down and the gastric contents aspirated and then the scope was gradually pulled back viewing the mucosa closely. No other pathology was noted, therefore, the scope was removed. The patient tolerated the procedure well and left the Operating Room in satisfactory condition.

MARK E BOYKIW, MD

ICTATED: 03/31/2000 12:49:55 BOYMA

TRANSCRIBED: 04/10/2000 13:57:40 MRD.LRN

CC: Dr. Hughes and Dr. Woodle.

M E BOYKIN, M.D.

OSWALT, DONALD

DOB: 5-6-65

#2930-00

BOYKIN, M.D.
500 Street
PA 15701

Denies any surgical procedures since last 01/3-3-93 - Pneumonia - 1997

AR 28 2000

wt 224

ht 5'9

Woodle

CC: ^{ongoing} heartburn - continual - eating takes pain away - p H2 coffee and
pain went away. Hx. of Peptic Ulcer disease - took Tagamet - Controllable
for yrs. PD

This is a 34 year old white male with symptoms of GERD. He is being seen by Dr. Hughes for sinus problems. Dealing with that has helped some of his symptoms. He does have occasional intermittent dysphagia at the neck level. He feels fluid come up on him periodically. He has used H2 blockers in the past. He has gained about 40 pounds over the last 5-10 years. This has contributed to his problem.

PE: Well-nourished, well-developed, middle-aged man in no acute distress.

HEENT: No nodes.

HEART: Regular w/o murmurs or gallops.

CHEST: Clear to P & A. No CVA tenderness.

ABDOMEN: Soft, nontender. No masses, no organomegaly. Overweight.

GENITALIA: Normal male w/o hernia.

RECTAL: Deferred.

EXTREMITIES: Unremarkable.

NEURO: Grossly intact. Mental status alert.

ANALYSIS: Patient does have some GERD as well as sinus problems.

PLAN: We'll make arrangements for EGD and see him back afterwards.

tcm/3-29-2000

cc: Dr. Woodle

Dr. Hughes

Signature

PT: OSWALD, DONALD
MR#: M00027466
ROOM:
ADM:
ACC#:

INDIANA HOSPITAL
HISTORY AND PHYSICAL EXAMINATION

EMW

CHIEF COMPLAINT: Symptomatic gastroesophageal reflux disease.

HISTORY OF PRESENT ILLNESS: This is a 34-year-old man with symptoms of gastroesophageal reflux disease with intermittent dysphagia at the neck level. He feels fluid come up on him. He also has a sinus problem being treated by Dr. Hughes. Antibiotic management has helped the issue in general. The patient has had need for use of H2 blockers in the past. He is a truck driver and has gained 40 pounds over the last 5 - 10 years and this has made his symptoms worse as well. He has had an ulcer in the past as well.

PAST MEDICAL HISTORY: Allergies: None. Medications: Antibiotic q6h, Advil prn, Allegra one daily. Past Surgery: Appendectomy. Past Diseases: Peptic ulcer disease.

SOCIAL HISTORY AND HABITS: Social ethanol ingestion. He is a smoker.

FAMILY HISTORY: Diabetes in a grandmother; negative for heart disease.

REVIEW OF SYSTEMS: Otherwise unremarkable.

PHYSICAL EXAMINATION

GENERAL APPEARANCE: He is a well-nourished well-developed middle-aged white male in no acute distress.

HEENT: No nodes.

HEART: Regular without murmurs or gallops.

CHEST/LUNGS: Clear to percussion and auscultation; no CV/A tenderness.

ABDOMEN: Overweight, soft, and nontender; well-healed scar; no masses; no organomegaly.

GENITOURINARY: Genitalia normal male without hernia; rectal deferred.

MUSCULOSKELETAL/EXTREMITIES: Unremarkable.

NEUROLOGIC/NEUROPSYCHIATRIC: Neurologically intact; mental status alert.

ANALYSIS:

1. Gastroesophageal reflux disease.

PLAN: Esophagogastroduodenoscopy.

MARK E BOYKIW, MD

DICTATED: 03/28/2000 11:25:03 BOYMA

TRANSCRIBED: 03/28/2000 11:36:09 MRD.gas

Dr. Woodle's copy

Page 1 of 1

PT: OSWALT, DONALD
ACCT #: I006546824
MR#: M00027466
DOV: 04/16/98
PHONE #: 724-465-4543

INDIANA HOSPITAL
DEPARTMENT OF EMERGENCY SERVICES

Woodle

CHIEF COMPLAINT: Sore throat

HISTORY: This is a 32-year-old white male who presents for evaluation of sore throat, which started Tuesday. He complains of difficulty swallowing because of pain. He has had a low-grade temperature. He has a cough productive for white mucus. There has been no chest pain, no shortness of breath, and no rash.

PHYSICAL EXAMINATION: Temp., 98.2. BP, 110/64. He is in no distress. THROAT, he has enlarged tonsils with exudates; however, the tonsils are not touching each other; it is not causing airway obstruction. TMS, intact bilaterally. NECK, supple with mild cervical adenopathy. LUNGS, clear to auscultation bilaterally. HEART, regular rate and rhythm.

IMPRESSION: Acute tonsillitis, appears to be secondary to strep

PLAN:

1. He states he does not have money until tomorrow when he gets paid - we will give him Pen-Vee K 500 mg PO now and dispense 3 tablets to take until tomorrow morning
2. Continue Pen-Vee K 500 mg q 6 hours for 10 days
3. Motrin or Advil over-the-counter 2 tablets tid prn for pain
4. Follow up if worsening

DICTATED: 04/16/98

CHUKI

TRANSCRIBED: 04/17/98

MRD.CLW

KI Y CHUNG, MD

DATE SIGNED:

TIME SIGNED:

KAC
4/20/98



JAN - 7 2002

LAW OFFICES

MCINTYRE, DUGAS, HARTYE & SCHMITT

P. O. BOX 533

HOLLIDAYSBURG, PA 16648-0533

JOHN L. MCINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI
KAREN L. GRABILL

(814) 696-3581

FAX (814) 696-9399

www.mdhslaw.com

December 20, 2001

Our Reference: PG 091 NH

Laurel Highlands Health Center
Attn: Medical Records Custodian
1176 Mansfield Avenue
Indiana, PA 15701

Re: Patient: Donald Oswalt
SSN: 195-54-5479
DOB: 5/6/65

Dear Sir or Madam:

Enclosed is an authorization requesting the release of medical documentation regarding the above listed patient. Please forward copies at your earliest convenience. This is to advise that we will reimburse you for reasonable retrieving, copying and forwarding charges. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Heather A. Harrington

HAH/slw
Enclosure

cc: Michael N. Vaporis, Esquire

**AUTHORIZATION FOR EXAMINATION AND
PRODUCTION OF MEDICAL RECORDS**

DATE: 11/06/01

FILE NO: PG 091 NH

FROM

MCINTYRE, DUGAS, HARTYE & SCHMITT
Attorneys at Law
P. O. Box 533
Hollidaysburg, PA 16648-0533

TO

Laurel Highlands Health Center
1176 Mansfield Avenue
Indiana, PA 15701

I hereby authorize and direct you to permit the bearer hereof, an authorized representative of the Law Office of MCINTYRE, DUGAS, HARTYE & SCHMITT, to inspect, examine and make copies of all your records, ~~and any other information~~ in connection with any illness, injury, treatment, consultation, medical history, including x-rays, and confinement of

Donald Oswalt
(Patient)

This form also constitutes authority for you to produce and make copies of all such records, and to forward the same by mail to the above-mentioned Law Office.

WITNESS:

Donald Oswalt
Donald Oswalt

315 Sunset Lane Indiana, PA 15701
(Address)

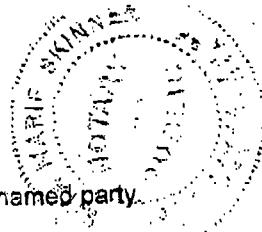
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF Indiana)

ss:

Personally subscribed and acknowledged before me this 6th day of
November, 2001, to be the true and correct signature of the above-named party.

Rita M. Skinner
NOTARY PUBLIC

Notarial Seal
Rita M. Skinner, Notary Public
Indiana Borg, Indiana County
My Commission Expires Sept. 14, 2002



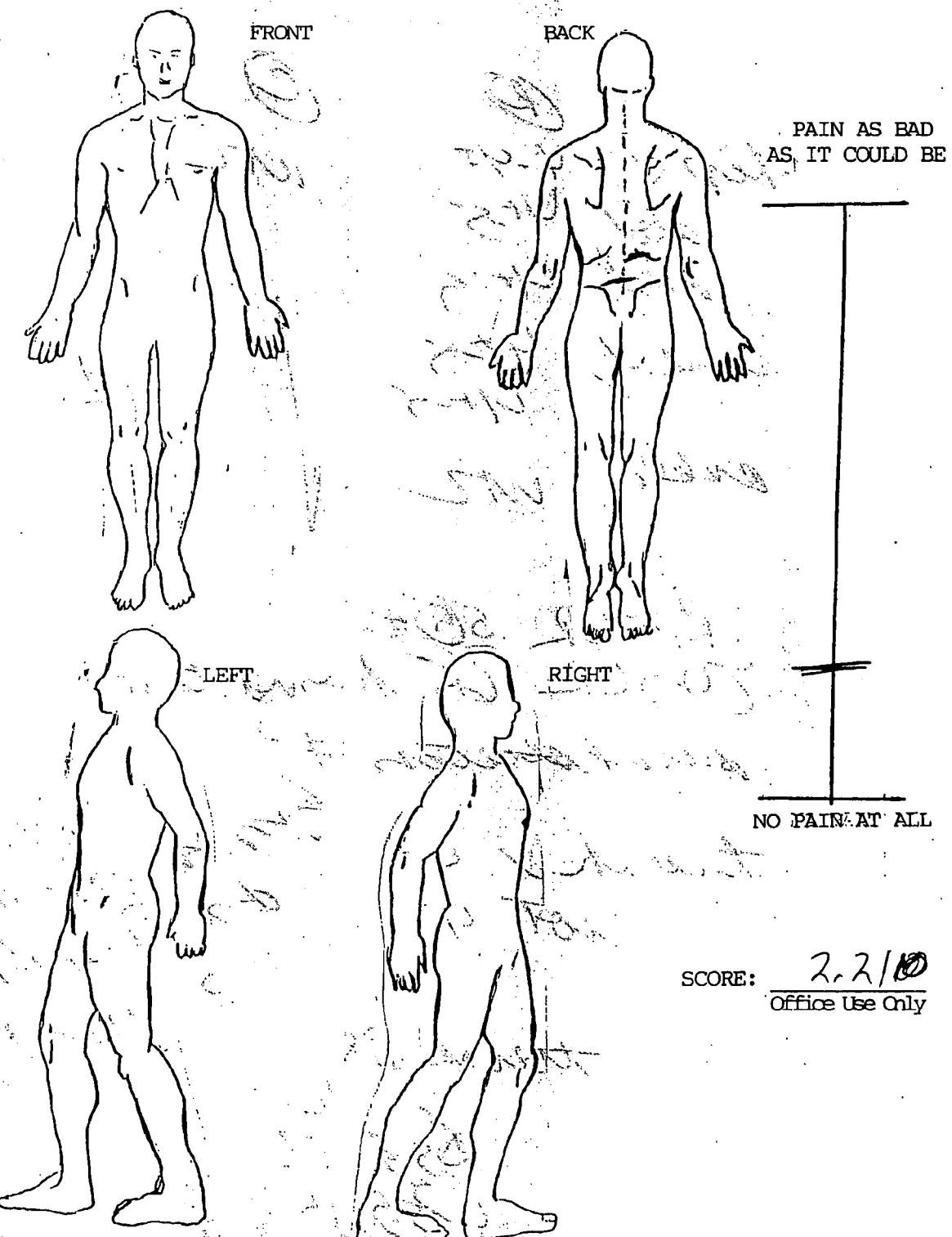
LAUREL HIGHLANDS HEALTH CENTER

1. PLEASE MARK ON THE DRAWINGS BELOW THE AREAS YOU HAVE:

PAIN = X and/or NUMBNESS = O

2. PLACE A LINE ACROSS THE SCALE INDICATING HOW MUCH PAIN YOU ARE HAVING RIGHT NOW.

3. DATE OF NEXT DOCTOR'S VISIT _____ TIME 1045



SCORE: 2.2/10
Office Use Only

PATIENT'S NAME: Don Oswald

DATE: 5/9/01

Laurel Highlands Health Center, Inc.

Patient Name	Don Oswalt	Referring Physician
--------------	------------	---------------------

Date	Clinical Record
4/25/01	<p>S: Pt. is reporting some complaints of sinus difficulties. He also reports some increase in symptoms today secondary to activity level at home.</p> <p>O: Pt. continues with moist heat to the back followed by ultrasound as well as myofascial release techniques as previously. He continues with the therapeutic exercise program as outlined on the exercise card, adding bridges and SLR in standing today.</p> <p>A: Pt. did tolerate the program well, however, today noting some increase in difficulty transferring on and off the table due to some increase in stiffness again with functional transfers.</p> <p>P: We will plan to continue and progress with further PT treatment as tolerated.</p> <p>Julie N. Fairman, PT. MH USS MF TEL</p>
4/27/01	<p>S: Pt. is reporting improvement in symptoms and reports tolerating the exercise program well and noting some relief with this.</p> <p>O: Pt. continues with moist heat as before followed by ultrasound and we continued with myofascial stretching. He continues with the therapeutic exercise program as outlined on the exercise card.</p> <p>A: Pt. tolerating the program well and reporting improvement in symptoms.</p> <p>P: We will plan to continue and progress as tolerated.</p> <p>Julie N. Fairman, P.T. MH,USS,MF,TEL</p> <p style="text-align: right;">lf</p>
4/30/01	<p>Pt. unable to attend appointment due to his work schedule.</p> <p>Amy S. Bencic, L.P.T.</p> <p style="text-align: right;">lf</p>

**Lake Highlands Health Cen
Indiana Office**

Patient's Name: Don Oswalt

Referring Physician: _____

Date

CLINICAL RECORDS

4/17/01

S: Pt. is reporting some improvement in symptoms and he feels as though he is able to get up and down easier with less pain and also tolerating standing somewhat better.

O: Pt. continues with moist heat as before followed by myofascial stretching and continuation of the therapeutic exercise program as outlined on the exercise card. We did defer the ultrasound today as pt. was somewhat limited on time.

A: Pt. did tolerate the program well.

P: We will plan to continue and resume ultrasound at next treatment.

Julie N. Fairman, P.T. MH,MF,TEL

lf

4/19/01

S: Pt. is noting some improvement in symptoms, however, still noting tightness and tenderness in the lower thoracic and upper lumbar area today.

O: Pt. continues with moist heat to the back followed by ultrasound as well as myofascial release techniques including crossed hand stretching and lumbosacral decompression. He continues with the therapeutic exercise program, continuing as outlined on the exercise card.

A: Pt. did tolerate the program well and reports that he is noting improvement in symptoms and increased ability to transfer on and off treatment table with less pain.

P: We will plan to continue and progress as tolerated.

Julie N. Fairman, P.T. MH,USS,MF,TEL

lf

4/24/01

S: Pt. is very pleased and describing a reduction of back pain. He is describing sinus discomfort today and did not wish to progress with exercises.

O: Mild tenderness elicited over the low back, however, markedly improved. She is describing improvement with ADL status. He continued with moist heat and ultrasound to the low back followed by myofascial crossed hand stretching and decompression techniques.

A: Pt. demonstrating continued improvement and functional status with less complaints of back pain.

P: Continue as prescribed.

Amy S. Bencic, L.P.T. MH,USS,MF

lf

Lau I Highlands Health Cent
Indiana Office

Patient's Name: Don Oswalt

Referring Physician:

Date

CLINICAL RECORDS

4/6/01 Pt. seen for initial evaluation and please refer to full written report. Pt. did receive treatment today including moist heat and interferential E stim to the lower back. He also received ultrasound as well as myofascial release techniques of crossed hand stretching. Pt. did tolerate the program fairly well; however, did report some complaints of a headache following application of E stim. We will possibly plan to defer this at next treatment. We will plan to continue with modalities as appropriate and progress with exercise as tolerated.
Julie N. Fairman, P.T. *Julie N. Fairman* P.T.S, MH, ES, USS, MF lf

4/9/01 Pt. cancelled his scheduled appointment today.
Julie N. Fairman, P.T. *Julie N. Fairman* P.T. lf

4/11/01 S: Pt. reports tolerating last treatment fairly well, except for noting some complaints of headache with interferential E stim. We did continue with moist heat; however, deferred the stim today. We performed ultrasound to the low back followed by myofascial stretching. We did initiate therapeutic exercise as outlined on the exercise card.
A: Pt. tolerates the program fairly well.
P: We will plan to continue and progress as tolerated.
Julie N. Fairman, P.T. *Julie N. Fairman* P.T. MH, USS, MF, TEL lf

4/16/01 S: Pt. reports noted increase in standing duration since last treatment.
O: Continued with moist heat to low back while in prone followed by ultrasound and myofascial release techniques. Continued with progression of therapeutic exercise program with the addition of pelvic tilts, unilateral isometric hip flexion, oblique isometrics, 5 second hold X5 reps, in addition to wall slides 5 second hold X10 reps.
A: Pt. able to stand for longer periods of time secondary to decreased tightness in low back musculature.
P: We will continue with modalities as previously along with progression of therapeutic exercise program and myofascial stretching techniques.
Vince Spellane, PTA *Vince Spellane* PTA MH, USS, MF, TEL lf



Your "CENTER" for Physical Therapy

LATROBE

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Latrobe Plaza
911 Ligonier Street
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(724) 537-9577
Fax (724) 537-0195

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& Work Place
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Fax (724) 537-5340

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Physical Therapy Center
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- Paul L. Imbrogno, MS, PT, ATC
- Thomas A. Buches, MS, PT, OCS
- Amy S. Bencic, PT
- Mary Rectenwald, MA, PT, ATC
- Julie N. Fairman, PT
- Floyd F. Mechling III, PT, ATC

April 6, 2001

Edward Woodle, DO
660 Stutzman Rd.
Indiana, PA 15701

RE: DON OSWALT
OFFICE LOCATION: INDIANA

INITIAL EVALUATION
Pg. 1

SUBJECTIVE:

Patient is a 35 year old male referred to PT with a diagnosis of lower back pain. Patient reports that he was originally involved in a MVA on 7/24/00 at which time he did note an onset of neck and back pain. Patient was previously treated in this clinic for this. At this time the patient is working light duty, performing a desk job. He is continuing to experience ongoing complaints of low back pain and is being referred for further PT treatment at this time. He reports undergoing x-rays which were normal. Patient reports no other significant PMH or previous injury. Prior to the accident he was independent in all aspects of ADLs and employed on the drilling rigs.

OBJECTIVE:

Pain: Patient is presently noting complaints of right sided lower back pain which does vary depending on his activity. He does note pain rating 2.4/10 while standing. He does, however, report that this increases to 6.2/10 when sitting and 7.8/10 with attempts at lifting. The patient reports that he tolerates standing fairly well, however, does note increased pain with walking. He also notes limitation of sitting, however, reports that at this time he is sitting for approximately 3 1/2 hrs at work at a time. He does note complaints of pain through the right hip and buttock area when first getting up after sitting. The patient is also reporting disturbed sleep secondary to pain.

Inspection: Inspection reveals minimal right lateral shift. The right shoulder is also depressed in comparison to the left.

Palpation: Patient does note myofascial restrictions through the low back area with some tenderness through the lower thoracic and upper lumbar spine.

ROM: Presently trunk mobility measures 68° flexion with pain, 13° extension, 10° bilateral side bending with pain and 1/4 range bilateral rotation with pain to the right.

Strength: Presently left LE is WFLs throughout. Right hip flexion measures 4/5, abduction and adduction is 4+ to 5/5. Right hamstrings measure 4+ to 5/5 and quadriceps 4+/5. Right ankle and EHL are WFLs.

Ambulation: Patient does report that he is able to stand without significant increase in symptoms, however, does note increased pain with walking.

Special Tests: Presently right trunk SLR is positive at approximately 35°. Dural stretch is positive with increased pain upon neck flexion. The patient also demonstrates restriction of left SLR, however, this is secondary to hamstring tightness at approximately 60°. Patient notes increased pain in the right lower back with left hip compression. SI joint compression causes increase in symptoms. Piriformis stretch also causes increase in pain bilaterally.

ASSESSMENT:

Patient is a 35 year old male referred to PT with a diagnosis of lower back pain s/p MVA on 7/24/00. At this time he is demonstrating restriction of trunk mobility and minimal proximal right LE weakness. There are postural asymmetries evident and patient does demonstrate limitation of SLR with positive dural stretch, pain with hip compression, sacroiliac compression and piriformis stretch. The patient could benefit from treatment with goals to include.

1. Decrease pain with ADLs to 2/10 on the visual analog scale.
2. Improve trunk mobility to WFLs.
3. Decrease myofascial restrictions and improve soft tissue extensibility.
4. Increase right LE strength 1/3 grade.
5. Progress with a therapeutic exercise program as tolerated.
6. Independent with a home program.

Patient could benefit from therapy on a 3X/week basis for an estimated duration of 4 weeks.

DON OSWALT

Pg. 3

PLAN OF CARE:

Patient received treatment today to include moist heat and interferential electrical stimulation to the lower back. This was followed by ultrasound and we did initiate myofascial release techniques of crossed hand stretching. Patient did tolerate the program fairly well, however, noted complaints of headache with the electrical stimulation modality. We will continue with treatment utilizing modalities as appropriate and progressing with myofascial release and soft tissue mobilization techniques. We will progress with therapeutic exercise including flexibility, strengthening and trunk stabilization.

Julie N. Fairman, P.T., C.W.T. 4/6/01
Julie N. Fairman, P.T., C.W.T. LSF

4/6/01

Edward Woodle, D.O.

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Donald Osawalt

DATE: 6/5/01

PHYSICIAN: Dr. Woodle

DIAGNOSIS: L B pain

TREATMENT: moist heat, ultrasound (d/c'd 5129), myofascial release, progression of ROM/flexibility ex, strengthen instructions in proper body mechanics.

PROGRESS: Don reports a significant reduction of pain which is now rated ~8/10 with standing, lifting, or prolonged sitting. Trunk ROM has improved to 95° flexion, 16° extension, 30° R+L sidebending. SLR to 65°. Leg strength has improved to 5-15 grade (R) hip min, grads + arms.

RECOMMENDATIONS: Pt. has done well with P.T. Rx. He feels he could continue with home exercises independently at this time. Thank you for the referral.

PHYSICAL THERAPIST: Amy & Berne 27

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY: _____

DURATION: _____

ADDITIONAL RECOMMENDATIONS: _____

PHYSICIAN SIGNATURE: _____

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION



PHONE # 357-9991

FAX# 357-9993

Lambe Highlands Health Cen
Indiana Office

Patient's Name: Don Oswalt

Referring Physician:

Date

CLINICAL RECORDS

5/30/01

S: Pt. reports some increase in soreness today, however, reports that he did have to do some lifting yesterday which does aggravate his pain.
O: Pt. continued with moist heat and myofascial release techniques. He continues with progression of the therapeutic exercise program, continuing with flexibility as well as trunk stabilization exercise.
A: Pt. tolerates the program fairly well.
P: We will plan to continue with ongoing progression of exercise.
Julie N. Fairman, P.T. MH, MF, TE2

lf

Julie N. Fairman, P.T.

6/5/01

Please refer to progress report. If pt. is to continue, we need an updated prescription to do so.

Amy S. Bencic, L.P.T.

MH, MF, TEL, PTB

lf

Amy S. Bencic PT

6/6/01

S: Pt. cancelled his scheduled appointment today as he was to see his physician and will be discharged from PT treatment at this time. Please refer to progress report for discharge status.

Julie N. Fairman, P.T.
Julie N. Fairman, P.T.

lf

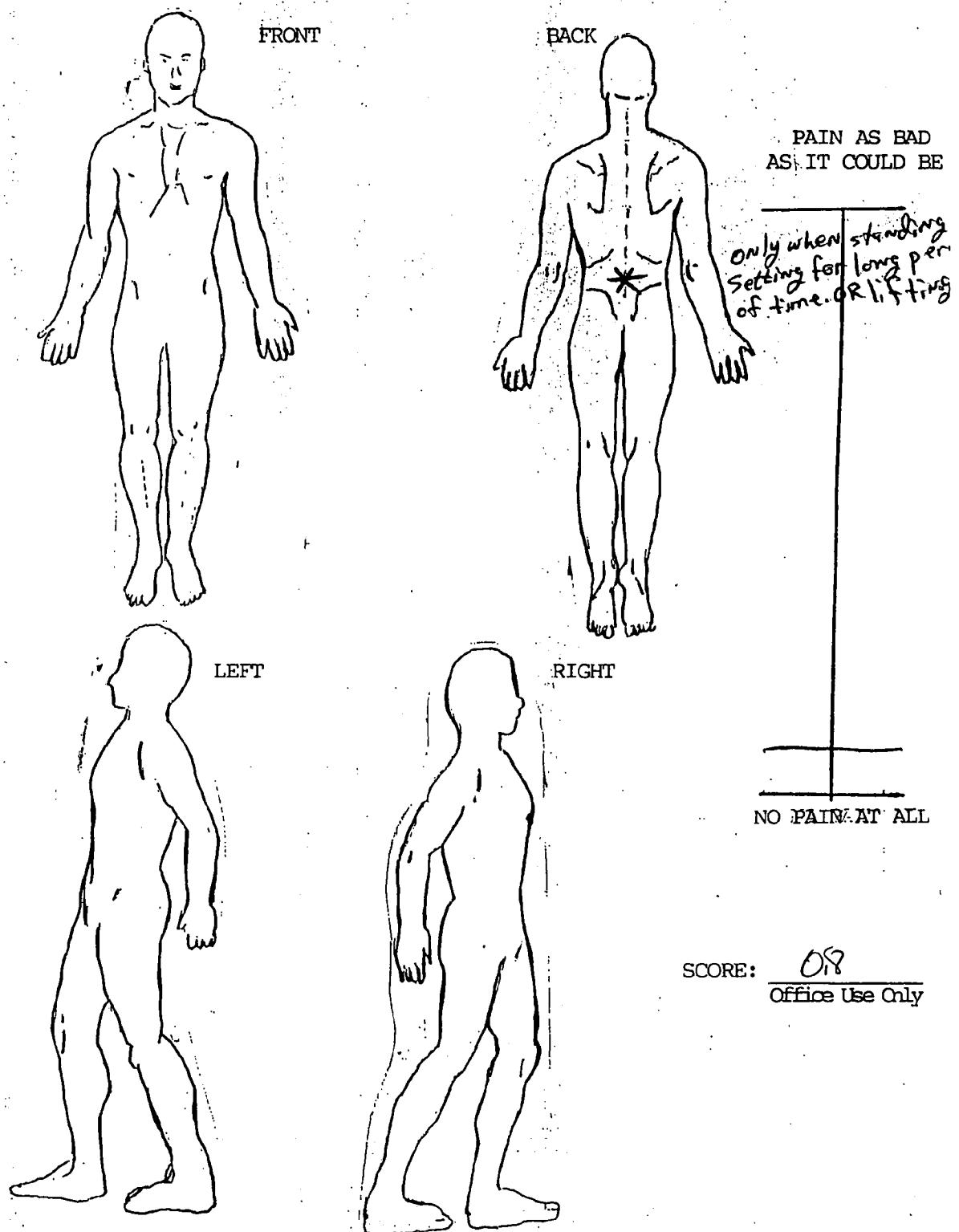
LAUREL HIGHLANDS HEALTH CENTER

1. PLEASE MARK ON THE DRAWINGS BELOW THE AREAS YOU HAVE:

PAIN = X and/or NUMBNESS = O

2. PLACE A LINE ACROSS THE SCALE INDICATING HOW MUCH PAIN YOU ARE HAVING RIGHT NOW.

3. DATE OF NEXT DOCTOR'S VISIT 6-5-01 TIME 10:45 am



PATIENT'S NAME: Don Stewart

DATE: 6-5-01

**La Highlands Health Cen
Indiana Office**

Patient's Name: Don Oswalt

Referring Physician:

Date

CLINICAL RECORDS

5/16/01

S: Pt. voicing complaints of a sinus headache which he has been suffering with for several days. He reports no new complaints of back pain today.
O: Pt. continues with moist heat as before. We continued with ultrasound to the lowe back followed by myofascial release techniques of crossed hand stretching. He continues with progression of the therapeutic exercise program, including flexibility exercises as well as trunk stabilization.
A: Pt. tolerating the program fairly well. He reports that he was to see Dr. Woodle and is to continue treatment for one more month and follow up with his physician again in the beginning of june.
P: Continue.

Julie N. Fairman, P.T.

MH,USS,MF,TE2

lf

5/22/01

S: Pt. reported cramping sensation in the right side mid and low back.
O: Palpatory trigger point right talus paraspinals and lower trap. He continued with moist heat, ultrasound and myofascial stretching, as well as trigger point release techniques. He did have some relief upon completion of soft tissue techniques. He then progressed with the exercises increasing intensity to tolerance as per activity sheet.
A: Pt. described cramping sensation with palpable trigger points. This, however, improved with today's treatment.
P: Will continue as prescribed and progress accordingly. May wean from modalities as appropriate.

Amy S. Bencic, L.P.T.

MH,USS,MF,TE2

lf

5/23/01

S: Pt. is reporting no new complaints today and has reported noting some improvement in symptoms, however, still difficultly with lifting activities.
O: Pt. continues with moist heat as before followed by ultrasound and we continued with myofascial release techniques of crossed hand stretching. He did not perform his exercise program in the clinic today as he was limited on time due to his time constraints. He did, however, report that he will continue with this at home.
A: Pt. tolerates the program well.
P: We will plan to continue and wean pt. from he ultrasound modality as well as progress exercise.

Julie N. Fairman, P.T.

MH,USS,MF

lf

5/29/01

S: Pt. voicing no new complaints today. Generally he is continuing to note improvement, however, as mentioned before, continuing to note increased pain wtih attempts at lifting activity.
A: Pt. continues with moist heat as before followed by myofascial release techniques of crossed hand stretching. He continues with exercise as outlined on the exercise card. We did defer the ultrasound and will attempt to wean him from this modality at this time.
A: Pt. tolerating the program well, however, still functionally restricted with lifting activities.
P: We will plan to continue, including progression of exercise as tolerated.
Julie N. Fairman, P.T. MH, MF, TE2

lf

Laurel Highlands Health Center, Inc.

Patient Name Don Oswalt

Referring Physician

Date:

Clinical Record

5/1/01

Amy S. Bencic, LPT

MH USS MF TE2

5/2/01

S: Pt. is voicing no new complaints today. He reports that he has been able to increase ADL activities somewhat without significant increase in pain.

O: Pt. continues with moist heat and ultrasound as before. We continued with myofascial stretching and continuation of therapeutic exercise as outlined on the exercises card.

A: Pt. tolerating the program fairly well, however, still noting lower thoracic and upper lumbar tightness.

P: We will plan to continue and progress as tolerated.

Julie N. Fairman, P.T. MH, USS, MF, TE2

1f

5/8/01

Pt. cancelled scheduled appointment as he is not feeling well.

Any S. Bencic, L.P.T.

1f

5/9/01

Please refer to progre
Julie N. Fairman, P.T.

1f

5/15/01

S: Pt. still voicing mid and low back pain. He was, however, voicing a sinus headache today.

C: Pt. continued with moist heat and ultrasound to the low back area followed by crossed hand myofascial stretching. He continued with the exercise program as per activity sheet. For full objective information please refer to progress report dated 3/9/01

A: Pt. is describing a decrease in intensity of pain.

P: Will continue and progress with Eagle resisted equipment as symptoms allow. Pt. did not wish to progress with this today due to sinus headache.

Any S. Bencic, L.P.T. MH, USS, MF, TE2

1f

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Don Oswalt

DATE: 5/9/01

PHYSICIAN: Dr. Woodle

DIAGNOSIS: lower back pain

TREATMENT: Pt. is receiving treatment including moist heat, ultrasound, myofascial release and soft tissue mobilization, and progression of therapeutic exercise, including flexibility as well as trunk stabilization and strengthening.

PROGRESS: At this time, the pt. is noting lower back pain rated 2-2/10 on the visual analog scale. This is improved since treatment has been initiated. Pt. reports that he has been able to get up better after sitting for a prolonged period of time, however, still noting difficulty with lifting activities. Presently trunk mobility is improving and measures 88° flexion, 16° extension, 12° right side bending, 15° left side bending, 3/4 range right rotation and WFLs left rotation. SLR has increased to 50° right with pain and 65° left with complaints of hamstring tightness. Dural stretch is positive on the right. Pt. continues to demonstrate some functional trunk weakness rated 4- to 4.5/5. Left LE strength is WFLs. Right hip flexion 4 to 4+5, abduction/adduction 4+ to 5/5. Right knee strength measures 4+ to 5/5 and ankle is WFLs.

RECOMMENDATIONS: Pt. is progressing well, however, may benefit from continued PT treatment. This is, however, at your discretion pending your evaluation of this pt. If you wish for him to continue, or have further recommendations, please advise.

Thank you for this referral.

PHYSICAL THERAPIST: Julie N. Fairman, P.T., C.W.T.

Julie N. Fairman, PT, CWT

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY: _____

DURATION: _____

ADDITIONAL RECOMMENDATIONS: _____

PHYSICIAN SIGNATURE: _____

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION



Your "CENTER" for Physical Therapy

PHONE # 357-9991

FAX# 357-9993

**Laurel Highlands Health Center
Indiana Office**

Patient's Name: Donald Oswalt

Referring Physician: Dr. Woodle

Date

CLINICAL RECORDS

8/22/00

S: Pt. is feeling definite improvement of symptoms and voiced no headaches today
O: Continued trigger points elicited right paracervicals. He continued with moist heat to entire back and neck along with interferential electrical stim. He then received ultrasound, massage and progression of therapeutic exercises increasing intensity to tolerance.

A: Pt. making significant progress with less complaints of subjective pain and improved mobility and strength. We were also able to progress with Eagle resistance equipment today including multihip, leg curl, and leg extension.

P: Continue as prescribed. He will return to Dr. Woodle next week. Total exercise time today at 45 minutes.

Amy S. Bencic, L.P.T.

MH,ES,USS,MS,TE3

lf

Amy S. Bencic, PT

8/23/00

S: Pt. continues to describe overall improvement. He did have a headache today but felt this was more related to his sinuses.

O: Mild tenderness right paracervical area, however, markedly improved. Cervical mobility improved with flexion 30°, extension 40°, lateral flexion right and left 30°. We continued with moist heat to entire back and neck along with interferential E stim followed by ultrasound, massage, including trigger point release technique. Then progressed with exercises increasing intensity to tolerance, with total exercise time at 45 minutes.

A: Pt. making significant progress with decreased symptoms and improved functional ROM and strength.

P: Continue and progress accordingly as prescribed.

Amy S. Bencic, L.P.T.

MH,ES,USS,MS,TE3

lf

Amy S. Bencic, PT

8/25/00

Pt. reports that he was to return to see his physician and is to be discontinued from PT at this time. Please refer to progress report dated 8/16/00 for discharge status.

Julie N. Fairman, P.T.

lf

Julie N. Fairman, PT

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Donald Oswalt

DATE: 8-16-00

PHYSICIAN: Dr. Woodle

DIAGNOSIS: Neck & Back Pain

TREATMENT: Moist heat, interferential electrical stimulation, ultrasound, massage manual cervical distraction, myofascial release, progression of therapeutic exercises, including range of motion, stretching & flexibility exercises, stabilization & progression of functional strengthening with reinforcement of proper body mechanics.

PROGRESS: Mr. Oswalt is describing general improvement, yet still voicing complaints of right sided neck & central low back pain with neck grading at 6.2/10, and low back rating at 3.5 out of 10 on visual analog scale. He has discontinued use of soft cervical collar at this time. Cervical ROM has improved as measured with 11-320 to include 28 degrees of flexion, 35 degrees extension, lateral flexion -left 25 degrees & right 30 degrees rotation 55 degrees right & left. LS ROM has definitely improved to 80 degrees flexion, extension 25 degrees, 30 degrees lateral flexion right & left. Improvement in over head reach, general flexibility. Manual muscle testing is good at 5/5 myotomes L2-S1. Mild proximal upper extremity weakness, paracervical & prevertebral musculature at 4/5 to 4+5 grade. Distal upper extremity strength is within full limits. Mr. Oswalt continues to describe intermittent headache complaints, which appear to radiate from the right cervical & occipital area.

RECOMMENDATIONS: Mr. Oswalt has done well with physical therapy treatment, yet still deficit in functional ROM and strength with complaints of pain. Symptoms have decreased since initial evaluation. He is describing increase in ADL status at home and is questioning return to work. If you have any further recommendations, please advise. Thank you for this referral.

PHYSICAL THERAPIST: Amy S. Bencic, L.P.T.

Amy S. Bencic L.P.T.

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY:

DURATION:

ADDITIONAL RECOMMENDATIONS:

PHYSICIAN SIGNATURE:

****THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION****



Your "CENTER" for Physical Therapy

PHONE # 357-9991

FAX# 357-9993

Laurie Highlands Health Center
Indiana Office

Patient's Name: Don Oswalt Referring Physician: Dr. Woodle

Date

CLINICAL RECORDS

14/00 S: Pt. still voicing significant pain complaints in the upper and lower thoracic region as well as the right cervical area. Trigger points elicited in the sternocleidomastoid, posterior cervical musculature more right sided. He is describing intermittent headache complaints.
O: Pt. continued with moist heat to entire back and neck along with inferential E stim while supine. This was followed by ultrasound and massage in the seated position, gentle cervical distraction, crossed hand trap and sternocleidomastoid stretch, sphenoid lift. He continued with progression of the stretching program, however wished to defer the Eagle resisted equipment due to headache complaints.
A: Pt. still voicing intermittent symptoms including back and neck pain with intermittent headaches.

P: Continue and pt. to follow up with the physician on Friday.
Amy S. Bencic, L.P.T. MH,ES,USS,MS,MF,TEL

lf

Amy S. Bencic LPT

5-00

See progress report

PTB, MH, ES, USS, MS, TE2

Amy S. Bencic, L.P.T

bp

Amy S. Bencic LPT

/18/00

S: Pt. still voicing complaints of neck pain, more right sided which causes intermittent type headaches. He is describing a decrease in back complaints.
O: Trigger points elicited right paracervicals, upper trap and suboccipitals, as compared to left. Functional mobility improved yet still deficit in cervical mobility. Discussed pt.'s case with Dr. Woodle who would like him to stay off of work one more week and then return to work the following week if capable.
A: Pt. making significant progress to decrease low back complaints, yet still voicing right sided neck and headache complaints with limited mobility. Palpatory tenderness elicited in this area.

P: Pt. to continue with PT as per Dr. Woodle's recommendation. He continued with moist heat, inferential stim, ultrasound, massage, myofascial stretching and progression of exercises increasing intensity to tolerance with total stretching and exercise time at 30 minutes.

Amy S. Bencic, L.P.T. MH,ES,USS,MS,TEL

lf

Amy S. Bencic LPT

Laurel Highlands Health Center

Indiana Office

Patient's Name: Donald Oswalt Referring Physician: Dr. Woodle

Date

CLINICAL RECORDS

1/22/00 S: Pt. is feeling definite improvement of symptoms and voiced no headaches today.
O: Continued trigger points elicited right paracervicals. He continued with moist heat to entire back and neck along with interferential electrical stim. He then received ultrasound, massage and progression of therapeutic exercises increasing in intensity to tolerance.

A: Pt. making significant progress with less complaints of subjective pain and improved mobility and strength. We were also able to progress with Eagle resisted equipment today including multihip, leg curl, and leg extension.

P: Continue as prescribed. He will return to Dr. Woodle next week. Total exercise time today at 45 minutes.

Amy S. Bencic, L.P.T. MH, ES, USS, MS, TE3 1f

Amy S. Benner, L.P.T. MH, ES, USS, MS, TE3

1f

1/23/00

S: Pt. continues to describe overall improvement. He did have a headache today but felt this was more related to his sinuses.

O: Mild tenderness right paracervical area, however, markedly improved. Cervical mobility improved with flexion 30°, extension 40°, lateral flexion right and left 30°. We continued with moist heat to entire back and neck along with interferential E stim followed by ultrasound, massage, including trigger point release techniques. Then progressed with exercises increasing intensity to tolerance, with total exercise time at 45 minutes.

A: Pt. making significant progress with decreased symptoms and improved functional ROM and strength.

P: Continue and progress accordingly as prescribed

1. Continue and progress accordingly as prescribed
Amy S. Bencic, L.P.T. MH ES USS MS TE3

1f

1/25/00

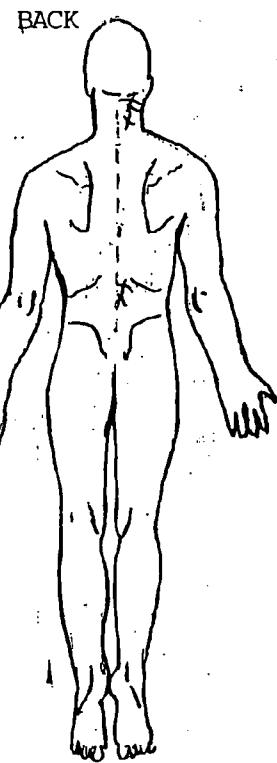
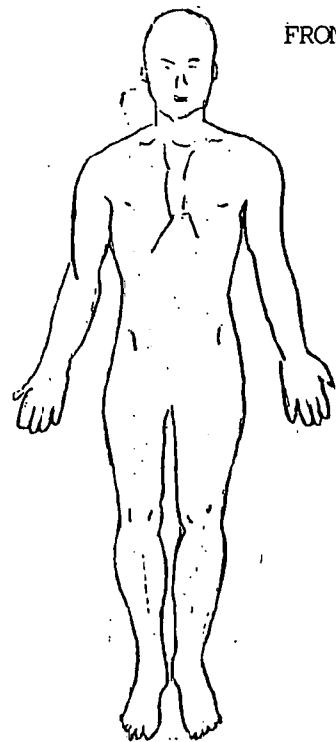
Pt. reports that he was to return to see his physician and is to be discontinued from PT at this time. Please refer to progress report dated 8/16/00 for discharge status.

Julie N. Fairman, P.T.

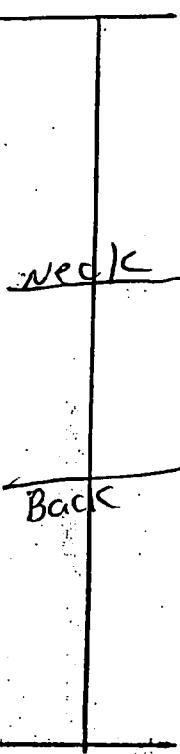
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LAUREL HIGHLANDS HEALTH CENTER

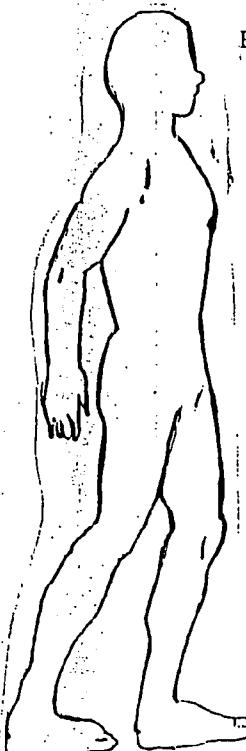
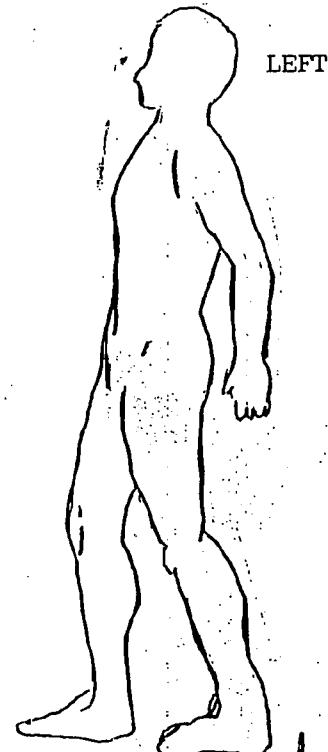
1. PLEASE MARK ON THE DRAWINGS BELOW THE AREAS YOU HAVE:
PAIN = X and/or NUMBNESS = 0
2. PLACE A LINE ACROSS THE SCALE INDICATING HOW MUCH PAIN YOU ARE HAVING RIGHT NOW.
3. DATE OF NEXT DOCTOR'S VISIT 8-18-00 TIME 11:00



PAIN AS BAD AS IT COULD BE



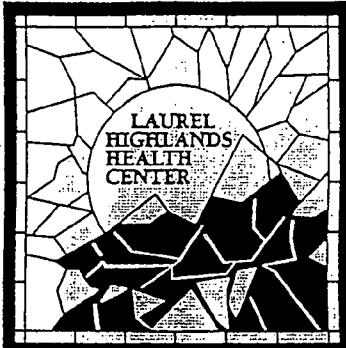
NO PAIN AT ALL



SCORE: 35 / 62 / 10
Office Use Only

PATIENT'S NAME: Donald Oswalt

DATE: 8-18-00



Your "CENTER" for Physical Therapy

LATROBE

Mailing Address
Physical Therapy Center
Latrobe Plaza
911 Ligonier Street
Suite 001

Latrobe, PA 15650
(724) 537-9577
Fax (724) 537-0195

Physical Therapy Center
& Work Place
Unity Plaza Office
Routes 30 and 981
Latrobe, PA 15650
(724) 537-2340
Fax (724) 537-5340

Physical Therapy Center
Abbey View Medical Arts Building
1315 Clearview Drive
Latrobe, PA 15650
(724) 539-6667
Fax (724) 539-6614

INDIANA

Physical Therapy Center
& Work Place
1176 Mansfield Ave.
Indiana, PA 15701
(724) 357-9991
Fax (724) 357-9993

IRWIN

Physical Therapy Center
Norwin Hills Office Park II
8791 Barnes Lake Road Suite 102
North Huntingdon PA 15642
(724) 864-6750
Fax (724) 864-6752

- Paul L. Imbrogno, MS, PT, ATC
- Thomas A. Buches, MS, PT, OCS
- Amy S. Bencic, PT, CWT
- Mary Rectenwald, MA, PT, ATC
- Julie N. Fairman, PT, CWT
- Floyd F. Mechling III, PT, ATC

August 1, 2000

Edward Woodle, D.O.
660 Stutzman Rd.
Indiana, PA 15701

RE: DONALD OSWALT
OFFICE LOCATION: INDIANA

INITIAL EVALUATION
Pg. 1

SUBJECTIVE:

Patient is a 35 year old male who sustained injury as a result of a MVA when a motorcycle pulled out in front of his vehicle. He described complaints of low back and neck pain immediately following the accident. He described approximately 3 days post accident a feeling of left leg paresthesias, however, this has subsided. His chief complaint today is of neck and back pain with significant headaches. Patient was seen at the local emergency room and x-rays were negative for fracture. He is currently utilizing a soft cervical collar. He was independent in all aspects of ADLs prior to the injury and employed at L & K Drilling as a rig hand at a heavy duty position.

OBJECTIVE:

Pain: Patient's chief complaint is of neck and back pain with a constant headache with rating at 3/10 in the day time, and 8/10 at night. He complains of disturbed sleeping patterns. He denies any paresthesias at this time.

Inspection: Inspection reveals guarded cervical posturing. Right scapular/shoulder height is elevated as compared to left. There is mild lateral shift of low back with right ASIS, PSIS and iliac crest elevated as compared to the left. There is a small laceration over the left lateral lower leg.

Palpation: Patient demonstrates diffuse palpatory tenderness throughout the TLS spine and corresponding paraspinal musculature as well as cervical spine and paracervicals. Also tenderness elicited over the anterior cervical area including sternocleidomastoid and 2+ spasm of levator scapulae, trapezius, suboccipitals with significant deep paracervical tightness.

ROM: ROM as measured with the EDI 320 includes cervical flexion 20° with complaints of pain and stiffness, extension 5° with increased pain, lateral flexion right and left at 15°, rotation 40° right and left. LS ROM measures 40° flexion with complaints of pain. There is obvious lateral deviation during forward bending. Extension is to 15°, lateral flexion right and left 20°. There is limitation of full overhead reach with 140° flexion and 140° abduction bilateral shoulders with complaints of pain and tightness in the upper back and neck. There is general tightness of the hamstrings, hip flexors and piriformis.

Strength: Proximal UE strength demonstrates weakness with complaints of pain including deltoid, traps, levator scapulae and rotator cuff at 4/5 grade, distal UE strength is WFLs. Grip strength at Jamar #2 measures 120 pounds right as compared to 110 pounds left. LE strength is graded at 5/5 myotomes L2 through S1. Abdominal trunk extensor weakness noted with complaints of pain.

Ambulation: Patient is ambulatory without assistive devices. He currently uses a soft cervical collar.

Special Tests: There is positive occipital Tinel's sign. Patient is able to toe and heel walk. He is able to squat and return to the upright position with complaints of pain. DTRs symmetric for biceps, triceps, brachioradialis, quadriceps and achilles jerk. Further testing deferred due to acute nature of injury.

ADLs: Patient reports difficulty with standing, lying down, walking, climbing up and down stairs, riding in a car, reaching, lifting and carrying. He is currently not driving due to complaints of pain and limitation in cervical mobility.

ASSESSMENT:

Patient is a 35 year old male with referring diagnosis of neck and back pain as a result of a MVA 7/24/00. Patient demonstrates muscle guarding, pain, restricted functional mobility and strength deficits which is affecting his ADLs. He could benefit from treatment for goals of:

1. Pain reduction 0 to 1/10 grade at rest and with activity.
2. Increase available ROM of the back and neck to WFLs as well as overall flexibility.
3. Increase strength of the spinal stabilizing musculature 4+/5 grade.
4. Reduce palpable trigger points and tenderness.
5. Increase soft tissue extensibility throughout the neck and back.
6. Independence in maintaining a safe spine during ADLs as to prevent further injury.
7. Independence in a home exercise program emphasizing function.

PLAN OF CARE:

Patient evaluated and could benefit from treatment to include:

1. Modalities of moist heat and interferential electrical stimulation as well as ultrasound.
2. Manual therapy including massage, myofascial release, joint and soft tissue mobilization.
3. Progression of ROM and flexibility exercises.
4. Progression of functional strengthening and general conditioning.
5. Instructions in proper body mechanics.
6. Progression of work related activities to ensure a safe return to work.
7. Progression of a home program.

FREQUENCY: 3X/week

DURATION: 4 to 6 weeks

Amy S Bencic LPT 8/1/00

Amy S. Bencic, L.P.T., C.W.T.

8/1/00

Edward Woodle, D.O.

ASB:lf

Patient

Shoreline Highlands Health Center
Indiana Office

Patient's Name: Don Oswalt

Referring Physician:

Date

CLINICAL RECORDS

8/2/00

S: Pt. did describe that he had reduction of headache symptoms for the rest of the day following therapy, however, did return in the evening. He did also have 4 hours sleep which is a definite improvement.

O: Pt. describing continued headache symptoms and palpable tenderness throughout the neck and back musculature. Continued stiffness evident yet mild improvement in CROM with today's assessment. He received moist heat to entire back and neck in supine along with interferential E stim in supine. He then received ultrasound X10 minutes in seated position to the neck and back area followed by gentle massage. He received gentle cervical distraction, occipital release, sphenoid lift and temporalis release. He was instructed to perform CROM exercises under a hot shoulder. Shower.

A: Pt. did demonstrate improvement with the initial treatment.

P: Will continue and progress as prescribed.

Amy S. Bencic, L.P.T.

MH,ES,USS,MF,TEL

1f

Amy S. Bencic, L.P.T.

8/4/00

S: Pt. is continuing to note complaints of neck and back pain and headaches. He is reporting some soreness following the PT treatment.

O: Pt. continued to wear the cervical collar to the clinic today. He reports that he was to see Dr. Woodle and reportedly can discontinue use of the cervical collar. Pt. encouraged to wean himself from this as tolerated. He continued with moist heat to the neck and back today in conjunction with interferential electrical stim. He continued with ultrasound to both areas followed by gentle massage and we also included myofascial release techniques including gentle cervical distraction, occipital release, and sphenoid lift techniques. We did review pt.'s stretching exercises.

A: Pt. tolerated the program fair, however, is reporting soreness following treatment.

P: We will plan to continue as prescribed.

Julie N. Fairman, P.T.

MH,ES,USS,MF,MS,TEL

1f

Julie N. Fairman, P.T.

Lam I Highlands Health Cent
Indiana Office

Patient's Name: Don Oswalt

Referring Physician: Dr. Woodle

Date

CLINICAL RECORDS

8/7/00

S: Pt. describing significant improvement in neck complaints. He is now able to drive as per Dr. Woodle's orders. He is describing, however, continued complaints of low back pain and stiffness.

O: Palpatory tenderness elicited through the lower thoracic and lumbar paraspinals. Cervical mobility is improved including lateral flexion at 24°. He continued with moist heat and interferential stim surrounding the back and neck area followed by ultrasound to both areas, massage for a total of 15 minutes, occipital release, cervical distraction, crossed hand trap stretch and crossed hand low back stretch. He progressed with exercises including single and double KTC, LTR, piriformis stretch, upper trap and neck stretch, anterior chest stretch and supine isometric for neck retraction. Pt. given written exercises to be completed at home.

A: Pt. demonstrating marked improvement in cervical complaints, yet still voicing complaints of low back pain. He does demonstrate restricted full mobility of the cervical spine.

P: Continue as prescribed.

Amy S. Bencic, L.P.T.

MH, ES, USS, MS, MF, TE2, HOMEPRO

1f

8/9/00

S: Pt. reporting continued improvement in symptoms with less complaints of pain. He does describe stiffness and discomfort in the right cervical area. Low back symptoms have markedly improved.

O: Continued palpatory tenderness over the paracervicals more right sided and upper lumbar lower thoracic spine. He continued with moist heat to the entire back and neck along with interferential E stim in supine. This was followed by ultrasound and massage in seated position, myofascial stretching including cervical distraction, crossed hand trap stretch, occipital release. He then progressed with exercises and did initiate Eagle resisted equipment including leg press, back extension, rowing, lat pull down, triceps press, arm curls and UBE. He continues with the stretching program preceding the strengthening program.

A: Pt. demonstrating gains with decreased symptoms and improved functional status. We have progressed with a strengthening and stabilization program.

P: Continue.

Amy S. Bencic, L.P.T.

MH, ES, USS, MS, MF, TE3

1f

8/10/00

S: Pt. describing right sided paracervical pain with radiating headache symptoms to a lesser degree. Does describe central and right sided low back discomfort.

O: Tenderness elicited in these areas, however, mobility improved. Cervical mobility now at 28° right and left. Continued with moist heat to entire back and neck along with interferential E stim, ultrasound and massage. Continued with myofascial stretching as previously outlined followed by progression of the exercise program. He continues with home exercise as well. Total exercise time today at 30 minutes.

A: Overall pt. is improving yet still reporting pain and limitation in functional strength as previously mentioned.

P: Continue and progress accordingly.

Amy S. Bencic, L.P.T.

MH, ES, USS, MS, MF, TE2

1f

**Laurel Highlands Health Center
Indiana Office**

Patient's Name: Donald Oswalt

Referring Physician: Dr. Woodle

Date

CLINICAL RECORDS

8/1/00

Please refer to initial evaluation. He received moist heat to entire back and neck in supine, however, later placed prone as he had marked difficulty in this position. He then received ultrasound in the seated position to the back and neck followed by myofascial stretching including occipital release, gentle cervical distraction, craniosacral balancing and sphenoid lift. We will progress with exercises and instruction in body mechanics at next treatment.
Amy S. Bencic, L.P.T.

PTS, MH, USS, ES, REUSE ELEC, MF

Amy S. Bencic

EMERGENCY DEPARTMENT RECORD
Indiana Hospital Indiana, PA 15701
Telephone: (724) 357-7000

PAGE: 1

PATIENT: OSWALT, DONALD
31 SUNSET LANE
INDIANA, PA 15701

UNIT NO. (MR#): M00027466 ER ROOM #:
ACCT #: 1010873370 REG. DATE/TIME: 07/24/00 2205
LOCATION: ER

PRIMARY PHY: WOODLE, EDWARD M. DO
CHIEF COMP: MVA

CLT:

LAST ADM: 07/24/00 LAST OUT: 07/24/00 REF LAST FMD VISIT:

BIRTHDATE: 05/06/65 AGE: 35 SEX: M MS: D RELIGION: NO RACE: C

PHONE: 724-463-3527 SS#: 195-54-5479 EMPLOYER: LKDC PT OCC:

NOK: LEWIS, CARLA NOK PH: 724-463-3527 NOK REL: FR FC: AU

1 1. ALLSTATE INSURANCE COM
N N 2.
S F 3.
O 4.

OSWALT, DONALD

Emergency Care PTA: N

Arrival Mode: WALK

Admit Clk: ADM.SLB

SPECIAL NEEDS:

<input type="checkbox"/> Renal Function Panel	<input type="checkbox"/> Serum HCG	<input type="checkbox"/> Old Med Recs	X-rays:	Reasons:
<input type="checkbox"/> CBC	<input type="checkbox"/> ETOH	<input type="checkbox"/> O2	<u>C-spine</u>	
<input type="checkbox"/> Basic Metab Profile	<input type="checkbox"/> BL Cultures	<input type="checkbox"/> Monitor	<u>T-Sue</u>	
<input type="checkbox"/> Comp Metab Profile	<input type="checkbox"/> UA			
<input type="checkbox"/> Troponin I	<input type="checkbox"/> Urine C&S			
<input type="checkbox"/> C-flex	<input type="checkbox"/> Thrombolytic Protocol			
<input type="checkbox"/> PT/PTT	<input type="checkbox"/> Type & Screen			
<input type="checkbox"/> Arthritis Profile	<input type="checkbox"/> Crossmatch <input type="checkbox"/> Units			
<input type="checkbox"/> Hepatic Function	<input type="checkbox"/> HRTT			
<input type="checkbox"/> Amylase	<input type="checkbox"/> ABGs with O2		Other Labs: <u>7245 8470</u>	
<input type="checkbox"/> Lipase	<input type="checkbox"/> ABGs without O2		<u>8471 0714</u>	
<input type="checkbox"/> Dig Level	<input type="checkbox"/> EKG		<u>E813.0</u>	
<input type="checkbox"/> Theophyline Level	<input type="checkbox"/> Aerosol Treatment		<u>99282</u>	
	<input type="checkbox"/> Resting MPI			

REFERRED TO DOCTOR: _____

TIME: _____

IMPRESSION:

Cervical/Thoracic strain.

Disposition Time: 2300

Discharged

Admitted Room #: _____

Condition on Disposition: Good

Fair

Serious _____

Critical _____

Mode of Departure: _____

To Hospital: _____

Dictation to Unit: Yes

No

Old records to unit: Yes

No not available _____

Physician: 102s

Physician: 1046

Examination Time: 102s

Dictated: 1046

Physician Orders: As per

Physician Assessment: C-Sme

SH-ETOH

Rea
Tylenol 3 T pox30

GLUC
Entera

DATE: 07/24/00

CONSENT TO HOSPITAL CARE
Indiana Hospital Indiana, Pa. 15701
Telephone: (724) 357-7000

Page 1

UNIT NO. (MR#): M00027466

NAME: OSWALT, DONALD

ACCT. NO.: I010873370

PRECERTIFICATION/HMO/PPC INFORMATION

I understand many hospital insurance plans require precertification (preauthorization/referral) or second surgical opinions for payment of full benefits for such services. I ACKNOWLEDGE THAT WITHOUT MY HOSPITALIZATION CARD, IT IS NOT POSSIBLE TO DETERMINE WHETHER MY HOSPITAL INSURANCE PLAN REQUIRES PREAUTHORIZATION OR SECOND SURGICAL OPINION FOR INPATIENT SERVICES. AS A RESULT, I AGREE TO ASSUME ANY LIABILITY FOR THAT PORTION OF MY ACCOUNT WHICH MAY NOT BE PAID BY MY HOSPITALIZATION CARRIER.

CONSENT TO BILL MEDICAL BENEFITS

I HEREBY AUTHORIZE PAYMENT directly to Indiana Hospital the hospital benefits otherwise payable to me but not to exceed the balance due of the hospital's regular charges for period of hospitalization.

I HEREBY AUTHORIZE Indiana Hospital to release information concerning my insurance coverage and necessary medical information to the ambulance company that transported me to or from Indiana Hospital and hereby authorize that ambulance company to directly bill my insurance company.

STATEMENT TO PERMIT PAYMENT OF AUTHORIZED MEDICARE BENEFITS

I certify that the information given by me in applying for payment under Title XVIII of the Social Security Act is correct. I authorize any holder of medical or other information about me to release to the Social Security Administration or its intermediaries or carriers any information needed for this or a related Medicare claim. I request that payment of authorized benefits be made on my behalf. I assign the benefits payable for physician services to the physician or organization furnishing the services or authorize such physician or organization to submit a claim to Medicare for payment to me.

FINANCIAL RESPONSIBILITY

I FURTHER AGREE to remain financially responsible to the hospital for any charges not paid by my insurer or other appropriate payor.

AUTHORIZATION FOR RELEASE OF PATIENT INFORMATION

I permit Indiana Hospital to give information about the care I receive while I am in the hospital to my insurance company and to any other hospital, healthcare provider, skilled nursing facility, rehabilitation facility, home-health agency, or physician who may provide care to me after I leave Indiana Hospital, or who is engaged in medical or scientific research.

I authorize Indiana Hospital to provide medical information from my medical record to organizations or companies acting on behalf of my employer or insurance company, upon their request, for their use in determining payment for my care or my eligibility for care. This authorization includes release of information concerning treatment for alcohol or drug abuse, alcoholism, drug-related conditions and/or psychiatric/psychological conditions. This authorization will expire on receipt of final payment for my care and treatment.

Because hospital bills may present financial difficulties for some patients, Indiana Hospital has created the I-Care Fund. This fund helps eligible persons receive healthcare services at no cost or reduced cost, depending on their income. Please call the hospital's credit counselor at (724) 357-7018 to see if you are eligible to receive services through the I-Care Fund.

CONSENT TO HOSPITAL CARE (continued)

Page 2

DATE: 07/24/00

UNIT NO. (MR#): M00027466

NAME: OSWALT, DONALD

ACCT NO.: I010873370

THE CONSENTS TO ER AND/OR HOSPITAL CARE PROVIDES AUTHORIZATION FOR ROUTINE SERVICES ONLY.
ADDITIONAL CONSENTS WILL BE OBTAINED IF NON ROUTINE PROCEDURES ARE TO BE PERFORMED.

CONSENT FOR EMERGENCY DEPARTMENT SERVICES

I wish to be treated in the Emergency Department at Indiana Hospital. I permit the doctor, the hospital and its employees, and all other persons caring for me to treat me. I understand that this care may include tests, examinations and other medical treatment. No guarantee has been made to me about the outcome of this care.

(Patient's signature*)

7/24/00

AM/PM

(Date)

(Time) (Circle one)

(Witness)

*The patient is unable to consent because

I therefore consent for the patient.

(Signature)

(Relationship to patient)

AM/PM

(Witness)

(Date)

(Time) (Circle one)

(Witness)

CONSENT FOR ADMISSION AND OTHER HOSPITAL SERVICES

I wish to be treated at and/or admitted to Indiana Hospital. While I am in the hospital I permit my doctor, the hospital and its employees, and all other persons caring for me to treat me. I understand that this care may include tests, examinations and other medical treatment. No guarantee has been made to me about the outcome of this care.

(Patient's signature*)

AM/PM

(Date)

(Time) (Circle one)

(Witness)

*The patient is unable to consent because

I therefore consent for the patient.

(Signature)

(Relationship to patient)

AM/PM

(Witness)

(Date)

(Time) (Circle one)

(Witness)

Revised 1/90, 7/91, 2/92, 1/93, 4/94, 3/95, 6/99 (ADM.PAT.zcus.adm.form9)

Arrival time: 2120 Mode of Arrival: WALK
Person contributing to Hx: SELF

TRIAGE DATE: 07/24/00 TRIAGE TIME: 2151
Tx prior to arrival: N

Last Tetanus:
Have received influenza inoculation
Priority: Urgent

Have received pneumonia inoculation
PCP: WOODLE LOC: ALERT
Diet restrictions: Last PO:

Visual Acuity:Rt: Lt: With correction
Hyster: LMP: FHT:

Temp 98.5 TM T Pulse 92 P Src Resp 18
B/P 128/84 B/P Src Pulse ox:
HT:FT 5 IN: 9 CM: 175.2 WT:LB 223 OZ: KG: 101.15 Wt. Src EST

*****Allergies to meds/food/envir/diagnostic contrast (state type of reaction)*****
Allergies: NKA Latex Allergy N

Drug intolerance:

LIST ANY TYPES OF SURGERY ASSOCIATED WITH ANESTHESIA

* STOMACH SCOPE 3-31-00
APPENDIX

Medical Hx: ULCER, STOMACH INFECTION

Diabetic? N

Chief Complaint Onset: ABOUT 6:30P

Triage Assessment

* RESTRAINED DRIVER MVA. CURRY RUN IN CLEARFIELD COUNTY-TOOPER HORNEER BADGE 8106 FILED REPORT. PT HAD SLOWED DOWN TO AVOID A DOG WHICH WAS RUNNING TOWARD ROAD-A MOTORCYCLE CAME OUT OF DRIVEWAY AND PT SWERVED TO MISS HITTING HEADON. DID HIT MORORCYCLE WITH PASSENGER SIDE. LARGE CTOLE MAJOR DAMAGE-PT CAR DRIVABLE. AFTER DRIVING SELF TOWARD HOME BEGAN FEELING DIZZY HEADACHE/NECK DICOMFORT AND BACK PAIN. AMBULATED TO ER-PLACED IN HARD COLLAR.

had back xray today for work physical.

MEDS/OTC/HERBS/DOSE/FREQ./LAST TAKEN/REASON TAKEN

*ALLEGRA D AM AND PM

*UPDATED PER DPT 7/24/00 JDA

Med info obtain by: PATIENT

Medication verified ? Y

Age/Sex: 35 M
Unit #: M00027466
Account#: I010873370
Admitted:

OSWALT, DONALD (PRE ER)
ER-

Page: 1 of 2

Printed 07/24/00 at 2202

Period ending 07/24/00 at 2202

Indiana Hospital Nursing **LIVE EMERGENCY ROOM TRIAGE ASSESSME

*****IF MORE SPACE NEEDED USE ER MEDICATION ADDENDUM*****

Tobacco:	Amt used/day	# years	Stopped	Date
Alcohol use	How often	# years	Last drink	
Street drugs	Type	How used:	How often	
			Last used	

Age Specific needs/concerns: Need/Concern Identified:

Other:

Unstable/abusive home environ. Emotional Status Anxious

Barriers to Learning: None Noted

List:

EXAM RM: E 7 TIME IN ER EXAM ROOM: 2202

RN who completed assessment: JUDY ANTHONY, RN

Monogram Initials	Name	Nurse Type
JDA	ERD.JDA	ANTHONY, JUDY D
		RN



Age/Sex: 35 M
Unit #: M00027466
Account#: I010873370
Admitted:

OSWALT, DONALD (PRE ER)
ER-

Page: 2 of 2

Printed 07/24/00 at 2202

Period ending 07/24/00 at 2202

Indiana Hospital Nursing **LIVE EMERGENCY ROOM TRIAGE ASSESSME

UNIT NO. (MR#): M00027466 NAME: OSWALT, DONALD

ACCT NO.: 1010873370

ONGOING ASSESSMENT:

MEDICATIONS/IV'S

Equipment used: Pumps Cardiac Pulse-Ox O2 Auto BP Slit Lamp
Transported with: Monitor

int: eg Signature: Sam Guly Jr.

Int: Signature:

INDIANA HOSPITAL EMERGENCY DEPARTMENT DISCHARGE INSTRUCTIONS

EMERGENCY DEPARTMENT ...724-357-7121

LACERATIONS (CUTS, ABRASIONS, BURNS, BITES)

1. KEEP WOUND CLEAN AND DRY.
2. CHANGE DRESSING DAILY AND IF WET OR DIRTY.
3. ELEVATE AREA AS MUCH AS POSSIBLE.
4. IF WOUND AREA BECOMES RED, SWOLLEN, INCREASING PAIN, DRAINAGE, WARM TO TOUCH, CALL YOUR DOCTOR OR RETURN FOR RECHECK.
5. STITCHES TO BE REMOVED IN DAYS BY YOUR DOCTOR. IF YOU DO NOT HAVE A DOCTOR, RETURN TO EMERGENCY DEPARTMENT FOR SUTURE REMOVAL.

HEAD INJURY

1. WATCH PATIENT CAREFULLY FOR 24 HOURS.
2. ALLOW PATIENT TO SLEEP, BUT AWAKEN EVERY TWO HOURS FOR 24 HOURS AFTER THE INJURY. IF ANY OF THE FOLLOWING OCCURS, RETURN TO THE E.D.:
 - A) CONFUSION/DISORIENTATION (DOESN'T KNOW NAME OR RELATIVES)
 - B) EXCESSIVE DROWSINESS
 - C) PERSISTENT VOMITING
 - D) CONVULSIONS
 - E) TEMPERATURE ABOVE 103 DEGREES
 - F) DOUBLE VISION
 - G) NUMBNESS, WEAKNESS OF ARM OR LEG
 - H) CLEAR OR BLOODY DRAINAGE FROM NOSE/EAR
 - I) SLURRED OR GARBED SPEECH
3. REFRAIN FROM ALCOHOLIC BEVERAGES, SEDATION AND ANY OTHER PAIN MEDICATION STRONGER THAN TYLENOL.
4. LIGHT DIET.
5. IF THE FOLLOWING CONTINUES TO OCCUR AFTER 72 HOURS, CALL FAMILY DOCTOR:
 - A) PERSISTENT HEADACHE DESPITE TYLENOL
 - B) CHANGE IN THE WAY THE PATIENT NORMALLY ACTS

FEVER - FEVER IS A NORMAL BODY RESPONSE TO ILLNESS

1. IBUPROFEN OR TYLENOL FOR TEMPERATURE HIGHER THAN 101 DEGREES. REPEAT IN 4-6 HOURS. DOSE ACCORDING TO PACKAGE INSTRUCTIONS.
2. DRINK PLENTY OF FLUIDS.
3. LUKEWARM SPONGING FOR PERSISTENT TEMPERATURE, 20-30 MINUTES AT A TIME DO NOT USE ALCOHOL OR ICE.
4. NO ASPIRIN UNDER AGE 16 OR FOR CHICKEN POX, FLU, OR IF YOU HAVE ASTHMA.
5. DO NOT OVERDRESS.
6. IF THE FEVER PERSISTS BEYOND 48-72 HOURS DESPITE TREATMENT, THE PATIENT NEEDS TO BE RECHECKED.

URINARY TRACT INFECTION

1. DURING THE FIRST 48 HOURS, DRINK 8 OZ GLASS OF FLUIDS EACH HOUR DURING WAKING HOURS. AVOID ORANGE, PINEAPPLE, GRAPEFRUIT JUICES, ALCOHOLIC BEVERAGES, COFFEE AND TEA.

VOMITING AND DIARRHEA

1. NOTHING BY MOUTH FOR TWO HOURS AFTER VOMITING TO REST STOMACH, THEN START WITH ONE OZ (GATORADE OR RICELYTE) AND DOUBLE THE AMOUNT EACH HOUR AS TOLERATED (NO VOMITING) UNTIL TOLERATING 4 OZ AN HOUR FOR 3 HOURS. NO MILK OR MILK PRODUCTS.
2. IF TOLERATING 4 OZ AN HOUR FOR 3 HOURS, MAY THEN GIVE PLAIN CRACKERS.
3. AFTER 24 HOURS, MAY HAVE BANANAS, RICE, APPLESAUCE AND TOAST (BRAT DIET).

UPPER RESPIRATORY INFECTION

1. DRINK A LOT OF FLUIDS.
2. SALT WATER GARGLES (1 TSP. IN 8 OZ WATER) AND COOL LIQUIDS FOR SORE THROAT.
3. TYLENOL OR IBUPROFEN EVERY 4 HOURS ACCORDING TO PACKAGE DIRECTIONS.
4. OVER THE COUNTER MEDICINES, SUCH AS COUGH MEDICINES, THROAT LOZENGES, ARE USUALLY EFFECTIVE IF TAKEN ACCORDING TO PACKAGE DIRECTIONS.
5. PLENTY OF REST.
6. STOP SMOKING.
7. IF TROUBLE BREATHING OR SWALLOWING, COME BACK TO E.D.

LOW BACK PAIN

1. ICE FOR 15 MINUTES FOUR TIMES A DAY FOR 1ST 48 HOURS AFTER INJURY, THEN MOIST HEAT FOR 15 MINUTES FOUR TIMES A DAY.
2. AVOID PROLONGED STANDING, LIFTING, SITTING OR WALKING IN THE ACUTE STAGE.
3. AVOID SOFT SURFACES, MATTRESSES, SOFAS, EASY CHAIRS.
4. FREQUENT REST PERIODS.
5. USE POSITION OF COMFORT AS NEEDED, LYING BACK ON THE FLOOR, KNEES BENT AND PILLOW BETWEEN THIGHS AND CALVES.

SPRAINS

1. USE SPLINT. IF ACE BANDAGE, UNWRAP EVERY 4 HOURS.
2. ICE AT LEAST 15 MINUTES, 4 TIMES A DAY, FOR 48 HOURS. THEN USE MOIST HEAT 4 TIMES A DAY FOR 15 MINUTES EACH TIME.
3. ELEVATE AS MUCH AS POSSIBLE.
4. CRUTCHES - NO WEIGHT BEARING FOR 2 DAYS, THEN PARTIAL WEIGHT BEARING FOR 2 DAYS.

ADDITIONAL INSTRUCTIONS:

1. RETURN TO E.D. OR FAMILY DOCTOR EARLIER IF PATIENT DEVELOPS MORE SEVERE OR OTHER PROBLEMS.
2. RETURN OR CALL FAMILY DOCTOR IN 48-72 HOURS IF PROBLEM IS UNCHANGED.
3. FOLLOW-UP, AFTER TREATMENT, WITH FAMILY DOCTOR.

MEDICATIONS: REFER TO THE PHARMACY INFORMATION SHEET ABOUT ALL NEW MEDICATIONS.

- 1) Take medeces as directed
- 2) Warm compresses 30 min 4x a day
- 3) Follow up with Dr. Work in 2-3 days
- 4) Wear soft collar for comfort 2-3 days
- 5) Return as needed

CULTURES - WHEN A CULTURE IS TAKEN, THE RESULTS TAKE 48-72 HOURS. YOU WILL BE NOTIFIED IF IT IS ABNORMAL.

X-RAY/EKG - YOUR X-RAY AND EKG HAVE BEEN READ BY THE E.D. DOCTOR. THE RADIOLOGIST/CARDIOLOGIST WILL REVIEW THESE THE FOLLOWING DAY. YOU WILL BE CONTACTED IMMEDIATELY IF ANY NEW ABNORMALITY IS FOUND.

OSWALT, DONALD
35

I 010873370 07/24/00 2150
REFERRED TO: DR. _____

YOUR INSURANCE MAY REQUIRE YOU TO CALL YOUR PRIMARY CARE PHYSIAN BEFORE SEEING A SPECIALIST.

CALL FOR AN APPOINTMENT IN _____ DAYS.

D. Osawalt - B.U.G.
EMERGENCY DEPARTMENT PHYSICIAN OR NURSE


X Donald Osawalt
PATIENT'S/LEGAL GUARDIAN'S SIGNATURE DATE

NAME: OSWALT, DONALD
PHYS: GEISER, BERNARD MD
DOB: 05/06/1965 AGE: 35 SEX: M
ACCT: 1010873370 LOC: ER
EXAM DATE: 07/24/2000 STATUS: REG ER
RADIOLOGY NO: 062034
UNIT NO: M00027466



INDIANA HOSPITAL

A Subsidiary Of
Indiana Healthcare Corporation
Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788

Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

PROCEDURES:

RAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/THORACIC SPINE
REASON FOR EXAM? FX - R/O FRACTURE

EXAM DATE: 07/24/2000

EXAM DATE: 07/24/2000

CERVICAL SPINE:

The alignment and mineralization of the cervical spine are normal. The intervertebral spaces are well maintained and there is no encroachment on the neuroforamina. The odontoid process and atlanto-axial articulation are normal. There is no evidence of fracture or subluxation.

IMPRESSION: NORMAL CERVICAL SPINE.

THORACIC SPINE:

The alignment and mineralization of the thoracic spine are normal. The pedicles are intact and the stature of the individual vertebral bodies is well maintained.

IMPRESSION: NORMAL THORACIC SPINE.

Daniel J. Barnicle, M.D.
RECORDED BY: DANIEL J. BARNICLE, M.D.
Daniel

CC: BERNARD GEISER MD, EDWARD M. DO WOODLE

TRANSCRIBED DATE/TIME: 07/25/2000 (0951)

TRANSCRIPTIONIST: DIS.CLM

BATCH NO: 433

PAGE 1

CHART COPY

Patient: OSWALT, DONALD
MR #: M00027466 Service Date: 07/24/00
Age/Sex: 35 M DOB: 05/06/65
Dr.: ER PHYSICIAN
Acct #: I010873370 Service:

INDIANA HOSPITAL
Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788
(724) 357-7000
FAX (724) 357-7449

As an enrollee of a managed care plan you are entitled to certain consumer protections. Enrollees or providers, with the written consent of the enrollee, can request reconsideration by a managed care plan or utilization review entity of decisions concerning medical necessity and appropriateness that:

- * disapprove full or partial payment of requested services;
- * allows only for a lesser scope of duration than requested; or
- * disapprove payment for the requested service but allows payment for an alternative service.

By signing this consent form, you are authorizing Indiana Hospital to act on your behalf in requesting reconsideration by the managed care plan or utilization review entity of a decision regarding your medical care on/from 07/24/00

This consent will authorize Indiana Hospital to act on your behalf in requesting a reconsideration by the managed care plan or utilization review entity for all levels of grievance review to include internal and external decisions.

I, _____, hereby authorize Indiana Hospital to act on my
(Name)
behalf in requesting a reconsideration and all levels of grievance review to include
internal and external of a medical determination made by

SELF PAY INSURANCE Auto

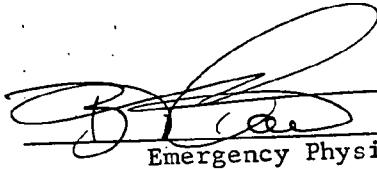
Donald Oswall
(Patient/Patient Representative Signature)

7/24/00 2210 a.m. / p.m.
(Date) (Time)

INDIANA HOSPITAL
INDIANA, PENNSYLVANIA 15701

NOTICE OF ILLNESS-INJURY

Don Oswalt was evaluated in the
Emergency Department on 7/24/00.
(He)She should be excused from work
on the following dates: 7/24 to
7/25 because of Auto accident.


Emergency Physician

Arb-9/20/02

BARBOR, VAPORIS & SOTTILE, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET

INDIANA, PENNSYLVANIA 15701

JOHN H. BARBOR

MICHAEL N. VAPORIS*

ANTHONY SOTTILE, III

(724) 465-5618

FAX 724-465-5410

*** ALSO LICENSED IN OHIO
AND MICHIGAN**

OF COUNSEL

WILLIAM M. DARR

September 10, 2002

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Oswalt v. Johnston
No. 1205 CD 2000

Dear Mr. Meholic:

Pursuant to your letter of July 15, 2002, enclosed please find an original copy of the Plaintiff's Pre-Trial Arbitration Memorandum in the above-captioned matter.

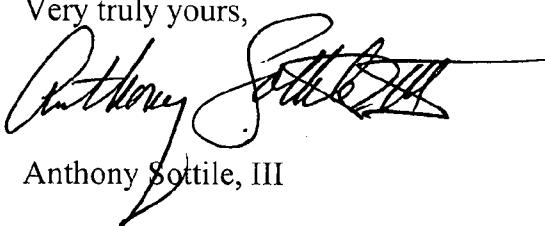
Under separate cover on this date, a copy has been forwarded to counsel for the Defendant and to the three assigned arbitrators.

If you have any questions, please feel free to call.

RECEIVED
SEP 11 2002
COURT ADMINISTRATOR'S
OFFICE

AS/pes
Enclosure

Very truly yours,



Anthony Sottile, III

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DONALD OSWALT, :
Plaintiff :
: NO. 1205 C.D. 2000
v. :
: Civil Action - Law
MATTHEW RYAN JOHNSTON, :
Defendant :
:

PLAINTIFF'S PRE-TRIAL ARBITRATION MEMORANDUM

AND NOW, comes the Plaintiff, by and through his attorneys, Barbor, Vaporis & Sottile, P.C., and, pursuant to Clearfield County Local Rule 1306A, files the following Pre-Trial Arbitration Memorandum:

I. STATEMENT OF THE CASE.

The present case is an action for personal injuries and income loss as a result of a motor vehicle-motorcycle collision on July 24, 2000 along State Route 219 in Greenwood Township, Clearfield County. At approximately 6:30 p.m., the Plaintiff was traveling south on State Route 219 in his 1984 Ford Bronco on his way home from work. At the same time, the Defendant was operating a 1988 Suzuki Katana motorcycle along a private driveway and preparing to enter State Route 219 from the Plaintiff's right.

RECEIVED

SEP 11 2002

COURT ADMINISTRATIVE OFFICE

As the Plaintiff approached a curve to his left on State Route 219, he noticed dog running toward the roadway from a yard on the Plaintiff's right. He slowed down in anticipation of the dog running into the road in his lane of travel and then noticed the Defendant's motorcycle proceeding down the driveway toward State Route 219. The Defendant never stopped prior to entering State Route 219. As a result, the Plaintiff slammed on the brakes of his vehicle, causing his vehicle to move across the center line of the roadway. The Defendant's motorcycle proceeded onto State Route 219 and collided with the front passenger side of the Plaintiff's vehicle in the center of State Route 219.

On the date of the accident, the Plaintiff was returning from his first day of work for LK Drilling as a rig hand and water truck driver. LK Drilling is a gas and oil well drilling company located in Indiana, Pennsylvania. The Plaintiff had been hired earlier in the day after completing various paperwork for the positions and undergoing a physical examination. He was hired at the rate of \$9.00 per hour and his work schedule consisted of working twelve straight days and then having two consecutive off-days. He was to receive his base rate of pay for the first 40 hours per week and then receive one and one-half times his base pay for overtime hours in excess of 40 hours per week. The rig hand position was a physically demanding one, requiring lifting of up to 100 pounds.

The Plaintiff presented himself to the Indiana Hospital Emergency Room on the evening of the collision with complaints of neck and mid-back pain, where X-rays of the

cervical and thoracic spine were taken and reported as normal. He was given an excuse from work for the next two days and was instructed to follow-up with his family doctor in 2-3 days. He was also given a soft cervical collar and a prescription for Tylenol #3.

The Plaintiff proceeded to follow-up with his family doctor, Edward Woodle, M.D. on July 27, 2000 with complaints of a headache for three days, neck and back pain, and tingling in his left leg. His injuries were interfering with his ability to sleep. Dr. Woodle placed Mr. Oswalt on anti-inflammatory medication and ordered a course of physical therapy at Laurel Highlands Health Center. Physical therapy consisted of moist heat, ultrasound, electrical stimulation, manual therapy and stretching exercises. Fortunately, physical therapy did provide the Plaintiff with definite improvement in his condition and he was released to return to work at full duty on August 25, 2000.

Unfortunately, his job with LK Drilling was no longer available. Despite being advised of the Plaintiff's collision and injuries and his excuse from work, his employer filled his position on July 27, 2000, only three days after the collision.

Fortunately, the Plaintiff was able to secure employment on October 21, 2000 with Comm.Comm in Indiana, a telecommunications company, but at the reduced hourly wage of \$7.00, with no overtime. This employment continued until January 22, 2002. He then found work at Valley Dairy, a restaurant in Indiana, in March 2002, again at a reduced hourly wage of \$5.25. However, due to the physical requirement of prolonged standing on a concrete surface, his employment at Valley Dairy exacerbated his injuries. He was

forced to leave Valley Dairy in May 2002. On August 16, 2002, the Plaintiff began work with the Wal-Mart Superstore in Indiana. He works 32 hours per week at an hourly rate of \$6.25.

The Plaintiff's injuries, however, were not resolved following his return to work in August 2000 and he returned to Dr. Woodle for follow-up treatment on April 3, 2001. At that time, his complaints were primarily related to his low back injury on the right side. His pain increased with sitting and lifting and he was having difficulty sleeping. Dr. Woodle continued prescriptions for anti-inflammatory mediation and pain medication and prescribed a new course of physical therapy. Again, the Plaintiff improved with physical therapy and was discharged on June 5, 2001.

Since his discharge from LK Drilling, the Plaintiff's employment consisted of light duty positions. He was unable to find a job in his field as a truck driver and his earnings were thereby reduced. His physical condition prevented him from performing more strenuous labor. When he attempted more physical work around his home in 2002, he symptoms again became more severe.

On August 2, 2002, he returned to Dr. Woodle with complaints of increasing back pain and headaches from neck stiffness. He has again been returned to physical therapy and underwent a thoracic MRI. Due to continuing neck complaints, Dr. Woodle plans to have the Plaintiff undergo a cervical MRI as well. The Plaintiff is currently in physical therapy three times a week. Dr. Woodle anticipates future treatment consisting of

physical therapy, anti-inflammatory medication, relaxation, moist heat and exercises. His prognosis is uncertain at this point in time.

II. CITATION TO APPLICABLE CASES OR STATUTES.

1. The statute controlling the Defendant's conduct in the happening of the subject collision is 75 Pa.C.S.A. §3324, "Vehicle entering or crossing roadway." A copy of the statute and annotations is attached hereto as Exhibit A.

2. In terms of damages, the Plaintiff's recovery is controlled by the Limited Tort provisions of the Financial Responsibility Law. 75 Pa.C.S.A. §1705(D) provides as follows: "Each person who elects the limited tort alternative remains eligible to seek compensation for economic loss sustained in a motor vehicle as a consequence of the fault of another person pursuant to applicable tort law. Unless the injury sustained is a serious injury, each person who is bound by the limited tort election shall be precluded from maintaining an action for any noneconomic loss . . ."

The definition of "serious injury" is contained in 75 Pa.C.S.A. §1702: "A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement."

III. LIST OF WITNESSES.

1. Donald Oswalt;
2. Matthew Ryan Johnston;

3. Dianna Stitt, LK Drilling (via deposition);
4. Karla Lewis.

IV. STATEMENT OF DAMAGES.

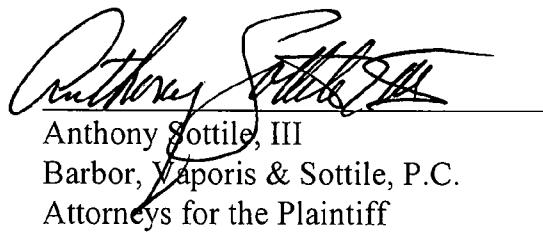
The Plaintiff's claim is comprised of two parts. The first part is the recovery of the lost wages the Plaintiff has incurred as a result of the motor vehicle collision. As previously described, the Plaintiff lost a higher-paying job as a result of his injuries and has been physically unable to resume anything more than light duty work. As a result, he has incurred and continues to incur unreimbursed income loss. This portion of the claim is for economic damages, unaffected by the Plaintiff's selection of the limited tort alternative.

The second part of the Plaintiff's claim is for the pain and suffering he has endured as a result of the Defendant's negligence and the Plaintiff's resulting injuries. Pursuant to the limited tort statute, in order for the Plaintiff to recover, his injuries must result in a "serious impairment of body function." The Plaintiff has suffered injuries to his cervical and lumbar spine as a result of the subject collision, resulting in pain, limitation of motion, headaches and difficulty sleeping. He has had three instances of physical therapy which have provided only temporary relief. As a result, his employment opportunities have been greatly diminished and he is not now able to resume the truck-driving career which formed the bulk of his work history. According to Dr. Woodle's

office note of June 5, 2001, the "pain may be intermittent and long term." In addition, Dr. Woodle's report of August 29, 2002 states that future treatment will be necessary and that "the prognosis will be uncertain at this point."

Pursuant to Pa.R.C.P. 1305, Plaintiff's counsel forwarded to counsel for the Defendant the records the Plaintiff intends to offer into evidence at the arbitration hearing. Copies of those records are attached hereto as Exhibit B.

Respectfully submitted,



Anthony Sottile, III
Barbor, Vaporis & Sottile, P.C.
Attorneys for the Plaintiff

75 Pa.C.S.A. § 3323

Note 37

judge. *Goddard v. Armour & Co.*, 7 A.2d 79, 136 Pa.Super. 158, Super.1939.

Whether motorist who proceeded to cross through street, after stopping at "stop" sign and after looking in each direction, was contributorily negligent, barring recovery from truck driver whose truck collided with motorist's automobile at the intersection, was for jury. *Bowers v. Gaglione*, 185 A. 315, 322 Pa. 329, Sup.1936.

In a trespass action, the fact that defendant endeavored to stop at a through traffic stop sign before entering upon a main highway, but by reason of the presence of wet leaves upon the highway surface, his vehicle did not stop and skidded forward, presents an issue of fact which must be determined by a jury. *Holt v. Pariser*, 10 Fay.L.J. 31 (1947), affirmed 54 A.2d 89, 161 Pa.Super. 315.

38. Instructions

In automobile negligence action, defendant was entitled to have charged his requests covering contributory negligence and duty of motorist on a through highway upon entering an intersection, with particular reference to applicable state law. *Rebmann v. Canning*, C.A.3 (Pa.)1968, 390 F.2d 71.

75 P.S. § 1014(c) (repealed), prescribing standard of conduct expected of motorist driving on through highway, was so general and vague as to require definition, and therefore, in consolidated actions arising out of intersection collision, it was error for trial judge to tell jury that

OPERATION OF VEHICLES

motorist traveling on through highway had been guilty of negligence as a matter of law if he had approached intersection without looking for moving traffic on intersecting roadway; but court could have charged that such motorist had been guilty of contributory negligence, precluding recovery by him, if he had not looked as he approached intersection. *Thomas v. Roland*, D.C.Pa.1958, 167 F.Supp. 622.

Trial court did not err in giving charge, in action arising out of intersectional collision, that operator of a vehicle on a through highway may not rely blindly on assumption that operator of a vehicle in intersecting street will obey the law, in view of further instructions that driver on a through street may properly assume that all persons on intersecting streets will observe stop signs unless there is something about movement of an automobile in intersecting street which indicates no intention to stop. *Eisert v. Jones*, 182 A.2d 717, 408 Pa. 73, Sup. 1962.

In passenger's action against bus company, instruction that it was duty of bus driver as he approached corner, even when protected by a stop sign, to be highly vigilant, keep a sharp lookout ahead, and have his vehicle under immediate control and drive it at such speed that he could stop in time to avoid any danger that was likely to arise, was not error in view of preceding portion of charge. *Dayen v. Penn Bus Co.*, 69 A.2d 151, 363 Pa. 176, Sup.1949.

§ 3324. Vehicle entering or crossing roadway

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. 1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977.

Historical and Statutory Notes

Prior Laws:

1974, Dec. 10, P.L. 840, No. 281, § 1.
1965, July 29, P.L. 259, § 3.
1959, April 29, P.L. 58, § 1014 (75 P.S. § 1014).

1943, May 21, P.L. 310, § 3.
1931, June 22, P.L. 751, § 2.
1929, May 1, P.L. 905, art. X, § 1014 (75 P.S. § 573).
1927, May 11, P.L. 886, art. X, § 1018.

Cross References

Emerging from alley, driveway or building, see 75 Pa.C.S.A. § 3344.

through highway diligence as a matter reached intersection moving traffic on in court could have motorist had been negligence, premis, if he had not reached intersection. D.C.Pa.1958, 167

in giving charge, intersectional col- A vehicle on a not rely blindly on of a vehicle in obey the law, in ens that driver on properly assume intersecting streets unless there is ent of an auto- street which indi- stop. Eisert v. 108 Pa. 73, Sup.

against bus com- Was duty of bus at corner, even sharp lookout le under imme- at such speed le to avoid any arise, was not ing portion of Co., 69 A.2d

ay from any way to all or crossed.

3. 42. art. X, § 1014 art. X, § 1018.

RIGHT-OF-WAY

Points assessed for conviction, see 75 Pa.C.S.A. § 1535.

75 Pa.C.S.A. § 3324

Note 4

Library References

Automobiles 154, 171(5).
WESTLAW Topic No. 48A.
C.J.S. Motor Vehicles § 362 et seq.

Notes of Decisions

In general	1
Criminal prosecution	8
Duty of care	4
Entering highway	2
Instructions	10
Jury questions	9
Negligence	5-7
In general	5
Anticipation of vehicle entering highway	6
Proximate cause	7
Right-of-way	3
Sufficiency of evidence	11

1. In general

Direction of occupant of automobile to the driver who was about to enter street from parking lot, that the driver had better drive a little closer to the street in order to see better before entering the street, was not a direction to the driver to violate 75 P.L. § 1014 (repealed), relating to private driveways. Volz v. Dresser, 28 A.2d 493, 150 Pa.Super. 371, Sup.1942.

2. Entering highway

Where automobile, which driver was attempting to drive into highway from parking lot, came to a stop with its bumper extending six inches into highway, automobile was not "entering highway" within meaning of 75 P.S. § 1014 (repealed) relating to private driveways. Volz v. Dresser, 28 A.2d 493, 150 Pa.Super. 371, Sup.1942.

3. Right-of-way

Cement truck driver, who was proceeding on through highway and whose vehicle overturned as he swerved to avoid striking automobile that proceeded from entrance ramp, across four lanes of highway and turned in front of the truck, had right to assume that driver of the automobile, which he observed stop on the entrance ramp, would yield the right-of-way. Stacy v. Thrower Trucking, Inc., 384 A.2d 1274, 253 Pa.Super. 150, Sup.1978.

Automobile traveling on state highway had right of way over truck driven from private lane across highway to a meadow. Carroll v. Kirk, 19 A.2d 584, 144 Pa.Super. 211, Sup.1941.

Rule that vehicle approaching from right has right of way at intersection is applicable where private driveway joins public thoroughfare. Boose v. Walker, 86 Pa.Super. 218, 1925.

4. Duty of care

A motorist who has quitted a busy highway to refuel at a gasoline station may only return to the highway after being assured by appropriate surveillance that he has enough time to re-enter and take his place in the assembly line before the arrival of the nearest approaching vehicle. Giragosian v. City of Philadelphia, 147 A.2d 309, 394 Pa. 476, Sup.1959.

Truck driver, approaching state highway from private road, was bound to permit automobile, approaching intersection from his right on highway to pass, unless he was so far ahead as to be justified, in exercise of reasonable care, in believing that he could cross intersection ahead of automobile without danger of collision. Van Tine v. Cornelius, 50 A.2d 299, 355 Pa. 584, Sup.1947.

Under 75 P.S. § 1014 (repealed), a truck driver driving truck from private driveway onto public highway had duty not to drive onto highway in face of oncoming traffic so close to approaching automobile that a collision could not be avoided. Shoemaker v. Williams, 200 A. 255, 131 Pa.Super. 546, Sup.1938.

Motorist entering street from gasoline station was bound to permit truck approaching on street to pass, unless so far in advance that, in exercise of reasonable care, motorist was justified in believing that he could cross ahead of approaching truck without danger of collision. Emblem Oil Co. v. Taylor, 179 A. 773, 118 Pa.Super. 259, Sup.1935.

75 Pa.C.S.A. § 3324

Note 5

5. Negligence—In general

Where defendant, who was entering highway from private road, failed to yield right of way, as required by § 1018(a) of Act 1927, May 11, P.L. 886 (repealed), to plaintiffs, whose automobile was on highway, and collided with plaintiff's auto, he was guilty of negligence. *Pleet v. Morris*, 98 Pa.Super. 69, 1930.

6. — Anticipation of vehicle entering highway, negligence

One driving automobile on state highway was not bound to anticipate that truck driver, approaching highway on private road, would negligently drive truck into path of automobile after seeing it approaching intersection from his right only 200 feet away, and was not guilty of negligence barring recovery for injuries to passenger in automobile and damages to automobile as result of collision with rear of truck, making left turn, after automobile driver in emergency applied brakes, causing automobile wheels to skid on wet paving. *Van Tine v. Cornelius*, 50 A.2d 299, 355 Pa. 584, Sup. 1947.

7. — Proximate cause, negligence

In such case, nonsuit was improperly entered because plaintiff's automobile was being operated twelve to fifteen feet to rear of another car, the closeness of plaintiff's car to one in front of it not being proximate cause of collision. *Pleet v. Morris*, 98 Pa.Super. 69, 1930.

8. Criminal prosecution

On appeal from conviction under subsection (a) of § 1014, article 10, Motor Vehicle Code, Act 1929, May 1, P.L. 905 (repealed), attempt by defendant to show that magistrate before whom information was brought was not nearest available one as required by § 1201 of Motor Vehicle Code (75 P.S. § 1201 (repealed)), failed where defendant did not show that nearer magistrates were available. *Com. v. Paliescheskey*, 17 Pa. D. & C. 125, 47 Montg. 220, 1931.

9. Jury questions

In action arising out of collision between automobile and truck, issue of whether automobile driver was guilty of contributory negligence was jury question where driver of truck entering highway from private road was required to yield and automobile driver had right-of-way. *Fauzer v. Philadelphia Gas Works*, 420

OPERATION OF VEHICLES

A.2d 1349, 279 Pa.Super. 310, Sup. per. 1980.

Whether driver of truck, turning left from private road onto state highway when struck in rear by automobile, was guilty of negligence, proximately causing accident, in driving truck from private road on slippery up-grade onto through highway after seeing automobile approaching from his right only 200 feet away, was question for jury. *Van Tine v. Cornelius*, 50 A.2d 299, 355 Pa. 584, Sup. Pa. 584, Sup. 1947.

Whether driver of truck, struck in rear by automobile while turning left from private road onto state highway, on which he saw automobile approaching from right only 200 feet away when he reached highway, fulfilled his duty under 75 P.S. § 1014 (repealed), was question for jury. *Van Tine v. Cornelius*, 50 A.2d 299, 355 Pa. 584, Sup. 1947.

Negligence of motorist who entered slippery street from gasoline station when truck was approaching on street and who stopped in front of truck's line of travel, as regards damage to plaintiff's gasoline pumps caused when truck driver cut in behind motorist to avoid hitting him, was for jury. *Emblem Oil Co. v. Taylor*, 179 A. 773, 118 Pa.Super. 259, Sup. 1935.

10. Instructions

Failure to charge on former 75 P.S. § 1013 (repealed) which was applicable when two vehicles approach or enter an intersection at approximately same time and former 75 P.S. § 1014 (repealed) which governed situation in which the driver of a vehicle attempts to enter a through highway or stop intersection was not error where both plaintiff's and defendant's vehicles were proceeding on through highway, notwithstanding that accident occurred when a vehicle pulled out from entrance ramp onto the highway. *Stacy v. Thrower Trucking, Inc.*, 384 A.2d 1274, 253 Pa.Super. 150, Sup. per. 1978.

11. Sufficiency of evidence

In actions arising out of collisions occurring when defendant drove her automobile out of filling station, dump truck swerved to left and crashed into approaching automobile containing certain plaintiffs and then struck the other plaintiffs' tractor-trailer parked by side of highway, evidence warranted finding that

RIGHT-

defendant face of raj tributed to gosian v. 309, 394 P

In actio which col private la which aut meadow, truck own before ent

S 3325

(a) Ge vehicle i the requ the depa use of ai yield the parallel i the road that pos otherwis driver m the lane

(b) Dr gency ve the stree until the directed 1976, Jun

Prior Law: 1974, De 1968, Ap 1965, Jul 1959, Ap § 1015

Drivers of Duty to dri

Automob WESTLA C.J.S. Mc

RIGHT-OF-WAY

75 Pa.C.S.A. § 3325

defendant's act in entering highway in face of rapidly moving dump truck contributed to happening of accident. *Giragosian v. City of Philadelphia*, 147 A.2d 309, 394 Pa. 476, Sup. 1959.

In action for damage to automobile which collided with truck driven from private lane across state highway on which automobile was traveling to a meadow, evidence justified finding that truck owner did not look to his right before entering highway and that truck

owner alone was negligent and responsible for the collision. *Carroll v. Kirk*, 19 A.2d 584, 144 Pa.Super. 211, Sup. 1941.

Evidence that truck driver without warning drove truck upon highway from private driveway in front of motorist's approaching automobile which collided with truck sustained jury's finding that truck driver was negligent and warranted motorist's recovery for injuries. *Shoemaker v. Williams*, 200 A. 255, 131 Pa.Super. 546, Sup. 1938.

§ 3325. Duty of driver on approach of emergency vehicle

(a) **General rule.**—Upon the immediate approach of an emergency vehicle making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer. On one-way roadways a driver may comply by driving to the edge or curb which is nearest to the lane in which he is traveling.

(b) **Duty of operator of streetcar.**—Upon the approach of an emergency vehicle, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer.

1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977.

Historical and Statutory Notes

Prior Laws:

1974, Dec. 10, P.L. 840, No. 281, § 2.
1968, April 3, P.L. 83, No. 37, § 1.
1965, July 29, P.L. 259, § 3.
1959, April 29, P.L. 58, § 1015 (75 P.S.
§ 1015).

1943, May 21, P.L. 310, § 4.
1937, June 29, P.L. 2329, § 3.
1931, June 23, P.L. 751, § 2.
1929, May 1, P.L. 905, art. X, § 1015
(75 P.S. § 574).
1927, May 11, P.L. 886, art. X, § 1019.

Cross References

Drivers of emergency vehicles, see 75 Pa.C.S.A. § 3105.
Duty to drive on right, see 75 Pa.C.S.A. § 3301.

Library References

Automobiles 175(3).
WESTLAW Topic No. 48A.
C.J.S. Motor Vehicles § 371 et seq.

EDWARD M. WOODLE, DO
660 STUTZMAN ROAD
INDIANA, PA 15701
(724) 465-9000

August 29, 2002

RE: Donald Oswalt

To Whom It May Concern:

Mr. Oswalt was reevaluated by myself on August 1, 2002 because he is stating that his back pain is getting worse and now he is having headaches, because of stiffness radiating up into his neck. To recap he was involved in a MVA on July 24, 2000 which he was a restrained driver struck by a motorcycle and then struck 6 ft. high cement. The patient took himself to the ER later, the x-rays were negative and he was given Tylenol #3. On presentation at the office, he was stating that he was having pain in the upper back and neck region, which was worsening. He also had pain and tingling in the left leg, posterior and headache. He had not had any symptoms such as these prior to the MVA. He had undergone physical therapy, anti-inflammatory and muscle relaxants, moist heat and strengthening exercises. His last visit for these problems was on June 5, 2001 at which time his back pain had improved to the point where he was able to return to work. He states that at the time if he stood longer than three hours he would develop pain in the right side. He had discontinued physical therapy because they felt that he had plateaued in his treatment at that point.

Currently he continues to have lumber pain, sometimes radiating to the right lower extremity exaggerated by prolong episodes of standing and sitting. He was told to use anti-inflammatory, moist heat, and strengthening exercises. I will see him on an intermittent basis. Upon his return on August 5th, he was still having stiffness in the back radiating up into the neck and causing headaches.

On examination, he had muscle contractions of the cervical spine. Range of motion of the cervical spine was 30 degrees extension, 8 degrees flexion, side bending was at 10 degrees bilaterally. Rotation was at 12 degrees bilaterally. Neurologically, his exam was unremarkable. Motor sensory were equal in his upper and lower extremities. Reflexes were intact.

IMPRESSIONS: At this time it is my opinion within a reasonable degree of medical certainty that the patient is still having ongoing intermittent cervical pain from strain and headaches, related to tension headaches as a result of the MVA August 2, 2002. He was sent for a MRI of the thoracic spine, which was done August 10th 2002, which was interpreted as a normal MRI of the thoracic spine. This was the area with most of his complaints were originating from. He was also seen at Physical therapy for another initial evaluation on August 7th 2002. He is undergoing Physical therapy at this time along with moist heat, exercises and due to this prolongation of cervical symptoms at this point it would be relevant to order an MRI of his cervical spine since the MRI of the thoracic spine was negative. We will continue with the ongoing efforts. As far as his future treatments this will involve Physical therapy, anti-inflammatory, muscle relaxer, relaxation, moist heat and exercises. The prognosis will be uncertain at this point.

Should you have any further questions, please don't hesitate to contact me.

Sincerely,

Edward M. Woodle, DO

EDWARD M. WOODLE, D.O.
660 STUTZMAN ROAD
INDIANA, PA 15701

(724) 465-8000 TEL
(724) 465-7617 FAX

DEA # _____
LIC. # OS 007141-L

NAME John Oswald AGE _____
ADDRESS _____ DATE 8/25/00

R

*May return work
full duty*

REFILL _____ TIMES

LABEL

SUBSTITUTION PERMISSIBLE _____

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED, THE
PRESCRIBER MUST HAND WRITE "BRAND NECESSARY" OR
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©

8FFP5045315

Oswalt Don
06/05/01

WT: 223⁺ BP: 130/84^(R)

Rev back pain, somewhat improved

Stand 7' 3" fm = Pain @ sole

Mike Valporis - Attorney

EMR

06-05-2001 OSWALT, Donald

His back pain is improved to the point where he is able to work. He states that if he stands longer than three hours he does develop pain on the right side. He has discontinued physical therapy at this point as they have felt that he has plateaued.

PHYSICAL EXAMINATION: Range of motion of the lumbar spine is approximately 90% at this point. Neurologically, lower extremities, DTRs are 1+ and equal. Strength and motor sensation are equal bilaterally.

IMPRESSIONS: Continued lumbar pain with referred pain sometimes down the right lower extremity especially with prolonged episodes of sitting and standing. I told him that he could use anti-inflammatories, moist heat, and strengthening exercises, but that this pain may be intermittent and long term. I will see him back on an as needed basis. EMW/rdh

9/1/01 Rx Prulosic 20+qd + 300 mg cl

Oswalt Donald

05/09/01

DOB 05-06-65

Wt: 223[#] Bp: 140/88 ① Rev back pain, improving c/p

El

05-09-2001 OSWALT, Donald

Rechecking his back pain. Low back pain is improving with physical therapy, anti-inflammatory and pain medication.

PHYSICAL EXAMINATION: He has minimal contraction of the lumbar spine. Range of motion is approximately 80% at this point. Neurologically, he is intact.

IMPRESSIONS: Lumbar strain. Continue with his current treatment since he is showing improvement. Reevaluate next month. EMW/rdh

Oswalt, Donald

DOB: 5/6/65

8b5/00

WT: 228⁺ BP: 130/80 ① MVA rev Neck pain 8p

04/03/01

WT: 223⁺ BP: 140/70 ① 40↓ Back pain since the auto accident. The pain is intermittent ED

4/13/01 Rx: RA Encycan 333 i/f x 7 by 1/2

04-03-2001 OSWALT, Donald

Complaining of low back pain since the MVA. Pain is intermittent. Palpation of the lumbar spine reveals some muscle contractions bilaterally in the L3-L5 region. Range of motion was slightly diminished by approximately 10%. Neurovascularly, his lower extremities appear to be intact. Reflexes are also intact.

IMPRESSIONS: Continued low back pain intermittent. He is going to be referred to physical therapy. Continue his anti-Inflammatories and pain medication. Stretching exercises were reviewed. Reevaluate in 2-3 weeks' time. EMW/rdh

Oswalt, Donald

DOB 5/6/65

8/18/00

WT 122.8⁴ BP 130/88 ^(R) MVA re ✓ improving & PT but neck
is still painful, HA's daily & I

8-18-2000 OSWALT, Donald

The patient states his neck is still having some pain. He is also getting daily headaches but he feels that physical therapy is improving his symptoms at this point.

EXAMINATION: examination of the cervical region revealed good range of motion. HEENT: Eyes show conjunctiva and lids are not erythematous or edematous and no injections bilaterally. PERIA, EMOB. Ears external auditory areas without any lesions. Canals appear to be patent. TM's are not erythematous. There is good light reflex bilaterally. No scars or lesions. Assessment of gross hearing appears to be intact. Nasal examination there is no gross deformity. Turbinates do not appear to be swollen. Nasal mucosa is not edematous as well. Examination of the mouth: lips appear to be symmetrical without lesions. Teeth are present without caries and gums do not show any gross signs of infection. Posterior pharynx appears to be clear. Hard and soft palates, tongue, tonsils without exudates or lesions. **EXTREMITIES:** have equal strength upper and lower bilaterally. **NEUROLOGIC:** intact

IMPRESSION: resolving neck pain. Continue with therapy for 1 more week and we will assess him at that point in time. Assess his strength and as his ability to possibly return to work.

BMW/CH

Oswalt, Donald

8.4.00 - W1228# BP: 140/84 MUR flu. % neck + back pain
NA's daily El

Donald Oswalt, DOB 5-6-65 #2115.0

7-24-00 - Wt: 227 1/2 B.P. 190/82 L&K PE Done
Was referred to Camp Attorney Alles & Bauman of
Cn Pts: 1800-344-3090. Hu

7-27-00 - Wt. 227 1/2 B.P. 190/82

Head ache for 3 days, Neck hurts Back hurts
feels a shocking feeling in left leg.

MVA 7-24-00. Restrained driving struck
motorcycle then struck 6" high cement. Pt. jacked
himself to ER later x-ray neg. Tyl #3

upper Back/neck pain - worsening

Tingling ② leg Posterior

no hx so Before visit

②/AA



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- Julie N. Fairman, PT, CWT
- Floyd F. Mechling III, PT, ATC

August 7, 2002

Edward Woodle, MD
660 Stutzman Rd.
Indiana, PA 15701

RE: DONALD OSWALT
OFFICE LOCATION: INDIANA

INITIAL EVALUATION
Pg. 1

SUBJECTIVE:

Patient is a 37 year old male referred to PT with a diagnosis of lower back and neck pain. Patient reports originally sustaining injury as a result of MVA on 7/24/00 when a motorcycle pulled out in front of his vehicle. He experienced low back and neck pain immediately following the accident. Patient has undergone previous conservative PT treatment and reports that he has experienced intermittent complaints of neck and back pain for the past few years. Patient reports that he was employed at Com.Com and while he was not doing physical work he was feeling fairly good. Patient reports that he has lost his job there and did return to some physical work and within 2 1/2 hours experienced increase in back pain and within 5 hours experienced complaints of headache and neck stiffness. At this time he is reporting significant aggravation of headaches, neck and back pain. Patient reports aggravation of symptoms approximately 2 to 3 weeks ago. He saw Dr. Woodle for evaluation on 8/5/02 and is being referred for PT evaluation and treatment as indicated. The patient reports no other significant PMH or previous injury. Prior to this accident he was independent in all aspects of ADLs.

OBJECTIVE:

Pain: Patient presently notes complaints of neck pain and headaches as well as lower back pain rated 8.6/10 on the visual analog scale. He reports that recently pain was significantly aggravated with attempts at physical work. He reports that pain is greater on the right than the left. He reports at this time experiencing headaches lasting 3 to 4 days in duration. He reports that he is noting disturbed sleep secondary to pain. He also reports ambulating with an antalgic gait secondary to back pain. He reports occasional paresthesias through the left UE as well as LE.

Inspection: Inspection reveals rounded shoulders and forward head posturing with decrease in lumbar lordosis. There is no lateral shift or pelvic obliquity noted at this time.

Palpation: Patient does note soft tissue spasm and trigger areas, particularly through the cervical and mid to upper thoracic region, greater right than left. There are also myofascial restrictions evident through the back.

ROM: Presently cervical mobility measures 32° flexion, 35° extension, 24° right side bending, 20° left side bending, 50° right rotation, and WFLs left rotation. Trunk mobility measures 64° flexion with pain, 16° extension, 13° right side bending, 15° left side bending, $\frac{1}{4}$ range right rotation, $\frac{1}{2}$ range left rotation.

Strength: Left UE WFLs throughout. Right shoulder and elbow 4+/5 and right wrist 4+ to 5/5. Left LE WFLs throughout. Right hip flexion 4+/5. Right hip abduction WFLs and adduction 4+/5. Right quadriceps and hamstrings 4+ to 5/5. Right ankle dorsiflexion 4+ to 5/5 and ankle WFLs all other planes.

Ambulation: Patient ambulating with antalgic gait at this time due to pain.

Special Tests: Patient notes pain with cervical compression and SLR is positive at 35° right and 40° left. There is positive dural stretch. Hip compression and SI joint compression also elicit increase in pain. Piriformis stretch is negative.

ASSESSMENT:

Patient is a 37 year old male referred to PT with diagnosis of lower back and neck pain s/p MVA 7/24/00 with recent exacerbation of symptoms approximately 2 to 3 weeks ago. Patient demonstrates limitation of cervical and trunk mobility. There is mild weakness through the right UE and LE. Patient is noting difficulty with performing physical work at this time. Since aggravation of symptoms, he is reporting increased pain with sitting, standing, lying down and walking. He is noting disturbed sleep secondary to pain. Goals requiring PT:

1. Decrease pain to 1 to 2/10 on the visual analog scale.
2. Improve cervical and trunk mobility to WFLs with decreased pain.
3. Increase right UE and LE strength to WFLs.
4. Progress with therapeutic exercise for flexibility and strengthening as well as neck and back stabilization.
5. Instruct in posture and body mechanics.
6. Independent with a home program and pain management techniques.

Patient could benefit from treatment on a 3x/week basis. Pt. reports that he is to return for follow up with his physician on 9/24/02.

PLAN OF CARE:

Patient received treatment today including moist heat to the neck and back. We did not perform E stim as pt. reports that previously he did note some discomfort with this modality. We initiated gentle myofascial release techniques for the neck and back. We will plan to continue, possibly initiating ultrasound and massage as well as progress with manual therapy and myofascial release techniques. We will progress with therapeutic exercise for flexibility, strengthening and neck and back stabilization. We will include instruction in posture and body mechanics as well as a home exercise program.

Julie N. Fairman 8/7/02
Julie N. Fairman, P.T. *P.T.*

8/7/02

Edward Woodle, D.O.



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- Mary Rectenwald, MA, PT, ATC
- Julie N. Fairman, PT
- Floyd F. Mechling III, PT, ATC

April 6, 2001

Edward Woodle, DO
660 Stutzman Rd.
Indiana, PA 15701

RE: DON OSWALT
OFFICE LOCATION: INDIANA

INITIAL EVALUATION
Pg. 1

SUBJECTIVE:

Patient is a 35 year old male referred to PT with a diagnosis of lower back pain. Patient reports that he was originally involved in a MVA on 7/24/00 at which time he did note an onset of neck and back pain. Patient was previously treated in this clinic for this. At this time the patient is working light duty, performing a desk job. He is continuing to experience ongoing complaints of low back pain and is being referred for further PT treatment at this time. He reports undergoing x-rays which were normal. Patient reports no other significant PMH or previous injury. Prior to the accident he was independent in all aspects of ADLs and employed on the drilling rigs.

OBJECTIVE:

Pain: Patient is presently noting complaints of right sided lower back pain which does vary depending on his activity. He does note pain rating 2.4/10 while standing. He does, however, report that this increases to 6.2/10 when sitting and 7.8/10 with attempts at lifting. The patient reports that he tolerates standing fairly well, however, does note increased pain with walking. He also notes limitation of sitting, however, reports that at this time he is sitting for approximately 3 1/2 hrs at work at a time. He does note complaints of pain through the right hip and buttock area when first getting up after sitting. The patient is also reporting disturbed sleep secondary to pain.

Inspection: Inspection reveals minimal right lateral shift. The right shoulder is also depressed in comparison to the left.

Palpation: Patient does note myofascial restrictions through the low back area with some tenderness through the lower thoracic and upper lumbar spine.

ROM: Presently trunk mobility measures 68° flexion with pain, 13° extension, 10° bilateral side bending with pain and 1/4 range bilateral rotation with pain to the right.

Strength: Presently left LE is WFLs throughout. Right hip flexion measures 4/5, abduction and adduction is 4+ to 5/5. Right hamstrings measure 4+ to 5/5 and quadriceps 4+/5. Right ankle and EHL are WFLs.

Ambulation: Patient does report that he is able to stand without significant increase in symptoms, however, does note increased pain with walking.

Special Tests: Presently right trunk SLR is positive at approximately 35°. Dural stretch is positive with increased pain upon neck flexion. The patient also demonstrates restriction of left SLR, however, this is secondary to hamstring tightness at approximately 60°. Patient notes increased pain in the right lower back with left hip compression. SI joint compression causes increase in symptoms. Piriformis stretch also causes increase in pain bilaterally.

ASSESSMENT:

Patient is a 35 year old male referred to PT with a diagnosis of lower back pain s/p MVA on 7/24/00. At this time he is demonstrating restriction of trunk mobility and minimal proximal right LE weakness. There are postural asymmetries evident and patient does demonstrate limitation of SLR with positive dural stretch, pain with hip compression, sacroiliac compression and piriformis stretch. The patient could benefit from treatment with goals to include.

1. Decrease pain with ADLs to 2/10 on the visual analog scale.
2. Improve trunk mobility to WFLs.
3. Decrease myofascial restrictions and improve soft tissue extensibility.
4. Increase right LE strength 1/3 grade.
5. Progress with a therapeutic exercise program as tolerated.
6. Independent with a home program.

Patient could benefit from therapy on a 3X/week basis for an estimated duration of 4 weeks.

DON OSWALT

Pg. 3

PLAN OF CARE:

Patient received treatment today to include moist heat and Interferential electrical stimulation to the lower back. This was followed by ultrasound and we did initiate myofascial release techniques of crossed hand stretching. Patient did tolerate the program fairly well, however, noted complaints of headache with the electrical stimulation modality. We will continue with treatment utilizing modalities as appropriate and progressing with myofascial release and soft tissue mobilization techniques. We will progress with therapeutic exercise including flexibility, strengthening and trunk stabilization.

Julie N. Fairman, P.T., C.W.T. 4/6/01
Julie N. Fairman, P.T., C.W.T. L.F.

Edward Woodle, D.O.

4/6/01

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Don Covalt

DATE: 5/9/01

PHYSICIAN: Dr. Woodle

DIAGNOSIS: lower back pain

TREATMENT: Pt. is receiving treatment including moist heat, ultrasound, myofascial release and soft tissue mobilization, and progression of therapeutic exercise, including flexibility as well as trunk stabilization and strengthening.

PROGRESS: At this time, the pt. is noting lower back pain rated 2.2/10 on the visual analog scale. This is improved since treatment has been initiated. Pt. reports that he has been able to get up better after sitting for a prolonged period of time, however, still noting difficulty with lifting activities. Presently trunk mobility is improving and measures 88% flexion, 16° extension, 12° right side bending, 15° left side bending, 3/4 range right rotation and WFLs left rotation. SDR has increased to 50° right with pain and 65° left with complaints of hamstring tightness. Dural stretch is positive on the right. Pt. continues to demonstrate some functional trunk weakness rated 4- to 4/5. Left LE strength is WFLs. Right hip flexion 4 to 4+/5, abduction/adduction 4+ to 5/5. Right knee strength measures 4+ to 5/5 and ankle is WFLs.

RECOMMENDATIONS: Pt. is progressing well, however, may benefit from continued PT treatment. This is, however, at your discretion pending your evaluation of this pt. If you wish for him to continue, or have further recommendations, please advise.

Thank you for this referral.

PHYSICAL THERAPIST: Julie N. Fairman, P.T., C.W.T.

Julie N. Fairman, P.T., C.W.T.

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY: _____

DURATION: _____

ADDITIONAL RECOMMENDATIONS: _____

PHYSICIAN SIGNATURE: _____

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION



PHONE # 357-9991

FAX # 357-9993

LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Donald Osvalt

DATE: 6/5/01

PHYSICIAN: Dr. Woodle

DIAGNOSIS: L B pain

TREATMENT: moist heat, ultrasound (disc 5/29), myofascial release, progression of ROM/flexibility ex. Strengthening instructions in proper body mechanics.

PROGRESS: Don reports a significant reduction of pain which is now rated 0-8/10 with standing, lifting, or prolonged sitting. Trunk Ray has improved to 95° flexion, 16° extension, 30° R+L sidebending. SLR to 65°. Flexibility has improved to 5-15 grade (R) hip, mm, good & hams.

RECOMMENDATIONS: He has done well with P.T. Rx. He feels he could continue with home exercises independently at this time. Thank you for the treatment.

PHYSICAL THERAPIST: Amy & Berrie PT

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY:

DURATION:

ADDITIONAL RECOMMENDATIONS: _____

PHYSICIAN SIGNATURE: DR. WOODLE

THIS DOCUMENT WILL BE UTILIZED AS A PRESCRIPTION

PHONE # 357-9991

FAX # 357-9993



LAUREL HIGHLANDS HEALTH CENTER

1176 MANSFIELD AVENUE, INDIANA, PA 15701

PROGRESS REPORT

PATIENT'S NAME: Donald Oswalt

DATE: 8-16-00

PHYSICIAN: Dr. Woodle

DIAGNOSIS: Neck & Back Pain

TREATMENT: Moist heat, interferential electrical stimulation, ultrasound, massage, manual cervical distraction, myofascial release, progression of therapeutic exercises, including range of motion, stretching & flexibility exercises, stabilization & progression of functional strengthening with reinforcement of proper body mechanics.

PROGRESS: Mr. Oswalt is describing general improvement, yet still voicing complaints of right-sided neck, central low back pain with neck grading at 6.2/10, and low back rating at 3.5 out of 10 on visual analog scale. He has discontinued use of soft cervical collar at this time. Cervical ROM has improved as measured with LS to include 28 degrees of flexion, 35 degrees extension, lateral flexion-left 25 degrees & right 30 degrees, rotation 55 degrees right & left. LS ROM has definitely improved to 80 degrees flexion, extension 25 degrees, 30 degrees lateral flexion right & left. Improvement in over head reach, general flexibility. Manual muscle testing is 5/5 at 5/5 muscles T2-S1. Mild proximal upper extremity weakness, paracervical & prevertebral muscle strength at 4 to 4.5 grade. Distal upper extremity strength is within full limits. Mr. Oswalt continues to describe intermittent headache complaints, which appear to radiate from the right cervical & occipital area.

RECOMMENDATIONS: Mr. Oswalt has done well with physical therapy treatment, yet still deficit in functional ROM & strength with complaints of pain. Symptoms have decreased since initial evaluation. He is describing increase in ADL status at home and is questioning return to work. If you have any further recommendations, please advise. Thank you for this referral.

PHYSICAL THERAPIST: Amy S. Berne, L. P. T.

Amy S. Berne LPT

PLEASE SIGN AND HAVE PATIENT RETURN TO LAUREL HIGHLANDS HEALTH CENTER

CONTINUE AS RECOMMENDED:

DISCONTINUE TREATMENT:

FREQUENCY: *[Signature]*

DURATION: *[Signature]*

ADDITIONAL RECOMMENDATIONS: *[Signature]*

PHYSICIAN SIGNATURE: *[Signature]*

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*6/9/00
DGP*





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■ Julie N. Falman, PT, CWT
■ Floyd F. Mechling III, PT, ATC

August 1, 2000

Edward Woodle, D.O.
660 Stutzman Rd.
Indiana, PA 15701

RE: DONALD OSWALT
OFFICE LOCATION: INDIANA

INITIAL EVALUATION
Pg. 1

SUBJECTIVE:

Patient is a 35 year old male who sustained injury as a result of a MVA when a motorcycle pulled out in front of his vehicle. He described complaints of low back and neck pain immediately following the accident. He described approximately 3 days post accident a feeling of left leg paresthesias, however, this has subsided. His chief complaint today is of neck and back pain with significant headaches. Patient was seen at the local emergency room and x-rays were negative for fracture. He is currently utilizing a soft cervical collar. He was independent in all aspects of ADL's prior to the injury and employed at L & K Drilling as a rig hand at a heavy duty position.

OBJECTIVE:

Pain: Patient's chief complaint is of neck and back pain with a constant headache with rating at 3/10 in the day time, and 8/10 at night. He complains of disturbed sleeping patterns. He denies any paresthesias at this time.

Inspection: Inspection reveals guarded cervical posturing. Right scapular/shoulder height is elevated as compared to left. There is mild lateral shift in low back with right ASIS, PSIS and iliac crest elevated as compared to the left. There is a small laceration over the left lateral lower leg.

Palpation: Patient demonstrates diffuse palpatory tenderness throughout the TLS spine and corresponding paraspinal musculature as well as cervical spine and paracervicals. Also tenderness elicited over the anterior cervical area including sternocleidomastoid and 2+ spasm of levator scapulae, trapezius, suboccipitals with significant deep paracervical tightness.

ROM: ROM as measured with the EDI 320 includes cervical flexion 20° with complaints of pain and stiffness, extension 5° with increased pain, lateral flexion right and left at 15°, rotation 40° right and left. LS ROM measures 40° flexion with complaints of pain. There is obvious lateral deviation during forward bending. Extension is to 15°, lateral flexion right and left 20°. There is limitation of full overhead reach with 140° flexion and 140° abduction bilateral shoulders with complaints of pain and tightness in the upper back and neck. There is general tightness of the hamstrings, hip flexors and piriformis.

Strength: Proximal UE strength demonstrates weakness with complaints of pain including deltoid, traps, levator scapulae and rotator cuff at 4/5 grade, distal UE strength is WFLs. Grip strength at Jamar #2 measures 120 pounds right as compared to 110 pounds left. LE strength is graded at 5/5 myotomes L2 through S1. Abdominal trunk extensor weakness noted with complaints of pain.

Ambulation: Patient is ambulatory without assistive devices. He currently uses a soft cervical collar.

Special Tests: There is positive occipital Tinel's sign. Patient is able to toe and heel walk. He is able to squat and return to the upright position with complaints of pain. DTRs symmetric for biceps, triceps, brachioradialis, quadriceps and achilles jerk. Further testing deferred due to acute nature of injury.

ADL's: Patient reports difficulty with standing, lying down, walking, climbing up and down stairs, riding in a car, reaching, lifting and carrying. He is currently not driving due to complaints of pain and limitation in cervical mobility.

ASSESSMENT:

Patient is a 35 year old male with referring diagnosis of neck and back pain as a result of a MVA 7/24/00. Patient demonstrates muscle guarding, pain, restricted functional mobility and strength deficits which is affecting his ADLs. He could benefit from treatment for goals of:

1. Pain reduction 0 to 1/10 grade at rest and with activity.
2. Increase available ROM of the back and neck to WFLs as well as overall flexibility.
3. Increase strength of the spinal stabilizing musculature 4+/5 grade.
4. Reduce palpable trigger points and tenderness.
5. Increase soft tissue extensibility throughout the neck and back.
6. Independence in maintaining a safe spine during ADLs as to prevent further injury.
7. Independence in a home exercise program emphasizing function.

PLAN OF CARE:

Patient evaluated and could benefit from treatment to include:

1. Modalities of moist heat and Interferential electrical stimulation as well as ultrasound.
2. Manual therapy including massage, myofascial release, joint and soft tissue mobilization.
3. Progression of ROM and flexibility exercises.
4. Progression of functional strengthening and general conditioning.
5. Instructions in proper body mechanics.
6. Progression of work related activities to ensure a safe return to work.
7. Progression of a home program.

FREQUENCY: 3X/week

DURATION: 4 to 6 weeks

Amy S. Bencic PT, CWT 8/1/00
Amy S. Bencic, L.P.T., C.W.T.

8/1/00

Edward Woodle, D.O.

ASB:if

Patient

Telephone: (724) 357-7000

PATIENT: OSWALT, DONALD
31 SUNSET LANE
INDIANA, PA 15701
PRIMARY PHY: WOODLE, EDWARD M. DO
CHIEF COMP: MVA

UNIT NO. (MR#): M00027466 ER ROOM #:
ACCT #: I010873370 REG. DATE/TIME: 07/24/00 2205
LOCATION: ER

LAST ADM: 07/24/00 LAST OUT: 07/24/00 REF LAST FMD VISIT:

CLT:

BIRTHDATE: 05/06/65 AGE: 35 SEX: M MS: D RELIGION: NO RACE: C
PHONE: 724-463-3527 SS#: 195-54-5479 EMPLOYER: LKDC PT OCC:
NOK: LEWIS, CARLA NOK PH: 724-463-3527 NOK REL: FR FC: AU

I I 1. ALLSTATE INSURANCE COM
N N 2.
S F 3.
O 4.

OSWALT, DONALD

Emergency Care PTA: N Arrival Mode: WALK Admit Clk: ADM.SLB
SPECIAL NEEDS:

<input type="checkbox"/> Renal Function Panel	<input type="checkbox"/> Serum Hg	<input type="checkbox"/> Old Med Recs	X-rays:	Reasons:
<input type="checkbox"/> CBC	<input type="checkbox"/> ETOH	<input type="checkbox"/> O2	<u>C-spine</u>	
<input type="checkbox"/> Basic Metab Profile	<input type="checkbox"/> BL Cultures	<input type="checkbox"/> Monitor	<u>T-Sue</u>	
<input type="checkbox"/> Comp Metab Profile	<input type="checkbox"/> UA			
<input type="checkbox"/> Troponin I	<input type="checkbox"/> Urine C&S			
<input type="checkbox"/> C-flex	<input type="checkbox"/> Thrombolytic Protocol			
<input type="checkbox"/> PT/PTT	<input type="checkbox"/> Type & Screen			
<input type="checkbox"/> Arthritis Profile	<input type="checkbox"/> Crossmatch _____ Units			
<input type="checkbox"/> Hepatic Function	<input type="checkbox"/> HRTT			
<input type="checkbox"/> Amylase	<input type="checkbox"/> ABGs with O2			
<input type="checkbox"/> Lipase	<input type="checkbox"/> ABGs without O2			
<input type="checkbox"/> Dig Level	<input type="checkbox"/> EKG			
<input type="checkbox"/> Theophyline Level	<input type="checkbox"/> Aerosol Treatment			
	<input type="checkbox"/> Resting MPI			

Other Labs: 7245 8470
8471 1714
E813.0
99282

TIME:

REFERRED TO DOCTOR:

IMPRESSION: Cervical / Thoracic strains

Disposition Time: 2300 Discharged Admitted Room #: _____

Condition on Disposition: Good Fair Serious Critical

Mode of Departure: _____

Dictation to Unit: Yes No Old records to unit: Yes No not available

Physician: 1024 Physician: 1046

Examination Time: 1024 Dictated: 1046

Physician Orders: Acet Physician Assessment: Acet

C-Sue

SH-STOW

GLUC

Genua

Rea
Tylenol 3 1/2 mg 3s

DATE: 07/24/00

CONSENT TO HOSPITAL CARE
Indiana Hospital Indiana, Pa. 15701
Telephone: (724) 357-7000

Page 1

UNIQUE NO. (MR#) M00027466

NAME: OSWALT, DONALD

ACCT. NO. I010873370

PRECERTIFICATION/HMO/PPD INFORMATION

I understand many hospital insurance plans require precertification (preauthorization/referral) or second surgical opinions for payment of full benefits for such services. I ACKNOWLEDGE THAT WITHOUT MY HOSPITALIZATION CARD IT IS NOT POSSIBLE TO DETERMINE WHETHER MY HOSPITAL INSURANCE PLAN REQUIRES PREAUTHORIZATION OR SECOND SURGICAL OPINION FOR INPATIENT SERVICES. AS A RESULT, I AGREE TO ASSUME ANY LIABILITY FOR THAT PORTION OF MY ACCOUNT WHICH MAY NOT BE PAID BY MY HOSPITALIZATION CARRIER.

CONSENT TO BILL MEDICAL BENEFITS

I HEREBY AUTHORIZE PAYMENT directly to Indiana Hospital the hospital benefits otherwise payable to me but not to exceed the balance due of the hospital's regular charges for period of hospitalization.

I HEREBY AUTHORIZE Indiana Hospital to release information concerning my insurance coverage and necessary medical information to the ambulance company that transported me to or from Indiana Hospital and hereby authorize that ambulance company to directly bill my insurance company.

STATEMENT TO PERMIT PAYMENT OF AUTHORIZED MEDICARE BENEFITS

I certify that the information given by me in applying for payment under Title XVIII of the Social Security Act is correct. I authorize any holder of medical or other information about me to release to the Social Security Administration or its intermediaries or carriers any information needed for this or a related Medicare claim. I request that payment of authorized benefits be made on my behalf. I assign the benefits payable for physician services to the physician or organization furnishing the services or authorize such physician or organization to submit a claim to Medicare for payment to me.

FINANCIAL RESPONSIBILITY

I FURTHER AGREE to remain financially responsible to the hospital for any charges not paid by my insurer or other appropriate payor.

AUTHORIZATION FOR RELEASE OF PATIENT INFORMATION

I permit Indiana Hospital to give information about the care I receive while I am in the hospital to my insurance company and to any other hospital, healthcare provider, skilled nursing facility, rehabilitation facility, home-health agency, or physician who may provide care to me after I leave Indiana Hospital, or who is engaged in medical or scientific research.

I authorize Indiana Hospital to provide medical information from my medical record to organizations or companies acting on behalf of my employer or insurance company, upon their request, for their use in determining payment for my care or my eligibility for care. This authorization includes release of information concerning treatment for alcohol or drug abuse, alcoholism, drug-related conditions and/or psychiatric/psychological conditions. This authorization will expire on receipt of final payment for my care and treatment.

Because hospital bills may present financial difficulties for some patients, Indiana Hospital has created the I-Care Fund. This fund helps eligible persons receive healthcare services at no cost or reduced cost, depending on their income. Please call the hospital's credit counselor at (724) 357-7018 to see if you are eligible to receive services through the I-Care Fund.

DATE: 07/24/00

CONSENT TO HOSPITAL CARE (continued)

Page 2

UNIT NO. (MR#) M00027466

NAME: OSWALT, DONALD

ACCT NO. I010873370

THE CONSENTS TO ER AND/OR HOSPITAL CARE PROVIDES AUTHORIZATION FOR ROUTINE SERVICES ONLY.
ADDITIONAL CONSENTS WILL BE OBTAINED IF NON ROUTINE PROCEDURES ARE TO BE PERFORMED.

CONSENT FOR EMERGENCY DEPARTMENT SERVICES

I wish to be treated in the Emergency Department at Indiana Hospital. I permit the doctor, the hospital and its employees, and all other persons caring for me to treat me. I understand that this care may include tests, examinations and other medical treatment. No guarantee has been made to me about the outcome of this care.

(Patient's signature*)

(Witness)

*The patient is unable to consent because _____

(Date)

(Time) (Circle one)

AM/PM

I therefore consent for the patient.

(Signature)

(Relationship to patient)

(Witness)

(Date)

(Time) (Circle one)

AM/PM

(Witness)

CONSENT FOR ADMISSION AND OTHER HOSPITAL SERVICES

I wish to be treated at and/or admitted to Indiana Hospital. While I am in the hospital I permit my doctor, the hospital and its employees, and all other persons caring for me to treat me. I understand that this care may include tests, examinations and other medical treatment. No guarantee has been made to me about the outcome of this care.

(Patient's signature*)

(Witness)

*The patient is unable to consent because _____

(Date)

(Time) (Circle one)

AM/PM

I therefore consent for the patient.

(Signature)

(Relationship to patient)

(Witness)

(Date)

(Time) (Circle one)

AM/PM

(Witness)

Revised 1/90, 7/91, 2/92, 1/93, 4/94, 3/95, 6/99 (ADM.PAT.zcus.adm.form9)

Arrival time: 2120 Mode of Arrival: WALK
 Person contributing to Hx: SELF

TRIAGE DATE: 07/24/00 TRIAGE TIME: 2151
 Tx prior to arrival: N

Last Tetanus:
 Have received influenza inoculation
 Priority: Urgent

Have received pneumonia inoculation
 POP: WOODLE LOC: ALERT
 Diet restrictions: Last PO:

Visual Acuity: Rt: Lt: With correction
 Hyster: LMP: FHT:

Temp 98.5 TM T Pulse 92 P Src Resp 18
 B/P 128/84 B/P Src Pulse ox:
 HT:FT 5 IN: 9 CM: 175.2 WT:LB 223 OZ: KG: 101.15 Wt. Src EST

*****Allergies to meds/food/envir/diagnostic contrast (state type of reaction)*****
 Allergies: NKA

Latex Allergy N

Drug intolerance:

LIST ANY TYPES OF SURGERY ASSOCIATED WITH ANESTHESIA

* STOMACH SCOPE 3-31-00
 APPENDIX

Medical Hx: ULCER, STOMACH INFECTION

Diabetic? N

Chief Complaint Onset: ABOUT 6:30P

Triage Assessment

* RESTRAINED DRIVER MVA. CURRY RUN IN CLEARFIELD COUNTY-TOOPER HORNEER BADGE 8106 FILED REPORT. PT HAD SLOWED DOWN TO AVOID A DOG WHICH WAS RUNNING TOWARD ROAD-A MOTORCYCLE CAME OUT OF DRIVEWAY AND PT SWERVED TO MISS HITTING HEADON. DID HIT MORORCYCLE WITH PASSENGER SIDE. LARGE CTCLE MAJOR DAMAGE-PT CAR DRIVABLE. AFTER DRIVING SELF TOWARD HOME BEGAN FEELING DIZZY HEADACHE/NECK DICOMFORT AND BACK PAIN. AMBULATED TO ER-PLACED IN HARD COLLAR.

had back xray today for work physical.

MEDS/OTC/HERBS/DOSE/FREQ./LAST TAKEN/REASON TAKEN

* ALLEGRA D AM AND PM

* UPDATED PER DPT 7/24/00 JDA

Med info obtain by: PATIENT

Medication verified ? Y

Age/Sex: 35 M
 Unit #: M00027466
 Account#: I010873370
 Admitted:

OSWALT, DONALD (PRE ER)
 ER-

Page: 1 of 2

Printed 07/24/00 at 2202

Period ending 07/24/00 at 2202

Indiana Hospital Nursing **LIVE EMERGENCY ROOM TRIAGE ASSESSME

*****IF MORE SPACE NEEDED USE ER MEDICATION ADDENDUM*****

Tobacco:	Amt used/day	# years	Stopped	Date
Alcohol use	How often	# years	Last drink	
Street drugs	Type	How used:	How often	Last used

Age Specific needs/concerns: Need/Concern Identified:

Other:

Unstable/abusive home environ. Emotional Status Anxious

Barriers to Learning: None Noted

List:

EXAM RM: E 7 TIME IN ER EXAM ROOM: 2202

RN who completed assessment: JUDY ANTHONY, RN

Monogram Initials	Name	Nurse Type
JDA	ERD.JDA	ANTHONY, JUDY D
		RN



Age/Sex: 35 M
Unit #: M00027466
Account#: I010873370
Admitted:

OSWALT, DONALD (PRE ER)
ER-

Page: 2 of 2
Printed 07/24/00 at 2202
Period ending 07/24/00 at 2202
Indiana Hospital Nursing **LIVE EMERGENCY ROOM ASSESSMENT

UNIT NO. (MR#): M00027466

NAME: OSWALD T. DONALD D.

ACCT NO.: 1010873370

ONGOING ASSESSMENT:

MEDICATIONS/IV'S

Equipment used: Pumps Cardiac Pulse-Ox O2 Auto BP Slit Lamp
Transported with: Monitor

Int: sg Signature: Sam Joly Jr.

Int: _____ Signature: _____

Int: _____ Signature: _____

Int: ____ Signature: _____

INDIANA HOSPITAL EMERGENCY DEPARTMENT DISCHARGE INSTRUCTIONS

EMERGENCY DEPARTMENT ...724-357-7121

LACERATIONS (CUTS, ABRASIONS, BURNS, BITES)

1. KEEP WOUND CLEAN AND DRY.
2. CHANGE DRESSING DAILY AND IF WET OR DIRTY.
3. ELEVATE AREA AS MUCH AS POSSIBLE.
4. IF WOUND AREA BECOMES RED, SWOLLEN, INCREASING PAIN, DRAINAGE, WARM TO TOUCH, CALL YOUR DOCTOR OR RETURN FOR RECHECK.
5. STITCHES TO BE REMOVED IN ____ DAYS BY YOUR DOCTOR. IF YOU DO NOT HAVE A DOCTOR, RETURN TO EMERGENCY DEPARTMENT FOR SUTURE REMOVAL.

HEAD INJURY

1. WATCH PATIENT CAREFULLY FOR 24 HOURS.
2. ALLOW PATIENT TO SLEEP, BUT AWAKEN EVERY TWO HOURS FOR 24 HOURS AFTER THE INJURY. IF ANY OF THE FOLLOWING OCCURS, RETURN TO THE E.D.:
 - A) CONFUSION/DISORIENTATION (DOESN'T KNOW NAME OR RELATIVES)
 - B) EXCESSIVE DROWSINESS
 - C) PERSISTENT VOMITING
 - D) CONVULSIONS
 - E) TEMPERATURE ABOVE 103 DEGREES
 - F) DOUBLE VISION
 - G) NUMBNESS, WEAKNESS OF ARM OR LEG
 - H) CLEAR OR BLOODY DRAINAGE FROM NOSE/EAR
 - I) SLURRED OR GARBED SPEECH
3. REFRAIN FROM ALCOHOLIC BEVERAGES, SEDATION AND ANY OTHER PAIN MEDICATION STRONGER THAN TYLENOL.
4. LIGHT DIET.
5. IF THE FOLLOWING CONTINUES TO OCCUR AFTER 72 HOURS, CALL FAMILY DOCTOR:
 - A) PERSISTENT HEADACHE DESPITE TYLENOL
 - B) CHANGE IN THE WAY THE PATIENT NORMALLY ACTS

FEVER

FEVER IS A NORMAL BODY RESPONSE TO ILLNESS

1. IBUPROFEN OR TYLENOL FOR TEMPERATURE HIGHER THAN 101 DEGREES. REPEAT IN 4-6 HOURS. DOSE ACCORDING TO PACKAGE INSTRUCTIONS.
2. DRINK PLENTY OF FLUIDS.
3. LUKEWARM SPONGING FOR PERSISTENT TEMPERATURE, 20-30 MINUTES AT A TIME DO NOT USE ALCOHOL OR ICE.
4. NO ASPIRIN UNDER AGE 16 OR FOR CHICKEN POX, FLU, OR IF YOU HAVE ASTHMA.
5. DO NOT OVERDRESS.
6. IF THE FEVER PERSISTS BEYOND 48-72 HOURS DESPITE TREATMENT, THE PATIENT NEEDS TO BE RECHECKED.

URINARY TRACT INFECTION

1. DURING THE FIRST 48 HOURS, DRINK 8 OZ GLASS OF FLUIDS EACH HOUR DURING WAKING HOURS. AVOID ORANGE, PINEAPPLE, GRAPEFRUIT JUICES, ALCOHOLIC BEVERAGES, COFFEE AND TEA.

VOMITING AND DIARRHEA

1. NOTHING BY MOUTH FOR TWO HOURS AFTER VOMITING TO REST STOMACH, THEN START WITH ONE OZ (GATORADE OR RICELYTE) AND DOUBLE THE AMOUNT EACH HOUR AS TOLERATED (NO VOMITING) UNTIL TOLERATING 4 OZ AN HOUR FOR 3 HOURS. NO MILK OR MILK PRODUCTS.
2. IF TOLERATING 4 OZ AN HOUR FOR 3 HOURS, MAY THEN GIVE PLAIN CRACKERS.
3. AFTER 24 HOURS, MAY HAVE BANANAS, RICE, APPLESAUCE AND TOAST (BRAT DIET).

UPPER RESPIRATORY INFECTION

1. DRINK A LOT OF FLUIDS.
2. SALT WATER GARGLES (1 TSP. IN 8 OZ WATER) AND COOL LIQUIDS FOR SORE THROAT.
3. TYLENOL OR IBUPROFEN EVERY 4 HOURS ACCORDING TO PACKAGE DIRECTIONS.
4. OVER THE COUNTER MEDICINES, SUCH AS COUGH MEDICINES, THROAT LOZENGES, ARE USUALLY EFFECTIVE IF TAKEN ACCORDING TO PACKAGE DIRECTIONS.
5. PLENTY OF REST.
6. STOP SMOKING.
7. IF TROUBLE BREATHING OR SWALLOWING, COME BACK TO E.D.

LOW BACK PAIN

1. ICE FOR 15 MINUTES FOUR TIMES A DAY FOR 1ST 48 HOURS AFTER INJURY, THEN MOIST HEAT FOR 15 MINUTES FOUR TIMES A DAY.
2. AVOID PROLONGED STANDING, LIFTING, SITTING OR WALKING IN THE ACUTE STAGE.
3. AVOID SOFT SURFACES, MATTRESSES, SOFAS, EASY CHAIRS.
4. FREQUENT REST PERIODS.
5. USE POSITION OF COMFORT AS NEEDED, LYING BACK ON THE FLOOR, KNEES BENT AND PILLOW BETWEEN THIGHS AND CALVES.

SPRAINS

1. USE SPLINT. IF ACE BANDAGE, UNWRAP EVERY 4 HOURS.
2. ICE AT LEAST 15 MINUTES, 4 TIMES A DAY, FOR 48 HOURS. THEN USE MOIST HEAT 4 TIMES A DAY FOR 15 MINUTES EACH TIME.
3. ELEVATE AS MUCH AS POSSIBLE.
4. CRUTCHES - NO WEIGHT BEARING FOR 2 DAYS, THEN PARTIAL WEIGHT BEARING FOR 2 DAYS.

ADDITIONAL INSTRUCTIONS:

1. RETURN TO E.D. OR FAMILY DOCTOR EARLIER IF PATIENT DEVELOPS MORE SEVERE OR OTHER PROBLEMS.
2. RETURN OR CALL FAMILY DOCTOR IN 48-72 HOURS IF PROBLEM IS UNCHANGED.
3. FOLLOW-UP, AFTER TREATMENT, WITH FAMILY DOCTOR.

MEDICATIONS: REFER TO THE PHARMACY INFORMATION SHEET ABOUT ALL NEW MEDICATIONS.

1. Take medicine as directed
2. Warm compresses 20 min 4x a day
3. Follow up with Dr. Worth in 2-3 days
4. Wear soft collar for comfort 2-3 days
5. Return as needed

CULTURES - WHEN A CULTURE IS TAKEN, THE RESULTS TAKE 48-72 HOURS. YOU WILL BE NOTIFIED IF IT IS ABNORMAL

X-RAY/EKG - YOUR X-RAY AND EKG HAVE BEEN READ BY THE E.D. DOCTOR. THE RADIOLOGIST/CARDIOLOGIST WILL REVIEW THESE THE FOLLOWING DAY. YOU WILL BE CONTACTED IMMEDIATELY IF ANY NEW ABNORMALITY IS FOUND.

OSWALT, DONALD
35

I 010873370
REFERRED TO: DR. 07/24/00 2150

YOUR INSURANCE MAY REQUIRE YOU TO CALL YOUR PRIMARY CARE PHYSIAN BEFORE SEEING A SPECIALIST.

CALL FOR AN APPOINTMENT IN _____ DAYS.

D. Geiss - RNP
EMERGENCY DEPARTMENT PHYSICIAN OR NURSE

Donald Osawalt
PATIENT'S/LEGAL GUARDIAN'S SIGNATURE

DATE

NAME: OSWALT, DONALD
PHYS: GEISER, BERNARD MD
DOB: 05/06/1965 AGE: 35 SEX: M
ACCT: 1010873370 LOC: ER
EXAM DATE: 07/24/2000 STATUS: REG ER
RADIOLOGY NO: 062034
JUNIT NO: M00027466



INDIANA HOSPITAL

A Subsidiary Of
Indiana Healthcare Corporation
Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788

Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

PROCEDURES:

RAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/THORACIC SPINE
REASON FOR EXAM? FX - R/O FRACTURE

EXAM DATE: 07/24/2000

EXAM DATE: 07/24/2000

CERVICAL SPINE:

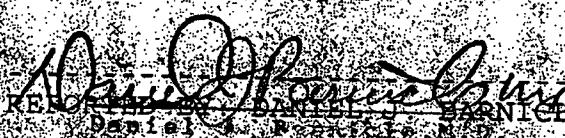
The alignment and mineralization of the cervical spine are normal. The intervertebral spaces are well maintained and there is no encroachment on the neuroforamina. The odontoid process and atlanto-axial articulation are normal. There is no evidence of fracture or subluxation.

IMPRESSION: NORMAL CERVICAL SPINE.

THORACIC SPINE:

The alignment and mineralization of the thoracic spine are normal. The pedicles are intact and the stature of the individual vertebral bodies is well maintained.

IMPRESSION: NORMAL THORACIC SPINE


RECEIVED
DANIEL A. GEISER, M.D.
Daniel A. Geiser, M.D.

CC: BERNARD GEISER MD; EDWARD M. DO WOODLE

TRANSCRIBED DATE/TIME: 07/25/2000 (0951)

TRANSCRIPTIONIST: DIS.CLM

BATCH NO: 433

PAGE 1

CHART COPY

Patient: OSWALT, DONALD
MR #: M00027466 Service Date: 07/24/00
Age/Sex: 35 M DOB: 05/06/65
Dr.: ER PHYSICIAN
Acct #: I010873370 Service:

INDIANA HOSPITAL
Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788
(724) 357-7000
FAX (724) 357-7449

As an enrollee of a managed care plan you are entitled to certain consumer protections. Enrollees or providers, with the written consent of the enrollee, can request reconsideration by a managed care plan or utilization review entity of decisions concerning medical necessity and appropriateness that:

- * disapprove full or partial payment of requested services;
- * allows only for a lesser scope of duration than requested; or
- * disapprove payment for the requested service but allows payment for an alternative service.

By signing this consent form, you are authorizing Indiana Hospital to act on your behalf in requesting reconsideration by the managed care plan or utilization review entity of a decision regarding your medical care on/from 07/24/00

This consent will authorize Indiana Hospital to act on your behalf in requesting a reconsideration by the managed care plan or utilization review entity for all levels of grievance review to include internal and external decisions.

I, _____, hereby authorize Indiana Hospital to act on my
(Name)
behalf in requesting a reconsideration and all levels of grievance review to include
internal and external of a medical determination made by

SELF PAY INSURANCE Auto

Donald Countf

(Patient/Patient Representative Signature)

7/24/00, 2210 a.m. / p.m.

(Date)

(Time)

INDIANA HOSPITAL
INDIANA, PENNSYLVANIA 15701

NOTICE OF ILLNESS-INJURY

Dan Oswalt was evaluated in the
Emergency Department on 7/24/00.
 He She should be excused from work
on the following dates: 7/24 to
7/25 because of Auto accident.


Emergency Physician

PT: OSWALT, DONALD
ACCT #: I010873370
MR#: M00027466
DOV: 07/24/00
PHONE #: 724-463-3527

INDIANA HOSPITAL
DEPARTMENT OF EMERGENCY SERVICES

CHIEF COMPLAINT: 35-year-old complaining of neck & mid-back pain today after a motor vehicle accident. He was the restrained driver.

REVIEW OF SYSTEMS: He had no loss of consciousness, amnesia, visual disturbances, chest pain, shortness of breath, abdominal pain, nausea, vomiting, lower or upper extremity injuries.

PAST MEDICAL HISTORY: Peptic ulcer disease.

ALLERGIES: None.

SOCIAL HISTORY: Negative for alcohol.

PHYSICAL EXAMINATION: Alert, awake, in no distress. HEAD, without evidence of trauma. EYES, pupils equal; EOMI. NECK, slightly tender at the right base. Shoulders nontender with full range of motion. Upper extremities reveal no evidence of trauma. Lower extremities without evidence of trauma. ABDOMEN, soft & nontender. Chest wall nontender. LUNGS, clear bilaterally. HEART, regular. There's some slight tenderness in the lower thoracic spine.

LAB DATA/EMERGENCY ROOM COURSE: X-rays of C-spine & T-spine were unremarkable.

FINAL DIAGNOSIS: Cervical strain

PLAN:

1. Soft collar
2. Tylenol #3 for pain
3. Rest
4. Recheck with PCP in several days for possible physical therapy

BERNARD GEISER, MD

DICTATED: 07/24/2000 22:45:14 GEIBE
TRANSCRIBED: 07/26/2000 12:37:08 MRD.CLJ

DICTATED: 07/24/00 GEIBE
TRANSCRIBED: 07/26/00 MRD.CLJ

BERNARD GEISER, MD

<<Signature on File>> DATE SIGNED: 07/28/00 TIME SIGNED: 2106

NAME: OSWALT, DONALD
PHYS: GEISER, BERNARD MD
DOB: 05/06/1965 AGE: 35 SEX: M
ACCT: I010873370 LOC: ER
EXAM DATE: 07/24/2000 STATUS: REG ER
RADIOLOGY NO: 062034
UNIT NO: M00027466



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Indiana, Pennsylvania 15701-0788

Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

EDWARD M. DO WOODLE
660 STUTZMAN ROAD
INDIANA, PA 15701

724-465-9000

PROCEDURES:

RAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/THORACIC SPINE
REASON FOR EXAM? FX - R/O FRACTURE

EXAM DATE: 07/24/2000

EXAM DATE: 07/24/2000

CERVICAL SPINE:

The alignment and mineralization of the cervical spine are normal. The intervertebral spaces are well maintained and there is no encroachment on the neuroforamina. The odontoid process and atlanto-axial articulation are normal. There is no evidence of fracture or subluxation.

IMPRESSION: NORMAL CERVICAL SPINE.

THORACIC SPINE:

The alignment and mineralization of the thoracic spine are normal. The pedicles are intact and the stature of the individual vertebral bodies is well maintained.

IMPRESSION: NORMAL THORACIC SPINE.

REPORTED BY DANIEL J. BARNICLE, M.D.

RECEIVED BY GEISER, MD EDWARD M. DO WOODLE

TRANSCRIPTION DATE/ TIME: 07/25/2000 (0951)

TRANSCRIPTIONIST: DRS GLM

STYLING: 45%

EDWARD M. DO WOODLE

NAME: OSWALT, DCMALD
PHYS: WOODLE, EDWARD M. DO
JOB: 05/06/1965 AGE: 35 SEX: M
ICCT: IC10869428 LOC: DIAG
EXAM DATE: 07/24/2000 STATUS: REG REF
RADIOLOGY NO: 062034
JNIT NO: M00027466



INDIANA HOSPITAL

A Subsidiary Of
Indiana Healthcare Corporation

Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788

Diagnostic Imaging Services

(724) 357-7125 FAX (724) 357-7482

PROCEDURES:

RAD/LUMBOSACRAL SPINE - AP & LAT
REASON FOR EXAM? OTH - OTHER

EXAM DATE: 07/24/2000
PRE EMPLOYMENT

LUMBAR SPINE:

There is normal lumbar lordosis and alignment of the vertebral bodies. The vertebral body and intervertebral disc heights are normal. No definite disc disease or facet arthropathy can be seen. Bilateral sacroiliac joints appear unremarkable.

IMPRESSION: NORMAL LUMBAR SPINE.

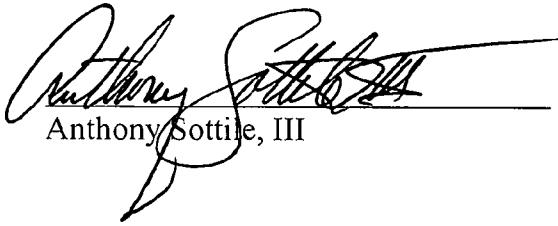
REPORTED BY: JONGWON LEE, M.D.

TRANSCRIBED - DATE 7/24/2000
TRANSCRIBED BY: JONGWON LEE, M.D.
CHART NUMBER: 062034

DAVIS 7/24/2000 CHART COPY

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Heather A. Harrington, Esquire, James A. Naddeo, Esquire, Michael P. Yeager, Esquire and Christopher E. Mohney, Esquire on September 10, 2002 by regular mail, postage prepaid.



Anthony Sottile, III

BARBOR, VAPORIS & SOTTILE, P.C.

ATTORNEYS AT LAW

917 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701