

00-1322-CJ
TRACY YARGER -vs- CINDY NADVIT

Date		Judge
10/26/2000	New Case Filed.	No Judge
	✓ Filing: Writ of Summons Paid by: Yarger, Tracy (plaintiff) Receipt number: 0050024 Dated: 10/26/2000 Amount: \$80.00 (Check)	No Judge
11/09/2000	October 26, 2000, Writ of Summons issued to the Sheriff for service. ✓ Sheriff Returns, Praeipce & Summons on Defendant SO ANSWERS ✓ Chester A. Hawkins by s/Marilyn Hamm \$57.12 Shff Hawkins BY ATTY	No Judge
11/22/2000	✓ Praeipce for entry of Appearance, filed by Atty. Horne, Entering ✓ Appearance on behalf of Defendant, Cindy Nadvit. Certificate of Service	No Judge
11/30/2000	✓ Praeipce for Rule to File Complaint, filed by s/James M. Horne, Esq. ✓ Certificate of Service, filed. Rule to Attorney Horne	No Judge
12/04/2000	✓ Certificate of Service, Rule to File Complaint, upon James B. Cole, Esq. s/James M. Horne, Esq. NO CC	No Judge
12/21/2000	✓ Certificate of Service, Interrogatories Propounded by Defendant, Etc. upon James B. Cole, Esq. s/James M. Horne, Esq. no cc	No Judge
	✓ Certificate of Service, Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery, upon James B. Cole, Esq. s/James M. Horne, Esq. no cc	No Judge
01/05/2001	✓ Complaint in Civil Action. Filed by s/James B. Cole, Esq. Verification. Certificate of Service. no cc	No Judge
01/11/2001	✓ Certificate Prerequisite to Service of Subpoenas. filed by s/James M. Horne, Esq. no cc	No Judge
01/15/2001	✓ Answer with New Matter, filed by s/James M. Horne, Esq. Verification, s/Cindy Nadvit Cert. of Service. no cc	No Judge
02/12/2001	✓ Certificate of Service, Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery directed to Conemaugh Memorial Medical Center, Tyrone Hospital and James P. Davidson, D.O., upon James B. Cole, Esq. Filed by s/James M. Horne, Esq. no cc	No Judge
03/09/2001	✓ Certificate Prerequisite to Service of Subpoenas. Filed by s/James M. Horne, Esq. no cc	No Judge
04/09/2001	✓ Certificate of Service Filed re: Notice of Intent to Serve Subpoenas to Produce Documents directed to Conemaugh Memorial Medical Center and 611 Open MRI. Filed by s/James M. Horne, Esquire	No Judge
04/26/2001	✓ Motion to Compel Plaintiff's Responses to Defendant's First Set of Interrogatories (Set 1) and Request for Production of Documents (Sets 1 and 2) Filed by s/James M. Horne, Esq. Cert of Svc	No Judge
04/27/2001	✓ RULE TO SHOW CAUSE, AND NOW, this 27th day of Apr., 2001, issued upon Tracy Yarger, returnable the 21st day of June, 2001, at 3:00 p.m. by the court, s/JKR, JR., P.J. 2 cc to atty	John K. Reilly Jr.
04/30/2001	✓ Certificate Prerequisite to Service of Subpoenas. filed by s/James M. Horne, Esq. Cert of Service no cc	John K. Reilly Jr.
05/01/2001	✓ Certificate of Service, Rule to Show Cause, upon James B. Cole, Esq. s/James M. Horne, Esq. no cc	John K. Reilly Jr.
06/26/2001	✓ Order, AND NOW, this 26th day of June, 2001, Plaintiff shall file full and complete answers within 10 days of this Order. BY THE COURT: /s/John K. Reilly, Jr., P.J. Two CC Attorney Blasko	John K. Reilly Jr.
06/29/2001	✓ Certificate of Service, Rule to Show Cause of June 26, 2001 upon James B. Cole, Esq. s/James M. Horne, Esq. no cc	John K. Reilly Jr.
07/02/2001	✓ Notice of Intent to Serve Subpoenas w/Certificate of Service. Filed by s/James M. Horne, Esq.	John K. Reilly Jr.

Date		Judge
07/06/2001	✓ Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22. s/James M. Horne, Esq. Cert of Svc no cc	John K. Reilly Jr.
07/20/2001	✓ Certificate of Service, Defendant's Notice of Taking Deposition of Plaintiff, Tracy Yarger, served on James B. Cole, Esq. s/James M. Horne, Esq.	John K. Reilly Jr.
10/23/2001	✓ Notice of Intent to Serve Subpoenas w/ Certificate of Service. Filed by s/James M. Horne, Esquire. no cc	John K. Reilly Jr.
10/25/2001	✓ Certificate of Service, Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery directed to J. C. Blair Memorial Hospital upon James B. Cole, Esq. Filed by s/James M. Horne, Esq. no cc	John K. Reilly Jr.
11/13/2001	✓ Prerequisite to Service of Subpoena w/Certificate of Service. Filed by s/James M. Horne, Esq. no cc	John K. Reilly Jr.
11/14/2001	✓ Certificate of Service, Defendant's Answers/Objections to Plaintiff's Interrogatories Directed to Defendant; Defendant's Responses/Objections to Plaintiff's Request for Production of Documents and Defendant's Response to Plaintiff's Request for Material upon James B. Cole, Esq. Filed by s/James M. Horne, Esq. no cc	John K. Reilly Jr.
11/15/2001	✓ Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22. Filed by s/James M. Horne, Esq. Cert of Svc no cc	John K. Reilly Jr.
02/01/2002	✓ Motion to Compel Plaintiff's Execution of Authorization for Release of Psychological Records. Filed by s/Chena L. Glenn-Hart, Esq. Certificate of Service no cc	John K. Reilly Jr.
02/05/2002	Rule to Show Cause, AND NOW, this 5th day of February, 2002, Plaintiff is requested to show cause within 20 days why Defendant's Motion to Compel Plaintiff's Execution of Authorization for Release of Psychological Records should not be granted. Rule returnable the 2nd day of April, 2002, at 2:30 p.m. in Courtroom 1. BY THE COURT: /s/John K. Reilly, Jr., P.J. Two CC Attorney Horne	John K. Reilly Jr.
02/08/2002	✓ Certificate of Service, Rule to Show Cause w/Regard to Defendant's Motion to Compel Plaintiff's Execution of Authorization for Release of Psychological Records upon James B. Cole, Esq. Filed by s/James M. Horne, Esq. no cc	John K. Reilly Jr.
05/15/2002	✓ Motion to Compel Production of Plaintiff's Cervical MRI Films dated November 3, 1998. Filed by s/Chena L. Glenn-Hart, Esq. Certificate of Service no cc	John K. Reilly Jr.
05/16/2002	✓ RULE TO SHOW CAUSE, AND NOW, this 16th day of May, 2002, issued upon Plaintiff, Rule returnable the 21st day of June, 2002, at 3:00 p.m. by the Court, s/JKR, JR., P.J. 2 cc Atty Glenn-Hart	John K. Reilly Jr.
05/21/2002	✓ Certificate of Service, Rule to Show Cause with regard to Defendant's Motion to Compel Plaintiff's Production of Cervical MRI films dated Nov. 3, 1998, upon James B. Cole, Esq., filed by s/Chena L. Glenn-Hart, Esq. No CC	John K. Reilly Jr.
07/30/2002	✓ ORDER, AND NOW, this 30th day of July, 2002, re: Motion to Compel Production of Plaintiff's Cervical MRI films dated Nov. 3, 1998 is hereby DISMISSED as moot. by the Court, s/JKR, JR., P.J. 4 cc to James Horne	John K. Reilly Jr.
08/02/2002	✓ Certificate of Service, Order dismissing Defendant's Motion to Compel Plaintiff's Production of Cervical MRI Films dated Nov. 3, 1998 upon James B. Cole, Esq. Filed by s/Chena L. Glenn-Hart, Esq. no cc	John K. Reilly Jr.
08/13/2002	✓ Certificate of Service, Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Directed to Karl Green, MD, S. Lee Miller, MD, K. Michael Hughes DO and Robert Rundorff MD upon James B. Cole, Esq. s/James M. Horne, Esq. no cc	John K. Reilly Jr.
08/14/2002	✓ Certificate of Service, Defendant's First Set of Requests for Admission w/Corresponding Interrogatories and Requests for Production of Documents for Answer by Plaintiff upon James B. Cole, Esq. s/James M. Horne, Esq. no cc	John K. Reilly Jr.

Date		Judge
09/04/2002	✓ Certificate Prerequisite To Service of Subpoenas Pursuant to Rule 4009.22. s/James M. Horne, Esq. Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21. s/James M. Horne, Esq. Certificate of Service no cc	John K. Reilly Jr.
02/20/2003	✓ Certificate Of Service, Notice of Intent to Serve Subpoena to Produce Documents and Things For Discovery directed to Centre Community Hospital upon JAMES B. COLE, ESQ. filed by s/James M. Horne, Esq. no cc	John K. Reilly Jr.
03/03/2003	✓ Certificate of Service, Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery directed to Geisinger Medical Group-Moshannon, Geisinger Medical Center, Clearfield Hospital and Ralph A. Cardamone, M.D. upon JAMES B. COLE, ESQ. filed by s/James M. Horne, Esq. no cc	John K. Reilly Jr.
03/12/2003	✓ Certificate of Readiness. filed by s/James M. Horne, Esquire Certificate of Service a no cc, copy to CA	John K. Reilly Jr.
03/13/2003	✓ Prerequisite to Service of Subpoenas w/Certificate of Service. s/James M. Horne, Esquire no cc	John K. Reilly Jr.
03/21/2003	✓ Certificate Prerequisite To Service Of Subpoenas Pursuant To Rule 4009.22. filed by s/James M. Horne, Esquire Certificate of service	John K. Reilly Jr.
04/11/2003	✓ PRE-TRIAL ORDER, NOW, this 10th day of April, 2003, re: Jury selection to be had on Tuesday, April 29, 2003 at 10:00 a.m. w/trial by jury scheduled for Tuesday, Sept. 02, 2003 through Thursday, Sept. 4, 2003, commencing at 9:00 a.m. each day. by the Court, s/JKR,JR.,P.J. 1 cc Atty Cole, Horne	John K. Reilly Jr.
06/04/2003	✓ Motion for Leave to file the Report of Steven Triantafyllou, M.D. dated April 30, 2003 as a Supplement to the Plaintiff's Pre-Trial Statement, filed by s/James B. Cole, Esq. No CC	John K. Reilly Jr.
06/06/2003	✓ ORDER, AND NOW, this 5th day of June, 2003, re:Argument On Plaintiff's Motion For Leave to File The Report of Steven Triantafyllou dated April 30, 2003, as A Supplement to The Plaintiff's Pre-Trial Statement is scheduled for June 9, 2003, at 10:00 a.m. by the Court, s/JKR,JR.,P.J. 2 cc Atty Cole	John K. Reilly Jr.
	✓ Answer to Plaintiff's Motion for Leave to File Expert Report, filed by Atty. Horne No Cert. Copies.	John K. Reilly Jr.
06/09/2003	✓ ORDER, NOW this 9th day of June, 2003, re: Plaintiff's Motion for Leave to File Supplemental Expert Report is GRANTED, preserving in the Defendant the right to file any expert report in opposition thereto at any time prior to trial. by the Court, s/JKR,JR.,P.J. 1 cc Atty Cole, Horne	John K. Reilly Jr.
06/24/2003	✓ Certificate of Service, Defendant's Notice of Taking Video Taped Deposition of Richard P. Moser, M.D. upon: JAMES B. COLE, ESQUIRE filed by s/James M. Horne, Esq no cc	John K. Reilly Jr.
08/14/2003	✓ Motion In Limine. filed by s/James B. Cole, Esquire Certificate of Service no cc	John K. Reilly Jr.
08/18/2003	✓ Transcript of Deposition of TRACY YARGER, taked October 17, 2001, 1:34 p.m. filed.	John K. Reilly Jr.
	✓ Transcript of Videotaped Deposition of RICHARD P. MOSER, JR., M.D., taken July 16, 2003, 11:11 a.m. filed.	John K. Reilly Jr.
08/22/2003	✓ Response to Plaintiff's Motion In Limine. filed by s/James M. Horne, Esquire Certificate of Service no cc	John K. Reilly Jr.
08/25/2003	✓ ORDER: NOW, this 25 day of August, 2003, upon consideration of Plaintiff's Motion in Limine, it is the ORDER of this Court that Motion be granted to the extent that defense shall not examine or cross-examine any witness or introduce any evidence bearing on the subjects of said Motion without first advising the Court and opposing counsel of its intention to do so. s/JKR.	John K. Reilly Jr.

Date		Judge
08/29/2003	✓ Transcript of Videotaped Deposition of STEVEN J. TRIANTAFYLLOU, MD, 8:30 a.m. June 12, 2003. filed.	John K. Reilly Jr.
	✓ Transcript of Videotaped Deposition of KORNEAL LUKACS, M.D., June 18, 2003. filed.	John K. Reilly Jr.
	✓ Transcript of Videotaped Deposition of SUSAN I. HARCHAK, D.C., July 17, 2003. Filed	John K. Reilly Jr.
09/25/2003	ORDER, NOW, this 25th day of September, 2003, re; Trial scheduled for Sept. 2, 2003 has been continued to the next term of Civil Court which is the Winter Term, 2004. No further continuances will be granted. by the Court, s/JKR,JR.,P.J. 1 cc Atty Cole, Horne	John K. Reilly Jr.
01/26/2004	ORDER, AND NOW, this 23rd day of January, 2004, re: Motions shall be filed by and no later than 30 days prior to trial. Parties shall submit any proposed Points for Charge to the Court no later than 30 days prior to trial. The video transcript and/or video tape shall be provided to the Court by and no later than 30 days prior to trial. Jury Selection scheduled for 9:00a.m. on Jan. 29, 2004, Jury Trial scheduled for March 29, 30 and 31, 2004. The parties shall mark all Exhibits for trial in advance of trial to speed introduction of Exhibits. by the Court, s/PEC,J. 1 cc Atty Cole, James Horne	Paul E. Cherry
02/06/2004	Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses. filed by, s/James M. Horne, Esquire Certificate of Service no cc	Paul E. Cherry
02/26/2004	✓ Plaintiff's Position With Respect to Deposition Objections of Medical Witnesses. filed by, s/James B. Cole, Esquire Certificate of Service no cc	Paul E. Cherry
02/27/2004	✓ Plaintiff's Second Motion In Limine. filed by, s/James B. Cole, Esquire Certificate of Service no cc	Paul E. Cherry
03/02/2004	ORDER, NOW, this 2nd day of March, 2004, re: A Rule is hereby issued upon the Plaintiff to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 19th day of March, 2004, at 10:00 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 2 cc Atty Horne w/memo re: Rule Service	Paul E. Cherry
	ORDER, NOW, this 2nd day of March, 2004, re: Rule is issued upon the Defendant to Appear and Show Cause. Argument is scheduled the 19th day of March, 2004, at 10:00 a.m., in Courtroom No. 2. by the Court, s/PEC,J. 2 cc to Atty Cole w/Rule memo	Paul E. Cherry
03/04/2004	✓ Affidavit of Service, Court's issued Order concerning Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses upon counsel for Plaintiff. filed by, s/James M. Horne, Esquire no cc	Paul E. Cherry
03/05/2004	✓ Affidavit of Service of Rule To Show Cause upon James M. Horne, Esquire and David S. Meholick, CA filed by, s/James B. Cole, Esquire Certificate of Service no cc	Paul E. Cherry
03/22/2004	✓ ORDER, NOW, this 19th day of March, 2004, re: Plaintiff's Second Motion in Limine is hereby GRANTED to the extent that the Defense shall not examine Plaintiff as to the issue of full tort versus limited tort. by the Court, s/PEC, J. 2 cc Atty Cole, Horne	Paul E. Cherry
03/24/2004	Transcript, Deposition of Cindy Nadvit, October 17, 2001. filed.	Paul E. Cherry

Date: 09/04/2003

Clearfield County Court of Common Pleas

NO. 1865560

Time: 11:08 AM

Receipt

Received of: McQuaid, Blasko

\$ 170.25

One Hundred Seventy and 25/100 Dollars

Case: 2000-01322-CD

Defendant: Nadvit, Cindy

Fine:

Balance due court: \$.00

Costs:

170.25

Restitution:

Check: 83948

Payment Method: Check

William A. Shaw, Prothonotary/Clerk of Courts

Amount Tendered: 170.25

By: _____

Clerk: BILLSHAW

Deputy Clerk

Duplicate

McQUAIDE, BLASKO, SCHWARTZ, FLEMING & FAULKNER, INC.
STATE COLLEGE, PA 16801

 CLEARFIELD COUNTY

09/03/2003

83948

\$170.25

C/M Num. Inv.No. Description
2100-002235 2100-2235 Court Costs

Invoice Description

Amount Paid
170.25

83948

\$170.25

THIS DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPINTED BORDER. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

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

811 UNIVERSITY DRIVE
STATE COLLEGE, PA 16801
PHONE: (814) 238-4926

 M&T Bank

60-295/313

09/03/2003

DATE

83948

83948

\$170.25

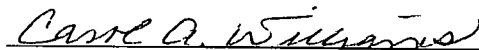
AMOUNT

One Hundred Seventy and 25/100 Dollars-----

PAY
TO THE
ORDER
OF

CLEARFIELD COUNTY

McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
ATTORNEYS-AT-LAW
"Void After Six (6) Months"



SECURE
SAFE
SECURE
SAFE

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED INK WILL DISAPPEAR WITH HEAT OR PRESSURE.

⑈083948⑈ ⑆031302955⑆ 00502 99403⑈

Date: 09/02/2003

Clearfield County Court of Common Pleas

NO. 1865397

Time: 01:23 PM

Receipt

Received of: Cole, James

\$ 170.25

One Hundred Seventy and 25/100 Dollars

Case: 2000-01322-CD

Plaintiff: Yarger, Tracy

Fine:

Balance due court: \$.00

Costs:

170.25

Restitution:

Check: 7169

Payment Method: Check

Amount Tendered: 170.25

William A. Shaw, Prothonotary/Clerk of Courts

By: _____

Deputy Clerk

Clerk: BILLSHAW

Duplicate

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

94 TRACY YARGER,

Plaintiff,

vs.

87 CINDY NADVIT,

Defendant.

No. 00 - 1322 - 00

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

FILED

OCT 26 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

:
:
: No.
:
:
:
:
:
:
:

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in a Civil Action against defendant, above-named.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

FILED

SEP 26 2000
at 9:30 a.m.
William A. Shaw
Prothonotary

Ed & Ed \$80.00
Went to Shaw
B

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

TRACY YARGER

Plaintiff(s)

vs.

CINDY NADVIT

Defendant(s)

S U M M O N S

No: 00-1322-CD

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 October 26, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

James B. Cole, Esquire
STOKES LURIE COLE & HENS-GRECO, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10343

YARGER, TRACY

00-1322-CD

VS.

NADVIT, CINDY

SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 6, 2000 AT 10:26 AM EST SERVED THE WITHIN PRAECIPE & SUMMONS ON CINDY NADVIT, DEFENDANT AT EMPLOYMENT, NEARHOOD MACHINE, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CINDY NADVIT A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: DAVIS/MORGILLO.

Return Costs

Cost	Description
47.12	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE: PAID BY: ATTY.

Sworn to Before Me This

9th Day Of Nov 2000
[Signature]

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

So Answers,

[Signature]
[Signature]
Chester A. Hawkins
Sheriff

FILED

NOV 09 2000

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
**PRAECIPE FOR ENTRY OF
APPEARANCE**

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

NOV 22 2000

not 11/10/00

William A. Shaw

Prothonotary

no c/c

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

PRAECIPE FOR ENTRY OF APPEARANCE

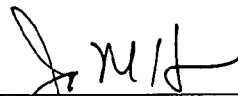
TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, Cindy Nadvit, in the above-captioned matter.

We are authorized to accept service on behalf of Cindy Nadvit.

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

Dated: November 20, 2000

By: 

James M. Horne, Esquire

I.D. No. 26908

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praecept for Entry of Appearance on behalf the Defendant, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 20th day of November, 2000, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
**PRAECIPE FOR RULE TO
FILE COMPLAINT**

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

NOV 30 2000

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

PRAECIPE FOR RULE TO FILE COMPLAINT

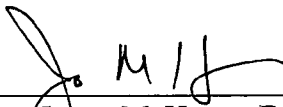
TO THE PROTHONOTARY:

Please issue a Rule on Plaintiffs to file her Complaint within twenty (20) days from service thereof or suffer a judgment of non pros against her.

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

Dated: November 29, 2000

By:


James M. Horne, Esquire

I.D. No. 26908

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

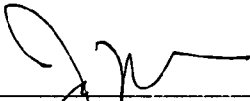
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praecept for Rule to File Complaint on behalf of the Defendant, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 29th day of November, 2000, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

NOV 30 2000
m 11:21
William A. Shaw
Denton

Attorney

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

COPY

RULE

To: Tracy Yarger
% James B. Cole, Esquire

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

William A. Shaw, Prothonotary
[SEAL]

Dated: 11/30/00

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

DEC 04 2000

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

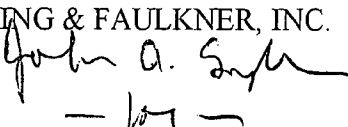
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Rule to File Complaint on behalf of the Defendant, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this _____ day of December, 2000, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

DEC 04 2000

M1824110CC
William A. Shaw
Prothonotary

SW

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificates of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

DEC 21 2000

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Interrogatories Propounded by Defendant for Answer By Plaintiff (Set One) and Request for Production (Set One) in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 20th day of December 2000, to the attorneys/parties of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

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

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiff in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 20th day of December, 2000, to the attorney of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

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

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Notice of Intent to Serve Subpoenas
w/Certificate of Service**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

DEC 21 2000

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

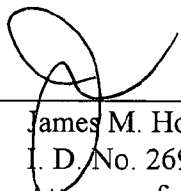
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery directed to: Philipsburg Hospital, York Hospital, Susan I. Harchak, D.C., and KDV Orthopedics, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 20th day of December, 2000, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

FILED

JAN 05 2001

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

Telephone: (814) 765-2641, Extension 50 or 51

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

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

COMPLAINT IN CIVIL ACTION

1. The plaintiff resides at 301 Sylvan Circle, Tyrone, Blair County, Pennsylvania.
2. The defendant resides at R.R. 1, Box 420, Houtzdale, Clearfield County, Pennsylvania.
3. The events complained of happened on or about October 30, 1998 in Osceola Mills, Clearfield County, Pennsylvania.
4. At that time and place the plaintiff was operating a motor vehicle on Route 53 in Osceola Mills where she was stopped in traffic at a red light. While the plaintiff waited in her vehicle for the light to change the defendant negligently operated her motor vehicle so as to cause and permit it to collide with the plaintiff's vehicle from the rear thereby injuring the plaintiff.
5. The injuries and damages suffered by the plaintiff were the direct and proximate result of the negligence of the defendant in the following respects:

- (a) in operating her vehicle at a high, dangerous and excessive rate of speed;
- (b) in operating her vehicle at an excessive rate of speed under the circumstances;
- (c) in failing to keep and maintain a proper and adequate lookout;
- (d) in failing to keep and maintain her vehicle under proper and adequate control;
- (e) in failing to stop, slow or turn her vehicle aside when she knew or by the exercise of reasonable care should have known that if the said vehicle were permitted to proceed a collision would result;
- (f) in operating her vehicle into collision with the plaintiff's automobile;
- (g) in causing and permitting her vehicle to strike the stationed and standing plaintiff's vehicle;
- (h) in failing to have her vehicle in a safe, proper and adequate mechanical condition under the circumstances;
- (i) in failing to keep and maintain the assured clear distance ahead;
- (j) in failing to keep and maintain a proper and adequate lookout ahead for traffic;
- (k) in failing to properly observe and heed the traffic conditions then and there existing.

6. As a direct and proximate result of the negligence of the defendant the plaintiff suffered the following injuries:

- (a) injury and damage to the muscles, ligaments, discs, nerves and tissues of the cervical spine, including herniation of the intervertebral disc at the level C5-6;
- (b) contusions of the forehead;
- (c) injury and damage to the muscles, ligaments, tendons, nerves and tissues of the shoulders;
- (d) injury and damage to the muscles, ligaments, nerves and tissues of the lumbar spine.

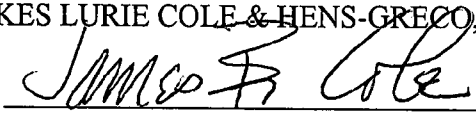
7. As a direct and proximate result of the negligence of the defendant and the injuries inflicted thereby, the plaintiff has been damaged as follows:

- (a) she has suffered and will suffer pain, inconvenience and mental distress and loss of enjoyment of life;
- (b) she has incurred and will incur medical expense for the treatment of her injuries;
- (c) her general health, strength and vitality have been impaired.

8. At all times relevant and material hereto the plaintiff was under a full tort option.

WHEREFORE the plaintiff demands judgment against the defendant in an amount in excess of the arbitration limits of this Court.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: 

James B. Cole

Attorneys for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION

I verify that the statements of fact made in this Complaint in Civil Action are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 PA. C.S. Section 4904, relating to unsworn falsification to authorities.


Tracy Yarger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Complaint in Civil Action was served upon the counsel for defendants by first class mail, postage prepaid, this 3rd day of January, 2001.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE CGLE & HENS-GRECO, P.C.

By: 

James B. Cole
Attorneys for Plaintiff

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Certificate Prerequisite to Service
of Subpoenas**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR

FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO, SCHWARTZ,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

JAN 11 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoenas has been received, and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

Date: 1-10-01

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

By: [Signature]

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those that are attached to this notice.

You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

Date: December 20, 2000

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Philipsburg Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records/documents in your possession pertaining to Tracy J. Yarger, SS# 187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER, : No. 00-1322-C.D.
Plaintiff, :
 :
v. :
 :
CINDY NADVIT, :
Defendant. :

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *York Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER, : No. 00-1322-C.D.
Plaintiff, :
 :
v. :
 :
CINDY NADVIT, :
Defendant. :

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Susan I. Harchak, D.C.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER, : No. 00-1322-C.D.
Plaintiff, :
 :
v. :
 :
CINDY NADVIT, :
Defendant. :

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *KDV Orthopedics*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records/documents in your possession pertaining to Tracy J. Yarger, SS# 187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

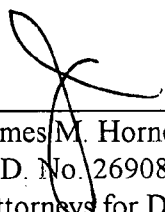
TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22, together with Subpoena to Produce Documents or Things directed to: Philipsburg Hospital, York Hospital, KDV Orthopedics and Susan Harchak, D.C., in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 10th day of January, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 
James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

JAN 11 2001

71/48/100
William A. Shaw
Prothonotary

3
KBJ

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Answer with New Matter

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

JAN 15 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

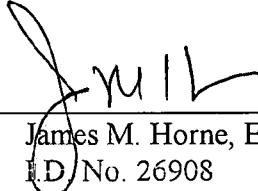
NOTICE TO PLEAD

TO: Tracy Yarger
%James B. Cole, Esquire

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

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

Dated: January 12, 2001

By: 

James M. Horne, Esquire
E.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

ANSWER WITH NEW MATTER OF DEFENDANT, CINDY NADVIT

AND NOW, comes Defendant, Cindy Nadvit, by and through her undersigned counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and files the within Answer with New Matter to Plaintiff's Complaint and, in support thereof, avers as follows:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. Admitted.

3. Admitted, however, Defendant does not admit the truth of the averments set forth in other paragraphs of Plaintiff's Complaint. Defendant incorporates herein by reference her responses to the other paragraphs of Plaintiff's Complaint the same as though set forth at length.

4. It is admitted only that as Plaintiff and Defendant were operating motor vehicles on Route 53 in the borough of Osceola Mills slight contact occurred between the front of a vehicle operated by Defendant and the rear of a vehicle operated by Plaintiff. Defendant denies negligence pursuant to the provisions of Pa.R.C.P. No. 1029(e). As to the balance of the

allegations of paragraph 4, after reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

5. (a) - (k). These allegations are denied pursuant to Pa. R.C.P. No. 1029(e).

6. (a) - (d). After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraphs 6(a) - (d), inclusive. The same are therefore denied and strict proof thereof demanded.

7. (a) - (c). After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraphs 7(a) - (c), inclusive. The same are therefore denied and strict proof thereof demanded.

8. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Cindy Nadvit requests that Plaintiff Tracy Yarger's Complaint be dismissed with prejudice and costs of suit.

NEW MATTER

9. Defendant hereby raises and asserts all those defenses and limitations on damages available to her by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

10. To the extent Plaintiff was insured under a policy of insurance bearing the limited tort option, her damages are barred or reduced accordingly.

11. To the extent Plaintiff's medical expenses, if any, were paid or are payable under a policy of insurance the same may not be pled, proven or recovered in the instant action.

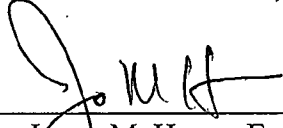
12. To the extent Plaintiff's wage loss, if any, was paid or is payable under a policy of insurance the same may not be pled, proven or recovered in the instant action.

WHEREFORE, Defendant Cindy Nadvit requests that Plaintiff Tracy Yarger's Complaint be dismissed, with prejudice and costs of suit.

Respectfully submitted,

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

Dated: January 12, 2001

By: 

James M. Horne, Esquire
C. D. No. 26908
844 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

VERIFICATION

The undersigned verifies that she is authorized to make this Verification on her own behalf, and that the statements made in the foregoing Answer with New Matter of Defendant, are true and correct to the best of her knowledge, information and belief. The undersigned understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.


CINDY NADVIT

Dated: 11-Jan, 2001

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

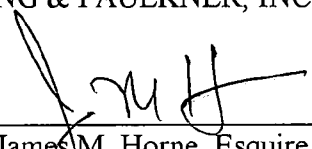
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer with New Matter in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 12th day of January, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

FEB 12 2001

mjd:30am noc
William A. Shaw
Prothonotary

[Signature]

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery directed to: Conemaugh Memorial Medical Center, Tyrone Hospital and James P. Davidson, D.O. in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 8th day of February 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Certificate Prerequisite to Service of
Subpoenas**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

MAR 09 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

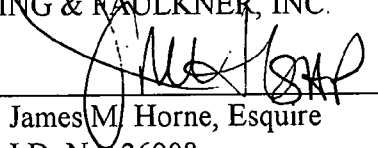
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoenas has been received, and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: 3-8-01

By: 

James M. Horne, Esquire

I.D. No. 26908

Attorney for Defendant

811 University Drive

State College, PA 16801-6699

(814) 238-4926

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those that are attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

Date: February 8, 2001

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: GONEMAUGH MEMORIAL MEDICAL CENTER
1086 Franklin Street
Johnstown, PA 15905

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 12.21.00

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: TYRONE HOSPITAL
1 Hospital Drive
Tyrone, PA 16686-0189

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

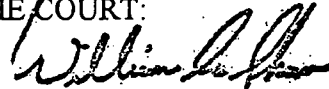
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 12-21-00

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

TRACY YARGER,
Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,
Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: JAMES P. DAVIDSON, D.O.
502 Park Avenue
Clearfield, PA 16830-2100

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records/documents in your possession pertaining to Tracy J. Yarger, SS# 187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 12.21.00

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

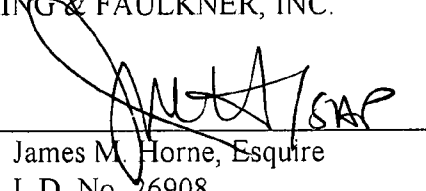
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22, together with Subpoena to Produce Documents or Things directed to: Conemaugh Memorial Medical Center, Tyrone Hospital, and James P. Davidson, D.O., in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 8th day of March, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

MAR 09 2001

M 10:54 AM

William A. Shaw
Prothonotary

WAS

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

APR 09 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery directed to: Conemaugh Memorial Medical Center and 611 Open MRI, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 6th day of April, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
**Motion to Compel Responses
to Discovery**

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

APR 26 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

MOTION TO COMPEL PLAINTIFF'S RESPONSES TO
DEFENDANT'S FIRST SET OF INTERROGATORIES (Set 1)
and REQUESTS FOR PRODUCTION OF DOCUMENTS (Sets 1 and 2)

AND NOW, comes Defendant, Cindy Nadvit, by and through her attorneys, McQuaide, Blasko, Schwartz, Fleming and Faulkner, Inc., and respectfully moves this Honorable Court to issue an appropriate Order compelling Plaintiff, Tracy Yarger, to fully and completely answer Interrogatories (Set 1) and Request for Production of Documents (Sets 1 and 2). In support thereof, Defendant avers as follows:

1. Plaintiff initiated the instant action by Writ of Summons filed on October 26, 2000.
2. On November 30, 2000, a Rule to file Complaint was issued upon Plaintiff.
3. Plaintiff subsequently filed her Complaint in January 3, 2001.
4. The instant personal injury action arises out of an October 30, 1998 motor vehicle accident which occurred on Route 53 in Osceola Mills and seeks recovery in excess of \$25,000 for injuries Plaintiff allegedly sustained as a result of the accident.
5. On December 20, 2001, Defendant served Interrogatories (Set 1) and Request for Production of Documents (Set 1) Propounded by Defendant for Answer by Plaintiff and Request for Production of Documents and Tangible Things by Defendant Directed to Plaintiff (Set 2).

(See true and correct copy of said discovery requests and applicable certificates of service attached hereto as Exhibit A).

6. In accordance with Pennsylvania Rule of Civil Procedure 4006, said Interrogatories and Request for Production (Set 1) indicated that Plaintiff was to respond to said discovery requests within thirty (30) days from service thereof.

7. Pursuant to Pennsylvania Rule of Civil Procedure 4009.12, said Request for Production of Documents and Tangible Things (Set 2) indicated that Plaintiff was to produce any relevant documents and/or tangible things before January 22, 2001.

8. By correspondence dated February 19, 2001, Defendant's counsel inquired about the status of Plaintiff's discovery requests. (See copy of correspondence attached hereto as Exhibit B).

9. On March 20, 2001, Defendant's counsel again wrote to Plaintiff's counsel in an effort to determine when he could expect Plaintiff's discovery responses. (See copy of correspondence attached hereto as Exhibit C).

10. To date, Plaintiff's counsel has not responded to Defendant's inquiries regarding discovery responses.

11. Despite the foregoing and the passage of over three (3) months, as of this date, Defendant still has not received any answers to the Interrogatories or Requests, nor have any objections been filed to the discovery requests.

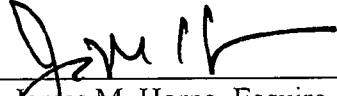
12. Defendant is severely prejudiced in her preparation of this case and in her pursuit of any and all aspects of discovery, including but not limited to expert review of the case and preparation for depositions of witnesses and the parties.

WHEREFORE, Defendant, Cindy Nadvit, respectfully requests that an Order be issued compelling Plaintiff to fully and completely answer Defendant's Interrogatories and Request for Production of Documents (Set 1) and Request for Production of Documents and Tangible Things (Set 2) within 10 days of the date of such Order or suffer appropriate sanctions, which may include the imposition of attorneys' fees and costs. A proposed Order is attached hereto.

Respectfully submitted,

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

Dated: April 25, 2001

By: 

James M. Horne, Esquire

I.D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for DEFENDANT

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

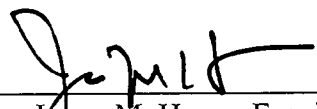
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion to Compel Responses to Interrogatories and Request for Production of Documents, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 25th day of April, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

INTERROGATORIES PROPOUNDED BY DEFENDANT
FOR ANSWER BY PLAINTIFF (SET ONE)

-and-

REQUEST FOR PRODUCTION (SET ONE)

To: Tracy Yarger
% James B. Cole, Esquire

Please take notice that you are hereby required pursuant to the Pennsylvania Rules of Civil Procedure, to serve upon the undersigned, within thirty (30) days from service hereof, your answers to the Interrogatories provided by Defendant, in writing and under oath.

These shall be deemed to be continuing interrogatories. If, between the time of your answers and the time of trial of this case, you or anyone acting on your behalf learn of any further information not contained in your answers, you shall promptly furnish said information to the undersigned by supplemental answers.

Dated: 12/20/00

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

By: [Signature]

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

DEFINITIONS

A. "You" and/or "your" means Plaintiff, her agents and employees and others acting on her behalf with regard to asserting the cause of action to be set forth in Plaintiff's Complaint in the above-captioned case.

B. "Document" shall mean any writing (whether handwritten, typed, printed or otherwise made), drawing, graph, chart, photograph, phonograph record, or electronic or mechanical matter (including microfilm of any kind or nature, tape or recording), or other data compilations from which information can be obtained (translated, if necessary, by Defendant, through detection devices into reasonably usable form), and shall include, without limiting the generality of the foregoing, all records, correspondence, telegrams, teletypes, agreements, studies, reports, drafts, memoranda, and computer print outs.

C. As used herein "identify," when used in reference to an individual, means his/her full name and present or last known residence and business address, his/her present or last known position or title and business affiliation, and his/her position at the time in question.

D. "Health care provider" means a person, corporation, facility, institution or other entity licensed or approved by the Commonwealth to provide health care or professional services as a physician, including a medical doctor and a doctor of osteopathy and a doctor of podiatry; hospital; nursing home; health maintenance organization; or an officer, employee or agent of any of them acting in the course and scope of his/her employment.

Where the Interrogatories request that documents be identified, an identification of it should include at least the following: author, addressee, type of document, date, subject matter, and the name and address of the person or party presently having custody of the document and any known copies of it.

INSTRUCTIONS FOR ANSWERING INTERROGATORIES

A. In accordance with Pa. R.C.P. Rule 4005, the original of these written Interrogatories have been served upon you to be answered by the party served of, if the party served is a public or private corporation or similar entity or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party.

B. In accordance with Pa. R.C.P. Rule 4006, written answers shall be inserted in the spaces provided in the Interrogatories. If there is not sufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

C. In accordance with Pa. R.C.P. Rule 4006(b), a sufficient answer to such an Interrogatory shall be to specify the records from which the answer may be derived or ascertained.

D. Please serve Plaintiff's Answers to Interrogatories in accordance with the Rules of Civil Procedure.

INTERROGATORIES

1. State your full name(s), date(s) of birth, place(s) of birth, and Social Security number(s).

ANSWER:

2. State your present residence address, the period during which you have resided at said address, and telephone number.

ANSWER:

3. State your residence address at the time of the accident to be referred to in your Complaint.

ANSWER:

4. Are you married at the present time?

ANSWER:

5. If so, state:

(a) Your spouse's full name;

ANSWER:

(b) If female, her maiden name;

ANSWER:

(c) His or her address;

ANSWER:

(d) The date and place of your marriage;

ANSWER:

(e) State whether or not your spouse is now living with you;

ANSWER:

(f) If not, when the separation occurred;

ANSWER:

(g) Your spouse's present address.

ANSWER:

6. State your business or occupation at the time of the accident to be referred to in your Complaint and if you are still engaged in such a business or occupation.

ANSWER:

7. If so, state:

- (a) When you ceased working in such business or occupation;

ANSWER:

- (b) Your present business or occupation, the date you entered it and your present income from such business;

ANSWER:

- (c) Any other business occupations prior to your present one and after the date set out in answer to paragraph (a) above.

ANSWER:

8. Have you lost any time from your business or occupation since the accident to be referred to in your Complaint and if so, state:

ANSWER:

- (a) The cause of such loss of time;

ANSWER:

- (b) The number of days lost and the dates;

ANSWER:

- (c) The amount of any income or wages lost.

ANSWER:

9. If employed at the time of the accident to be referred to in your Complaint, state;

- (a) The name and address of the employer;

ANSWER:

- (b) The position held and the nature of the work performed;

ANSWER:

- (c) Average weekly wages for the preceding year.

ANSWER:

10. If employed since the accident to be referred to in the Complaint, state:

(a) Name and address of present employer;

ANSWER:

(b) Position held and nature of work being performed;

ANSWER:

(c) Hours worked per week;

ANSWER:

(d) Present weekly wages, earnings, income or profit;

ANSWER:

- (e) Name your immediate boss, foreman or the superior to whom you are responsible;

ANSWER:

- (f) Whether a physical examination was required and if so, state the date, place and person giving the examination;

ANSWER:

- (g) For each employer, whether or not you made any representations in writing or answered in writing any questions concerning your physical condition.

ANSWER:

11. Are you now receiving or have you ever received any disability pension, income or insurance or any workers' compensation from any agency, company, person, corporation, state or government?

ANSWER:

12. If so, state:

- (a) The nature of any such payment;

ANSWER:

- (b) Dates you received such income;

ANSWER:

- (c) For what injuries or disability you received it, and how such injury occurred or disability arose;

ANSWER:

- (d) By whom paid;

ANSWER:

- (e) Whether you now have any present disability as a result of such injuries or disability;

ANSWER:

- (f) If so, the nature and extent of such disability;

ANSWER:

- (g) Whether you had any disability at the time of the accident to be referred to in the Complaint;

ANSWER:

- (h) If so, the nature and extent of such disability.

ANSWER:

13. Have you made claim for any benefits under any medical pay coverage or policy of insurance relating to injuries arising out of the accident alleged in your Complaint?

ANSWER:

14. If so, state:

- (a) The name of the insurance company or organization to whom said claim was made;

ANSWER:

(b) The date of the Claim or application;

ANSWER:

(c) The claim number or policy number.

ANSWER:

15. Have you ever made claim for any benefits under any insurance policy, or against any person, firm or corporation for personal injuries or physical condition which you have not heretofore listed in your answers to these interrogatories?

ANSWER:

16. If so, state:

(a) The injury or condition for which such claim was made;

ANSWER:

(b) The name and address of the person, firm or corporation to whom or against whom it was made;

ANSWER:

(c) The date it was made;

ANSWER:

(d) The nature and amount of any payment received therefor.

ANSWER:

17. State in detail the manner in which you assert that the accident to be referred to in the Complaint occurred, specifying the speed, position, direction, and location of each vehicle and person involved during its approach to, at the time of and immediately after the collision.

ANSWER:

18. Did you consume any alcoholic beverages of any type, or any sedative, tranquilizer or other drug, medicine or pill during the 48 hours immediately preceding the accident to be referred to in the Complaint?

ANSWER:

19. If so, state:

- (a) The nature, amount, and type of item consumed;

ANSWER:

- (b) The amount of time over which consumed;

ANSWER:

- (c) The names and addresses of any and all persons who have any knowledge as to the consumption of these items.

ANSWER:

20. State whether you made any statement or statements in any form to any person regarding any of the events or happenings to be referred to in your Complaint.

ANSWER:

21. If so, state:

- (a) The names and addresses of the person or persons to whom such statements were made;

ANSWER:

- (b) The date such statements were made;

ANSWER:

- (c) The form of the statement, whether written, oral, by recording device or to a stenographer;

ANSWER:

- (d) Whether such statements, if written, were signed;

ANSWER:

- (e) The names and addresses of the persons presently having custody of such statements.

ANSWER:

22. State the full name and last known address, giving the street, street number, city and state of every witness known to you or to your attorneys who has any knowledge regarding the facts and circumstances surrounding the happening of the accident to be referred to in the Complaint or your alleged injuries, including, but not limited to, eye witnesses to such event, as well as medical witnesses and other persons having any knowledge thereof.

ANSWER:

23. If any of the witnesses listed in Interrogatory number 22 or whom you propose to use at trial are related to you or to each other, please state the nature of such relationship.

ANSWER:

24. State the full name and last known address, giving the street, street number, city and state, of every witness known to you or your attorneys who claims to have seen or heard the defendant made any statement or statements pertaining to any of the events or happenings to be alleged in your Complaint.

ANSWER:

25. Supply the following information with respect to each individual whose name you have given in the answer to Interrogatory No. 24:

- (a) The location or locations where the Defendant made any such statement or statements;

ANSWER:

- (b) The name and address of the person or persons in whose presence the Defendant made any such statement or statements;

ANSWER:

- (c) The time and date upon which the Defendant made any such statement or statements;

ANSWER:

- (d) The full name and address of any other person who was present at the time and place the Defendant made such statement or statements;

ANSWER:

- (e) Whether you or anyone acting on your behalf obtained statements in any form from any persons who claim to be able to testify to the statement or statements made by the Defendant.

ANSWER:

26. If the answer to Paragraph (e) of the foregoing interrogatory is in the affirmative, then state:

- (a) The names and addresses of the persons from whom any such statements were taken.

ANSWER:

- (b) The date upon which said statements were taken;

ANSWER:

- (c) The names and addresses of the employers of the persons who took such statements;

ANSWER:

- (d) The names and addresses of the persons having custody of such statements;

ANSWER:

- (e) Whether such statements were written, oral, by recording device or by court reporter or stenographer.

ANSWER:

27. State whether you, your attorney, your insurance carrier or anyone acting on your or their behalf obtained statements in any form from any persons regarding any of the events or happenings that occurred at the scene of the accident to be referred to in the Complaint immediately before, at the time of, or immediately after said accident.

ANSWER:

28. If so, state:

- (a) The name and address of the person from whom any such statements were taken;

ANSWER:

- (b) The dates on which such statements were taken;

ANSWER:

- (c) The names and addresses of the persons and employers of such persons who took such statements;

ANSWER:

- (d) The names and addresses of the persons having custody of such statements;

ANSWER:

- (e) Whether such statements were written, by recording device, by court reporter or stenographer.

ANSWER:

29. For each expert witness you intend to call at the trial of this case, please list:

- (a) Name, business address, and home address;

ANSWER:

- (b) Date of birth, technical schools attended, dates of attendance, date of graduation and degree attained;

ANSWER:

- (c) The specialties in which the witness has received certification by and board or professional organization, the date of such certification, and the identity of the board issuing such certification;

ANSWER:

- (d) All professional societies, academies, associations or other organized professional groups of which this expert is a member;

ANSWER:

- (e) All states in which the witness has ever been licensed and the states in which the witness is currently licensed;

ANSWER:

- (f) Whether any state board of licensure has ever revoked or suspended the witness's license and if so, the date of such revocation or suspension and the name of the state board of licensure imposing such revocation or suspension;

ANSWER:

- (g) Whether any professional or governmental agency or body has ever had occasion to investigate the witness pursuant to any complaint calling into question the professional conduct or professional ethics of the witness and if so, the name of such investigative body, the date of investigation, and the outcome or disposition of such investigation;

ANSWER:

- (h) All lawsuits in which this expert has ever testified as an expert witness, and for each, whether he testified on behalf of the Plaintiff or Defendant, the Court term and number of each action, and the area of expertise to which this expert testified in each case;

ANSWER:

- (i) All textbooks, treatises, papers, articles, or other writings which this witness has ever authored, and for each, the name of the article, publication, citation of the publication and date of publication;

ANSWER:

- (j) If the witness is not self-employed, state each address where the witness is employed.

ANSWER:

30. For each such expert witness you intend to call at the trial of this case, state the subject matter on which the expert is expected to testify.

ANSWER:

31. For each such expert witness, state the substance of each and every fact which each expert is expected to utilize during his/her testimony.

ANSWER:

32. For each such expert witness, state the substance of each and every opinion to which the expert is expected to testify and for each opinion give a complete statement of the ground for such opinion.

ANSWER:

33. If you received any treatment with respect to the injuries allegedly suffered state:

(a) The name and address of each hospital at which you were treated or admitted;

ANSWER:

- (b) The dates on which said treatment was rendered, including the dates of entry into and discharge from said hospital or hospitals;

ANSWER:

- (c) Itemize the charges rendered by each of the hospitals listed above;

ANSWER:

- (d) State the name and address of each doctor or medical practitioner of any type whatsoever who has examined or treated Plaintiff or conferred with you with respect to the injuries alleged;

ANSWER:

- (e) Itemize the cost and expenses of such examinations or treatments by the doctors listed above.

ANSWER:

34. Since the date of the accident to be referred to in your Complaint, have you been treated by or examined by or have you conferred with or consulted with any other doctor or medical practitioner of any type whatsoever whose name you have not heretofore supplied?

ANSWER:

35. If so, state:

- (a) The name and address of each doctor or medical practitioner of any type whatsoever who has examined, treated, conferred, or consulted with you and the date of same.

ANSWER:

- (b) The condition for which said care or treatment or attention was rendered.

ANSWER:

36. If you have incurred any medical bills in connection with the alleged injuries not heretofore listed, state:

- (a) The total amount of each such bill;

ANSWER:

- (b) The person to whom such amount was paid;

ANSWER:

- (c) The service or thing for which the bill was rendered.

ANSWER:

37. If you are still receiving medical services or treatment of any nature whatsoever, state:

- (a) The name or names of the person or persons attending you;

ANSWER:

- (b) The approximate frequency of said treatment or service;

ANSWER:

- (c) The date you last received said treatment or service.

ANSWER:

38. State the dates during which you were confined following your discharge from the hospital.

(a) To your bed;

ANSWER:

(b) To your home.

ANSWER:

39. Were you an insured or beneficiary under any policy of insurance under which you received benefits or reimbursement for medical expenses resulting from the injuries received in the accident?

ANSWER:

40. If so, state:

(a) The name and address of the company paying the benefits;

ANSWER:

- (b) Whether the company required you to assign to it any rights of recovery you may have against others.

ANSWER:

41. At the time of the accident referred to in your Complaint, was there in effect an insurance policy which provided benefits and coverage pursuant to the Pennsylvania No-Fault Motor Vehicle Insurance Act of the Motor Vehicle Financial Responsibility Law?

ANSWER:

42. If so, as to each state:

- (a) Name, principal place of business and telephone number of insurer;

ANSWER:

- (b) Name, address and telephone number of named insured;

ANSWER:

(c) Policy Number; and

ANSWER:

(d) Claim number designated to your policy.

ANSWER:

43. Have you been paid any benefits under said policy for medical expenses as a result of the accident referred to in your Complaint?

ANSWER:

44. If so, state the total amount of benefits you have received for medical expenses from the date of the accident to the present.

ANSWER:

45. Have you been paid any benefits under said policy for lost wages as a result of the accident referred to in your Complaint?

ANSWER:

46. If so, state the total amount of benefits you have received for lost wages from the date of the accident to the present.

ANSWER:

47. In the years prior to the accident referenced in this matter, had you ever been involved in any other vehicular accidents?

ANSWER:

48. If so, as to each, state:

(a) The date, time, and location of accident;

ANSWER:

(b) The names and addresses of people involved;

ANSWER:

(c) If legal proceedings were commenced;

ANSWER:

- (d) The names of parties and the status they occupied in any action;

ANSWER:

- (e) The result of any judgment rendered in any action;

ANSWER:

- (f) The result of any settlement in absence of legal proceedings;

ANSWER:

- (g) The nature and extent of any injuries you sustained.

ANSWER:

49. Have you been involved in any vehicular accidents since the date of the accident referenced in this matter?

ANSWER:

50. If so, as to each, state:

(a) The date, time, and location of accident;

ANSWER:

(b) The names and addresses of people involved;

ANSWER:

(c) If legal proceedings were commenced;

ANSWER:

- (d) The names of parties and the status they occupied in any action;

ANSWER:

- (e) The result of any judgment rendered in any action;

ANSWER:

- (f) The result of any settlement in absence of legal proceedings;

ANSWER:

- (g) The nature and extent of any injuries you sustained.

ANSWER:

51. Do you have any difficulty in judging distance? If so, describe such difficulty.

ANSWER:

52. Identify fully and completely each and every document which you intend to introduce into evidence at the trial of this case.

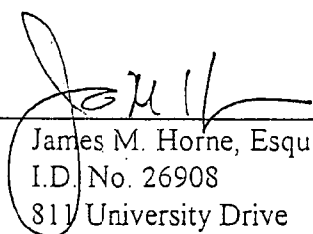
ANSWER:

53. Identify each and every demonstrative exhibit, picture, object, model, movie, tape or other document which you intend to refer to during any witnesses' testimony at the trial of this case, and for each, identify the witness(es) whom you intend to question concerning said exhibit.

ANSWER:

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

Dated: 12/20/02

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

AS TO ANSWERS:

Date: _____

James B. Cole, Esquire
Attorney for Plaintiff

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

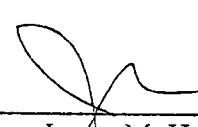
No. 00-1322-C.D.

REQUEST FOR PRODUCTION OF DOCUMENTS
(SET ONE)

Defendant, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure, hereby requests that Plaintiff produce for inspection and copying, all documents identified in the answers to the foregoing Interrogatories and all documents reviewed by Plaintiff or anyone acting on behalf of Plaintiff in the preparation of answers to the foregoing Interrogatories.

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

Dated: 12/20/00

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

**REQUEST FOR PRODUCTION OF DOCUMENTS
and TANGIBLE THINGS BY DEFENDANT
DIRECTED TO PLAINTIFF (SET TWO)**

To: Tracy Yarger
% James B. Cole, Esquire

AND NOW COMES, Defendant, by and through her counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and hereby requests Plaintiff to produce the documents and tangible things described below, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure for inspection and/or photocopying by Defendant, her attorneys and agents. The documents and tangible things shall be produced at the offices of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, on or before January 22, 2001, at 5:00 p.m., or at such other time and place that the parties may mutually agree. In responding to this request, you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

INSTRUCTIONS

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including but not limited to, all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Rule 4007.4 of the Pennsylvania Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) The date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

DEFINITIONS

1. "You" and "Your" shall mean Plaintiff as well as her agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with her or purporting to act on her behalf with respect to the matter in question.

2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).

3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or," and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

REQUEST

1. All photographs in the possession, custody or control of the Plaintiff, counsel for Plaintiff, or any other person or entity acting on behalf of the Plaintiff, including any insurers for the Plaintiff, showing, representing or purporting to show any vehicles, locales, instrumentalities, persons, and any and all other matters related to the subject matters of this litigation.
2. All diagrams, sketches, drawings, plans, measurements or blueprints in the possession, custody or control of Plaintiff, counsel for Plaintiff, or any other person or entity acting on behalf of said Plaintiff, including any insurer of said Plaintiff, showing, representing, or purporting to show any of the instrumentalities, locales, persons or other matters involved in the incident which forms the basis of Plaintiff's Complaint.
3. All statements, signed statements, transcripts of recorded statements or interviews, recorded statements if not transcribed or any statement of recorded statements if not transcribed verbatim taken of any parties, persons, or witnesses as part of an investigation of the happening or cause of the incident in question, conducted by, or in the possession of Plaintiff, Plaintiff's attorney, insurers, or anyone else acting on behalf of Plaintiff.
4. All expert opinion, expert reports, expert summaries, or other writings of experts in the possession, custody or control of Plaintiff, or her attorneys or insurers, which relate to the subject matter of this litigation and the incident in question.
5. All documents prepared by Plaintiff or by any insurers, representatives, agents or anyone acting on behalf of Plaintiff, except her attorneys, during an investigation of any aspect of the incident in question. Such documents shall include any documents made or prepared up through the present time, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense or respecting strategy or tactics.

(NOTE: As referred to herein, "documents" includes written, printed, typed, recorded, or graphic matter, however produced or reproduced, including correspondence, telegrams, other written communications, data processing storage units, tapes, contracts, agreements, notes, memoranda, analyses, projections, indices, work papers, studies, reports, surveys, diaries, calendars, films, photographs, diagrams, drawings, minutes of meetings or any other writing (including copies of the foregoing, regardless of whether the parties to whom this request is addressed is now in the possession, custody or control of the original) now in the possession, custody or control of Plaintiff, her former or present counsel, agents, employees, officers, insurers, or any other person acting on Plaintiff's behalf.)

6. If not otherwise covered by the above Requests, the complete claims/investigation/subrogation file(s) of any insurers of Plaintiff, dealing with the incident in questions, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense, or respecting strategy or tactics.

7. All documents in the possession, custody or control of Plaintiff, Plaintiff's counsel, insurers, or anyone else acting on Plaintiff's behalf, dealing in any way with the injuries, damages and losses sustained by Plaintiff, other than those documents supplied by Plaintiff's counsel to Defendant's counsel. This should include, but not be limited to, all medical bills, medical records, medical reports, correspondence and any and all bills documents relating to medical treatment, hospitalization, medication, appliances, lost wages, etc.

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

Dated: 12/20/00

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

MEDICAL AUTHORIZATION

TO:

YOU ARE HEREBY authorized and requested to furnish to James M. Horne, Esquire, of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, any and all medical records/bills and information within your custody or control regarding the medical condition, treatment, diagnosis and prognosis of **TRACY J. YARGER** regarding which either her physician, a hospital, its agents, servants or employees were consulted relative to any medical services, the nature of physical impairment, history, prescription, x-rays, MRI films/reports, consultation reports from other health care providers, hospital medical records, consent forms, subjective and objective symptoms, and other information which may be available to you, including medical records' summary sheets, incident reports, and invoices of services rendered. This Authorization may be used to update these records at any time prior to the trial of this matter. A copy of this Authorization may also be presented.

TRACY J. YARGER

SS# 187-52-6682

Date of Birth: 6/3/65 _____

Sworn to and subscribed

before me this _____ day

of _____, 2000.

NOTARY PUBLIC
[SEAL]

MEDICAL AUTHORIZATION

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SS# 187-52-6682

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NOTARY PUBLIC
[SEAL]

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TRACY J. YARGER

SS# 187-52-6682

Date of Birth: 6/3/65_____

Sworn to and subscribed

before me this _____ day

of _____, 2000.

NOTARY PUBLIC
[SEAL]

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificates of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Interrogatories Propounded by Defendant for Answer By Plaintiff (Set One) and Request for Production (Set One) in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 20th day of December 2000, to the attorneys/parties of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

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

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiff in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 20th day of December, 2000, to the attorney of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

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

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926



McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive • M.C. A360 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to State College

Direct 233-2206

February 19, 2001

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

Re: Yarger v. Nadvit
No. 00-1322-CD

Dear Mr. Cole:

My file indicates that discovery requests were served upon you and your client back on December 20, 2000. To date, I have had no response. At your convenience, kindly advise me as to when you expect to be forwarding to me full and complete responses to the outstanding discovery requests.

Thank you for your attention to this matter.

Very truly yours,

McQUAIDE BLASKO

JAMES M. HORNE

JMH/sap

cc: G. Hugh Givens, Claim Specialist (#38-J107-189)

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weisel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Rightler Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Katherine V. Oliver Katherine M. Allen
Wayne L. Mowery, Jr. Pamela A. Ruest Michelle S. Katz Ashley Himes Kranich Chena L. Glenn-Hart Richard K. Luws John H. Taylor Michael J. Mohr Livinia N. Jones

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)



McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive • M.C. A560 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to State College

Direct 235-2206

March 20, 2001

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

Re: Yarger v. Nadvit
No. 00-1322-CD

Dear Mr. Cole:

Attached is a copy of my letter to you dated February 19, 2001 in which I inquired as to the status of your preparing discovery responses to the Interrogatories and Requests for Production of Documents served back on December 20, 2000. To date, I have had no response. Again, I would ask that you advise as to when I can expect discovery responses. If I do not hear back from you within the next 30 days, I will have to consider filing an appropriate Motion to Compel.

Thank you for your attention to this matter.

Very truly yours,

McQUAIDE BLASKO


JAMES M. HORNE

JMH/sap
Attachment

cc\Att.: G. Hugh Givens, Claim Specialist (#38-J107-189)

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomeczuk Janine C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Katherine V. Oliver Katherine M. Allen
Wayne L. Mowery, Jr. Pamela A. Ruest Michelle S. Katz Ashley Himes Kranich Chena L. Glenn-Hart Richard K. Laws John H. Taylor Michael J. Mohr Livinia N. Jones

John G. Luvie (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delben J. McQuaide (1936-1997)

McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive • M.C. A360 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to State College

Direct 235-2206

February 19, 2001

COPY

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

Re: Yarger v. Nadvit
No. 00-1322-CD

Dear Mr. Cole:

My file indicates that discovery requests were served upon you and your client back on December 20, 2000. To date, I have had no response. At your convenience, kindly advise me as to when you expect to be forwarding to me full and complete responses to the outstanding discovery requests.

Thank you for your attention to this matter.

Very truly yours,

McQUAIDE BLASKO

JAMES M. HORNE

JMH/sap

cc: G. Hugh Givens, Claim Specialist (#38-J107-189)

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weisel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Richter Daniel E. Bright
Paul J. Fomiczuk Janine C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Catherine V. Oliver Katherine M. Allen
Wayne L. Mowery, Jr. Pamela A. Rust Michelle S. Katz Ashley Himes Kravich Ciera L. Glenn-Hart Richard K. Laws John H. Taylor Michael J. Mohr Livinia N. Jones

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1993) Delbert J. McQuaide (1936-1997)

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

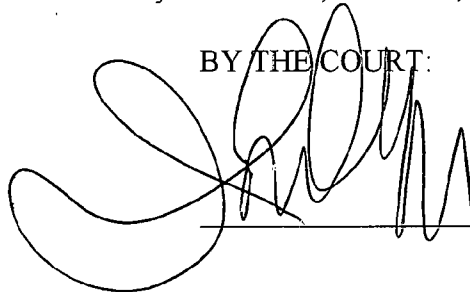
No. 00-1322-C.D.

RULE TO SHOW CAUSE

AND NOW, this 27th day of April, 2001, Plaintiff Tracy Yarger is requested to show cause why Defendant Cindy Nadvit's Motion to Compel Responses to Interrogatories and Request for Production of Documents propounded upon Plaintiff by Defendant should not be granted.

Rule returnable the 21st day of June, 2001, at 3:00 P.m.
in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



J.

FILED

APR 27 2001

0/2:00/42
William A. Shaw
Prothonotary

2 cent to Arts



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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Certificate Prerequisite to Service of
Subpoenas**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

APR 30 2001

m/8:30/WT
William A. Shaw
Prothonotary

NO 9/C
ED
KEX

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

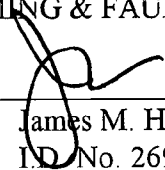
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoenas has been received, and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: 4-24-01

By: 

James M. Horne, Esquire

ID No. 26908

Attorney for Defendant

811 University Drive

State College, PA 16801-6699

(814) 238-4926

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those that are attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

Date: April 6 2001

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Conemaugh Memorial Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all MRI films in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: 611 Open MRI

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all MRI films in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

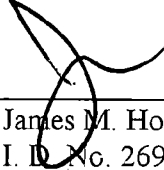
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas directed to 611 Open MRI and Conemaugh Memorial Medical Center, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 27th day of April, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 
James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

MAY 01 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

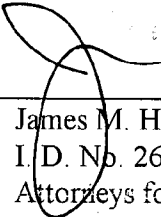
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Rule to Show Cause of April 27, 2001, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 30th day of April, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

MAY 01 2001

011-38120 CC
William A. Shaw
Prothonotary
WAS

CA

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

FILED

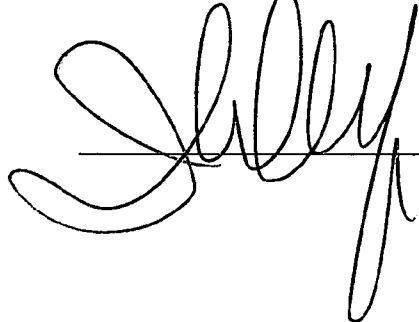
JUN 26 2001

William A. Shaw
Prothonotary

ORDER

AND NOW, this 26th day of June, 2001, upon consideration of Defendant Cindy Nadvit's Motion to Compel Plaintiff Tracy Yarger's Responses to Defendant's Interrogatories (Set 1) and Request for Production of Documents (Set 1) and Request for Production of Documents and Tangible Things (Set 2) served upon Plaintiff, it is hereby ORDERED that Plaintiff shall file full and complete answers to Defendant Cindy Nadvit's Interrogatories (Set 1) and Requests for Production of Documents (Sets 1 and 2) within 10 days of the date of this Order, and, if Plaintiff fails to answer Defendants' Interrogatories and Requests for Production fully and completely, the Court upon Motion shall issue an appropriate Order imposing sanctions on Plaintiff, which may include the imposition of attorneys' fees and costs.

BY THE COURT:


_____ J.

FILED

JUN 26 2001

m13:0112<C

William A. Shaw
Prothonotary

(Handwritten signature)

Att'y Bicotte

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

APR 29 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Rule to Show Cause of June 26, 2001, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 28th day of June, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Notice of Intent to Serve Subpoenas
w/Certificate of Service**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

JUL 02 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery directed to: Altoona Hospital, Y. H. Kao, M.D., William Schroeder, D.C., Kornel Lukacs, M.D., and Allstate Insurance Company, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 29th day of June, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

12:36
JUL 02 2001

William A. Shaw
Prothonotary

Pl - \$18.00
McQuaide
Sprock
6

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Certificate Prerequisite to Service
of Subpoenas**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO, SCHWARTZ,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

JUL 06 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) Plaintiff's counsel, via telephone call to Defendant's counsel on July 2, 2001, has waived the 20-day objection period to the subpoenas; and,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: July 3, 2001

By: _____

James M. Horne, Esquire

I.D. No. 26908

Attorney for Defendant

811 University Drive

State College, PA 16801-6699

(814) 238-4926

COPY

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

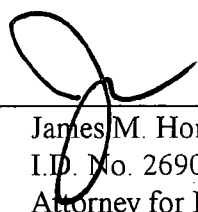
Defendant.

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those that are attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

Date: June 29, 2001

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD



TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Altoona Hospital, Dept. of Physical Therapy*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Y. H. Kao, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *William Schroeder, D.C.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,
Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,
Defendant.

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Kornel Lukacs, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

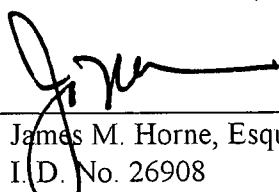
No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 3rd day of July, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: **Certificate of Service**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUL 20 2001

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

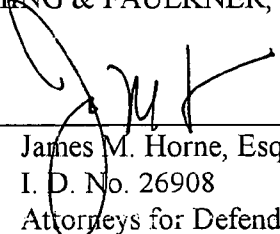
No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Taking Deposition of Plaintiff, Tracy Yarger, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 17th day of July, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

Notice of Intent to Serve Subpoenas
w/Certificate of Service

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR

FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO, SCHWARTZ,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

OCT 23 2001

m/10:31/no cc
William A. Shaw
Prothonotary

84

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery directed to: 611 Open MRI, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 22nd day of October, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

OCT 25 2001

m/11.25/rocc
William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

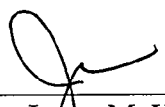
No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery directed to J.C. Blair Memorial Hospital, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 24th day of October, 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Prerequisite to Service of Subpoena
w/Certificate of Service**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

NOV 13 2001

m18'58/am/ncc
William A. Shaw
Prothonotary



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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection has been received, and,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: November 9, 2001

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

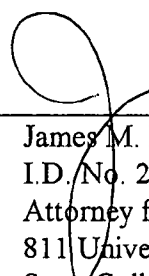
**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those that are attached to this notice.

You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

Date: October 22, 2001

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

TRACY YARGER,

Plaintiff,

No. 00-1322-C.D.

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: 611 OPEN MRI

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65; specifically, the 8/13/01 MRI film #21907 of the Cervical Spine of Tracy Yarger.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT



William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 4.9.01

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Prerequisite to Service of Subpoena to Produce Documents and Things for Discovery directed to: 611 Open MRI, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 9th day of November 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

NOV 14 2001

m/11104/no cc

William A. Shaw
Notary

[Handwritten signature]

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answers/Objections to Plaintiff's Interrogatories Directed to Defendant; Defendant's Responses/Objections to Plaintiff's Request for Production of Documents; and, Defendant's Response to Plaintiff's Request for Material in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 13th day of November 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By:



James M. Horne, Esquire

I. D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
**Prerequisite to Service of Subpoena
w/Certificate of Service**

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

NOV 15 2001

William A. Shaw

Prothonotary



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

· TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
**Notice of Intent to Serve Subpoena
w/Certificate of Service**

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that which is attached to this notice.

You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

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

Date: October 24, 2001

By: _____


James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

Defendant.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: J.C. BLAIR MEMORIAL HOSPITAL

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records/documents in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it!

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT. ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William A. Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 4.9.01

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Prerequisite to Service of Subpoena to Produce Documents and Things for Discovery directed to: J.C. Blair Memorial Hospital, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 14th day of November 2001, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

62

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Motion to Compel Plaintiff's
Execution of Authorization for Release
of Psychological Records**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

CHENA L. GLENN-HART, ESQ.

I.D. NO. 82750

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

FEB 01 2002

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

ORDER

AND NOW, this _____ day of _____, 2002, Plaintiff is
DIRECTED to execute and provide to Defendant's counsel authorizations for release of her
psychological records from the Social Security Administration, Dr. Ian Osborne, and the Mental
Health Center of Altoona within 20 days of the date of this Order. In addition, Plaintiff shall
provide Defendant counsel with a current address for Dr. Ian Osborne such that an executed
authorization for release of records may be served upon him. In the event Plaintiff fails to comply
with the Court's directive as set forth herein, upon appropriate motion, Plaintiff may be subject to
sanctions including but not limited to costs, attorney's fees, and a dismissal of her claims.

BY THE COURT:

J.

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

RULE TO SHOW CAUSE

AND NOW, this 5th day of February, 2002, Plaintiff is
requested to show cause within 20 days why Defendant's Motion to Compel Plaintiff's Execution
of Authorization for Release of Psychological Records should not be granted.

Rule returnable the 2nd day of April, 2002, at 2:30 P.m.
in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

FILED

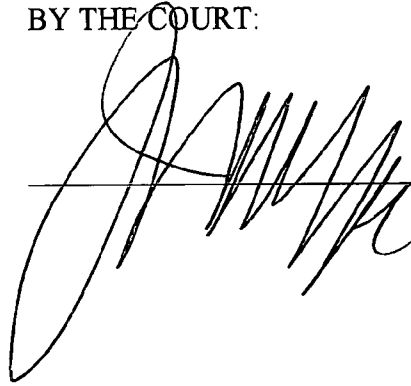
FEB 05 2002

019,471,2CC atty

William A. Shaw

Prothonotary

Home



J.

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

**DEFENDANT'S MOTION TO COMPEL PLAINTIFF'S EXECUTION OF
AUTHORIZATION FOR RELEASE OF PSYCHOLOGICAL RECORDS**

AND NOW, comes Defendant, Cindy Nadvit, by and through her attorneys, McQuaide, Blasko, Schwartz, Fleming and Faulkner, Inc., and files this Motion to Compel Plaintiff's Execution of Authorization for Release of Psychological Records, pursuant to Pennsylvania Rule of Civil Procedure 4019. In support thereof, Defendant avers as follows:

1. The instant action was commenced by Writ of Summons filed on behalf of Plaintiff on October 26, 2000.
2. On November 30, 2000, a Rule to File Complaint was issued upon Plaintiff.
3. Plaintiff subsequently filed her Complaint on January 3, 2001.
4. This personal injury action arises out of an October 30, 1998 motor vehicle accident which occurred on Route 53 in Osceola Mills, Pennsylvania and seeks recovery in excess of \$25,000 for injuries Plaintiff allegedly sustained as a result of the accident.
5. In her Complaint, Plaintiff avers:

"7. As a direct and proximate result of the negligence of the defendant and the injuries inflicted thereby, the plaintiff has been damaged as follows:

- (a) she has suffered and will suffer pain, inconvenience and **mental distress and loss of enjoyment of life**;
- (b) she has incurred and will incur medical expense for the treatment of her injuries;
- (c) her general health, strength and vitality have been impaired.”

(See true and correct copy of Plaintiff's Complaint attached hereto as Exhibit "A" at ¶ 7)

(emphasis added).

6. Plaintiff claims psychological damages as a result of the alleged accident as evidenced by her Complaint and discovery responses. Moreover, she has undergone psychological treatment with Dr. Ian Osborne and the Mental Health Center of Altoona since the accident alleged in her Complaint, and asserts that this psychological care and treatment is related to the accident. (See excerpts of Plaintiff's deposition transcript at 22:25, 23:1-25, 24:1-17, 76:12-25; 77:1-4 attached hereto as Exhibit "B").

7. Discovery has demonstrated that Plaintiff has a significant, pre-accident medical history.

8. In particular, Defendant has learned that Plaintiff has been receiving Social Security Disability benefits as a result of an anxiety and panic disorder, a psychological condition, since 1994. (See true and correct copy of excerpts from Plaintiff's Answers to Interrogatories attached hereto as Exhibit "C" at Nos. 11 - 12). According to Plaintiff, said disorder renders her incapable of sustaining employment. (See Id.). In addition, Defendant has learned that Plaintiff was receiving psychiatric treatment for her psychological condition from Dr. Ian Osborne immediately prior to the alleged accident. (See Exhibit "B" at p. 76:12-24).

9. Because Plaintiff makes a claim for mental distress, her pre-accident psychological condition is directly relevant to the instant action in order to determine which of her ongoing conditions or injuries, if any, are causally related to the accident in question. To make such a determination, it is imperative that Defendant be able to review and compare Plaintiff's pre-accident and post-accident psychological records.

10. As indicated above, Plaintiff also claims that she has suffered a loss of enjoyment of life as a result of the injuries she allegedly sustained in the accident.

11. In this regard, access to Plaintiff's records from the Social Security Administration, Dr. Osborne, and the Mental Health Center of Altoona is necessary to compare the extent and scope of Plaintiffs' life activities both before and after the accident.

12. At Plaintiff's deposition on October 17, 2001, upon learning that Plaintiff spoke with Dr. Osborne about the accident in question, counsel for Defendant made an initial request for Plaintiff to execute an authorization for release of her psychological records. (See Exhibit "B" at 76:25, 77:1-4).

13. In follow up to the request made at Plaintiff's deposition, by correspondence dated October 18, 2001, Defendant's counsel requested that Plaintiff's counsel, James Cole, direct his client to execute the provided authorizations for release of records from the Social Security Administration, Dr. Osborne, and the Mental Health Center of Altoona. In addition, defense counsel requested that Plaintiff supply a current address for Dr. Osborne. (See copy of correspondence attached hereto as Exhibit "D").

14. Defense counsel again requested that Plaintiff execute the previously forwarded authorizations for release of records by correspondence to Attorney Cole dated November 21,

2001. (See copy of correspondence attached hereto as Exhibit "E").

15. On December 14, 2001, defense counsel advised Attorney Cole that, in light of his client's failure to provide executed authorizations for release of psychological records from the Social Security Administration, Dr. Osborne, and the Mental Health Center of Altoona, to date, Defendant would proceed to file an appropriate motion with the Court to obtain the same. (See copy of correspondence attached hereto as Exhibit "F").

16. To date, Plaintiff has failed to provide the executed authorizations for release of psychological records, despite the passage of over three (3) months and repeated requests from counsel for the Defendant, nor has Plaintiff objected to said requests.

17. Without the executed authorizations for release sought, Defendant is unable to obtain Plaintiff's psychological records from the Social Security Administration, Dr. Ian Osborne and the Mental Health Center of Altoona. Plaintiff's refusal to execute said authorizations for release severely prejudices Defendant's ability to prepare this case. In particular, Defendant is in need of said psychological records to obtain expert review of this case and to properly evaluate Plaintiff's claims.

18. Plaintiff's failure to provide Defendant with the executed authorizations for release of her psychological records is in disregard of the Rules of Pennsylvania Civil Procedure. Since Plaintiff has claimed psychological damages as a result of the accident, she must be prepared to produce materials, namely her psychological records, relevant to the evaluation of said claims.

19. Based upon the foregoing, Defendant seeks an Order which directs Plaintiff to execute the authorizations for release of her records from the Social Security Administration, Dr. Ian Osborne, and the Mental Health Center of Altoona and to provide a current address for Dr.

Osborne such that an executed authorization for release records may be served upon him. In the alternative, Defendant requests that the Court direct Plaintiff to obtain copies of her records from the Social Security Administration, Dr. Ian Osborne, and the Mental Health Center of Altoona and provide Defendant with complete copies of same, or issue an Order directing the Social Security Administration, Dr. Ian Osborne, and the Mental Health Center of Altoona to provide copies of Plaintiff's records directly to the Defendant.

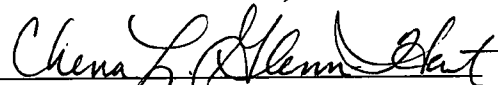
WHEREFORE, Defendant, Cindy Nadvit, respectfully requests that this Honorable Court issue an Order compelling Plaintiff Tracy Yarger to execute an authorization for release of her psychological records from the Social Security Administration, Dr. Ian Osborne, and the Mental Health Center of Altoona and provide a current address for Dr. Osborne or produce her complete records from the same within 20 days of the date of such Order or suffer an appropriate sanction. In the alternative, Defendant requests that this Honorable Court issue an Order directing the Social Security Administration, Dr. Ian Osborne, and the Mental Health Center of Altoona to release a copy of Plaintiff's psychological records to Defendant within 20 days of the date of such Order or suffer an appropriate sanction.

Respectfully submitted,

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

Dated: January 31, 2002

By:



James M. Horne, Esquire

I.D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for DEFENDANT

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion to Compel Plaintiff's Execution of Authorization for Release of Psychological Records in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 31st day of January 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By:



James M. Horne, Esquire

I. D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

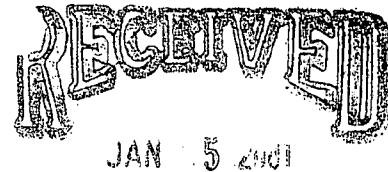
Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926





McQUAIDE BLASKO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by 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.

The Court Administrator's Office
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830

Telephone: (814) 765-2641, Extension 50 or 51

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

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 00-1322 C.D.

COMPLAINT IN CIVIL ACTION

1. The plaintiff resides at 301 Sylvan Circle, Tyrone, Blair County, Pennsylvania.
2. The defendant resides at R.R. 1, Box 420, Houtzdale, Clearfield County, Pennsylvania.
3. The events complained of happened on or about October 30, 1998 in Osceola Mills, Clearfield County, Pennsylvania.
4. At that time and place the plaintiff was operating a motor vehicle on Route 53 in Osceola Mills where she was stopped in traffic at a red light. While the plaintiff waited in her vehicle for the light to change the defendant negligently operated her motor vehicle so as to cause and permit it to collide with the plaintiff's vehicle from the rear thereby injuring the plaintiff.
5. The injuries and damages suffered by the plaintiff were the direct and proximate result of the negligence of the defendant in the following respects:

- (a) in operating her vehicle at a high, dangerous and excessive rate of speed;
- (b) in operating her vehicle at an excessive rate of speed under the circumstances;
- (c) in failing to keep and maintain a proper and adequate lookout;
- (d) in failing to keep and maintain her vehicle under proper and adequate control;
- (e) in failing to stop, slow or turn her vehicle aside when she knew or by the exercise of reasonable care should have known that if the said vehicle were permitted to proceed a collision would result;
- (f) in operating her vehicle into collision with the plaintiff's automobile;
- (g) in causing and permitting her vehicle to strike the stationed and standing plaintiff's vehicle;
- (h) in failing to have her vehicle in a safe, proper and adequate mechanical condition under the circumstances;
- (i) in failing to keep and maintain the assured clear distance ahead;
- (j) in failing to keep and maintain a proper and adequate lookout ahead for traffic;
- (k) in failing to properly observe the heed the traffic conditions then and there existing.

6. As a direct and proximate result of the negligence of the defendant the plaintiff suffered the following injuries:

- (a) injury and damage to the muscles, ligaments, discs, nerves and tissues of the cervical spine, including herniation of the intervertebral disc at the level C5-6;
- (b) contusions of the forehead;
- (c) injury and damage to the muscles, ligaments, tendons, nerves and tissues of the shoulders;
- (d) injury and damage to the muscles, ligaments, nerves and tissues of the lumbar spine.

7. As a direct and proximate result of the negligence of the defendant and the injuries inflicted thereby, the plaintiff has been damaged as follows:

- (a) she has suffered and will suffer pain, inconvenience and mental distress and loss of enjoyment of life;
- (b) she has incurred and will incur medical expense for the treatment of her injuries;
- (c) her general health, strength and vitality have been impaired.

8. At all times relevant and material hereto the plaintiff was under a full tort option.

WHEREFORE the plaintiff demands judgment against the defendant in an amount in excess of the arbitration limits of this Court.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole

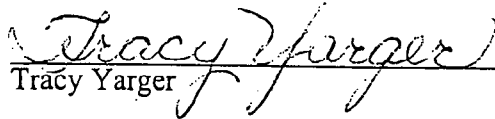
James B. Cole

Attorneys for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION

I verify that the statements of fact made in this Complaint in Civil Action are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 PA. C.S. Section 4904, relating to unsworn falsification to authorities.


Tracy Yarger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Complaint in Civil Action was served upon the counsel for defendants by first class mail, postage prepaid, this 3rd day of January, 2001.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

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

3 TRACY YARGER,
4 Plaintiff

5 VS

6 NO. 00-1322-C.D.

7 CINDY NADVIT,
8 Defendant

9 ORIGINAL

10 DEPOSITION OF: TRACY YARGER

11 TAKEN BY: DEFENDANT

12 BEFORE: NICOLE L. ZIMMERMAN
13 NOTARY PUBLIC

14 DATE: OCTOBER 17, 2001, 1:34 P.M.

15 PLACE: McQUAIDE, BLASKO LAW OFFICES
16 901 UNIVERSITY DRIVE
17 STATE COLLEGE, PA 16801

18 APPEARANCES:

19 STOKES, LURIE, COLE & HENS-GRECO, P.C.
20 BY: JAMES B. COLE, ESQUIRE
21 2100 Law & Finance Building
22 Pittsburgh, PA 15219
23 FOR - PLAINTIFF

24 McQUAIDE, BLASKO LAW OFFICES
25 BY: JAMES M. HORNE, ESQUIRE
26 811 University Drive
27 State College, PA 16801
28 FOR - DEFENDANT

29 ALSO PRESENT: HUGH GIVENS
30 GLORIA GLADD
31 CINDY NADVIT

1 A We have joint legal custody. They're
2 between both of us.

3 Q Now, after you came back to Pennsylvania in
4 1983, 1984 from Florida, did you work anywhere?

5 A Yes.

6 Q And give me a little bit of an idea of your
7 employment history?

8 A From the very beginning of when I started or
9 when I came back from Florida?

10 Q Let's start with when you came back from
11 Florida, that was about nineteen eighty -- that was
12 after you stopped going to school in Daytona, right?

13 A Right, 1984. I worked at Polestar Plastics
14 over here in State College and Murata Erie. Let's see,
15 Clearfield Hospital, and I worked one summer at Jostens
16 over here in State College.

17 Q When is the last time you worked anywhere
18 outside of the home?

19 A I worked at Wal-Mart Distribution Center in
20 Woodland, also, that was the last time I worked
21 anywhere outside the home.

22 Q When was that?

23 A The Wal-Mart Distribution, 1993, '92, I'm
24 not sure, approximately.

25 Q And then I understand at some point you went

1 on social security disability; is that correct?

2 A Yes, I still am.

3 Q And when did you start on social security
4 disability, ma'am?

5 A '93, '94, approximately.

6 Q And that was for some mental health
7 problems; is that correct?

8 A Anxiety and panic disorder.

9 Q And you remain on social security disability
10 at the present time; is that right?

11 A That's correct.

12 Q Is there a particular doctor or psychiatrist
13 who treats you for the anxiety and panic disorder
14 problem?

15 A Yeah, Dr. Antonowitz, Altoona Hospital.

16 Q Dr. Antono --

17 A Antonowitz.

18 Q That's all one word?

19 A Yes.

20 Q Okay. And he's right at the hospital; is
21 that correct?

22 A Yes, that is correct.

23 Q There's a mental health center, if I recall
24 correctly, over at Altoona Hospital?

25 A Yes.

1 Q How long has he been your -- he's a
2 psychiatrist, I take it?

3 A Yes, since I transferred from -- since I
4 left Clearfield County, and I'll be in Blair County a
5 year November 1.

6 Q And who were you treating with before when
7 you were in Clearfield County?

8 A It was at Clearfield Mental Health, it was
9 -- I can't think of his name right now. He had moved
10 to New Mexico and somebody else took over; in the
11 meantime, I was moving to Blair County.

12 Q The treatment that you currently have and
13 that you had when you were in Clearfield for the
14 anxiety and panic disorder, was that through the Mental
15 Health/Mental Retardation agency of those counties?

16 A It was through -- right on Leonard Street in
17 Clearfield County.

18 Q Do you take medication for that disorder,
19 ma'am?

20 A I just take Klonopin, one two-milligram
21 tablet up to four times a day or night -- well, 24-hour
22 period.

23 Q And just a couple more questions on that.
24 What problems do you experience as a result of that
25 problem?

1 family.

2 MR. HORNE: Now, you're suggesting answers
3 and I don't like that.

4 MR. COLE: I'm sure you don't like it,
5 but --

6 MR. HORNE: No, my questions are to her. If
7 you have an objection, put an objection on the record,
8 but don't testify. I want to know what you did.

9 A I was a normal parent.

10 BY MR. HORNE:

11 Q Well, now that your attorney has suggested
12 what you ought to say, ma'am, go ahead --

13 A No, I'm saying what I want to say.

14 Q Fine, tell me what you did before the
15 accident.

16 A I spent time with my children.

17 Q What did you do in a normal day?

18 A It depends what a normal day would be to
19 you.

20 Q By the way, is it your testimony -- let's
21 talk about the day before this accident with
22 Ms. Nadvit. Did you have any ongoing physical
23 problems?

24 A Yes, I was currently seeing Sue Harchak.

25 Q And that was for the neck pain, the neck

1 stiffness, numbness and tingling down the arms and the
2 muscle spasms in the neck, correct?

3 A That's correct.

4 Q All right. Other than those ongoing neck
5 problems, did you have any other physical problems?

6 A Physical, in meaning, like, spasms and stuff
7 and that in my back and stuff and that and pain in my
8 back? I don't know what you want me to tell you that
9 you already didn't ask me or go over.

10 Q You said that if we were to look at you the
11 day before this accident with Ms. Nadvit, you said that
12 you had ongoing problems with your neck in terms of
13 pain in your neck, stiffness in your neck, spasms in
14 your neck and numbness and tingling down your arms.

15 What I want to know is did you have other
16 problems in other parts of your body before the
17 accident with Ms. Nadvit?

18 A I got migraines.

19 Q Okay, that's one thing. How about other
20 than migraines, did you have other problems?

21 A The panic and anxiety attacks.

22 Q Okay. Were you limited in your daily
23 activities before this accident with Ms. Nadvit, in
24 other words, did these problems you just talked about,
25 did they limit your ability to do things?

1 A Could you rephrase that, please?

2 MR. HORNE: Read it back, please.

3 (The reporter read back the referred-to
4 portion of the record.)

5 A My answer is I don't need to discuss with my
6 psychiatrist about panic and anxiety attacks about what
7 could and what could not happen. I've already been
8 through the surgery, I already know what could happen,
9 I already know what's happening, and I'm sure the
10 medical records that you have from Dr. T and everywhere
11 can substantiate that.

12 Q I asked you whether you had talked to your
13 -- let me ask this question, have you talked to your
14 psychiatrist about any of the problems you're having
15 physically since the accident of October 30, 1998?

16 A My psychiatrist back then was Dr. Ian Osborn
17 in Clearfield, I just remembered that, and yes, I did
18 talk to him about that.

19 Q And you talked to your psychiatrist about
20 the accident and what happened in the accident?

21 A Yes.

22 Q And you've talked to him about your ongoing
23 problems; is that correct?

24 A That is correct.

25 MR. HORNE: We'll be asking for a special

1 authorization for release of the psychiatric records
2 then.

3 MR. COLE: Send me one and I'll take a look
4 at it.

5 BY MR. HORNE:

6 Q Now, going back, I was asking you about the
7 problems you've had since the accident, and you said
8 you have ongoing problem with swallowing, eating,
9 drinking. What other problems have you been
10 experiencing since the accident?

11 A Well, my neck feels like it's spring loaded.

12 Q Like it's what?

13 A Spring loaded, like it's going to -- like
14 the back of it is going to burst through my head or the
15 back of my neck. I have problems with paralysis-type
16 symptoms, problems with major migraines, balance, which
17 has nothing to do with any mental health things,
18 problems with -- they're not -- they're major problems
19 with pain that radiates throughout my body, some days
20 it's worse than others.

21 Q Is that it?

22 A My back, muscle spasms, major pain and -- I
23 don't know what else you want me to tell you, that's
24 it.

25 Q That's it?



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

McQUAIDE BLASKO

**PLAINTIFF'S ANSWERS TO
INTERROGATORIES**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

- (e) Name your immediate boss, foreman or the superior to whom you are responsible;

ANSWER:

- (f) Whether a physical examination was required and if so, state the date, place and person giving the examination;

ANSWER:

- (g) For each employer, whether or not you made any representations in writing or answered in writing any questions concerning your physical condition.

ANSWER:

11. Are you now receiving or have you ever received any disability pension, income or insurance or any workers' compensation from any agency, company, person, corporation, state or government?

ANSWER:

Yes.

12. If so, state:

(a) The nature of any such payment;

ANSWER:

Social Security Disability benefits.

(b) Dates you received such income;

ANSWER:

Since 1994.

(c) For what injuries or disability you received it, and how such injury occurred or disability arose;

ANSWER:

Anxiety and panic disorder.

(d) By whom paid;

ANSWER:

Social Security Administration

(e) Whether you now have any present disability as a result of such injuries or disability;

ANSWER:

Yes.

(f) If so, the nature and extent of such disability;

ANSWER:

The plaintiff cannot work.

(g) Whether you had any disability at the time of the accident to be referred to in the Complaint;

ANSWER:

Yes.

(h) If so, the nature and extent of such disability.

ANSWER:

The plaintiff could not work.

13. Have you made claim for any benefits under any medical pay coverage or policy of insurance relating to injuries arising out of the accident alleged in your Complaint?

ANSWER:

Yes.

14. If so, state:

(a) The name of the insurance company or organization to whom said claim was made;

ANSWER:

Allstate Insurance Company



McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive • M.C. A560 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to: State College

direct 235-2206

October 18, 2001

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

Re: Yarger v. Nadvit
No. 00-1322-CD

Dear Mr. Cole:

In follow up to your client's deposition of yesterday, enclosed please find authorizations for the release of Ms. Yarger's records from the Social Security Administration, Dr. Osborne and the Mental Health Center of Altoona. Please be advised that we have been unsuccessful in locating a Dr. Ian Osborne from either the Clearfield or DuBois area and ask that you have your client provide a current address for Dr. Osborne. Kindly return the fully executed authorizations, together with Dr. Osborne's address to me at your earliest convenience.

If you have any questions or comments, feel free to contact me.

Very truly yours,

McQUAIDE BLASKO.


JAMES M. HORNE

JMH/sap

Enclosures

cc/Enc.: G. Hugh Givens, Claim Specialist (#38-J107-189)
::ODMA\PCDOCS\DOC\SLIB2\219771\1

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Katherine V. Oliver Katherine M. Allen
Wayne L. Mowery, Jr. Pamela A. Ruest Michelle S. Katz Ashley Himes Kranich Chena L. Glenn-Hart Richard K. Laws John H. Taylor Michael J. Mohr Livinia N. Jones

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

**AUTHORIZATION for RELEASE
OF SOCIAL SECURITY RECORDS**

TO: *SOCIAL SECURITY ADMINISTRATION*

YOU ARE HEREBY authorized and requested to furnish to James M. Horne, Esquire, of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, any and all Social Security disability records within your custody or control regarding **TRACY J. YARGER**. This Authorization may be used to update these records at any time prior to the trial of this matter. A copy of this Authorization may also be presented.

TRACY J. YARGER

SS# 187-52-6682

Date of Birth: 6/3/65

Sworn to and subscribed

before me this _____ day

of _____, 2001.

Notary Public
[SEAL]

AUTHORIZATION

Patient's Name: Tracy J. Yarger

SS#: 187-52-6682

Date of Birth: 6/3/65

I hereby authorize Dr. Ian Osborne to release to: James M. Horne, Esquire of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania 16801, the following medical and/or psychiatric/psychological information, which may include drug and alcohol abuse treatment information.

The information to be released is confined to the following:

- | | | |
|--|---|---|
| ☒ Recert: attendance, progress on goals, medication, mental status | ☒ Legal System Record (i.e., type of program, summary of progress, type/frequency or relapse and prognosis) | ☒ Discharge Summary |
| ☒ Diagnosis | ☒ Psychosocial History | ☒ Prognosis |
| ☒ Progress Note(s) | ☒ Aftercare Plans | ☒ Physical Exam |
| ☒ Treatment Plans | ☒ Clinical Staffing Notes | ☒ Other |
| ☒ Consultation Reports | ☒ Attendance | |
| ☒ Medication record(s) | ☒ Admission Note | |
| ☒ Progress on objectives | ☒ Assessment | |

I have read and fully understand the above statements as they apply to me. I consent to the release of my records/information.

Patient's Signature

Witness

Date: _____

Date: _____

**A copy of this Authorization shall be deemed valid as original.
This Authorization may be used to update these records at
any time prior to the trial of this matter.**

AUTHORIZATION

Patient's Name: Tracy J. Yarger

SS#: 187-52-6682

Date of Birth: 6/3/65

I hereby authorize Mental Health Center to release to: James M. Horne, Esquire of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania 16801, the following medical and/or psychiatric/psychological information, which may include drug and alcohol abuse treatment information.

The information to be released is confined to the following:

- | | | |
|--|---|---|
| ☒ Recert: attendance, progress on goals, medication, mental status | ☒ Legal System Record (i.e., type of program, summary of progress, type/frequency or relapse and prognosis) | ☒ Discharge Summary |
| ☒ Diagnosis | ☒ Psychosocial History | ☒ Prognosis |
| ☒ Progress Note(s) | ☒ Aftercare Plans | ☒ Physical Exam |
| ☒ Treatment Plans | ☒ Clinical Staffing Notes | ☒ Other |
| ☒ Consultation Reports | ☒ Attendance | |
| ☒ Medication record(s) | ☒ Admission Note | |
| ☒ Progress on objectives | ☒ Assessment | |

I have read and fully understand the above statements as they apply to me. I consent to the release of my records/information.

Patient's Signature

Witness

Date: _____

Date: _____

**A copy of this Authorization shall be deemed valid as original.
This Authorization may be used to update these records at
any time prior to the trial of this matter.**



McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive • M.C. A560 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to: State College

direct 235-2206

November 21, 2001

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

**Re: Yarger v. Nadvit
No. 00-1322-CD**

Dear Mr. Cole:

On October 18, 2001, I forwarded to you certain authorizations for execution by your client in this matter. To date, they have not been returned to me. Please advise if you intend to have your client execute these authorizations and have them returned to me.

Thank you for your attention to this matter.

Very truly yours,

McQUAIDE BLASKO



JAMES M. HORNE

JMH/sap

cc: G. Hugh Givens, Claim Specialist (#38-J107-189)
::ODMA\PCDOCS\DOCSLIB\21219771\3

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
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McQUAIDE BLASKO

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814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to: State College

direct 235-2206

December 14, 2001

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

**Re: Yarger v. Nadvit
No. 00-1322-CD**

Dear Mr. Cole:

Since you have not responded to my letters of October 18 and November 21 regarding release of your client's records from Social Security, Dr. Osborne, and the Mental Health Center of Altoona, I assume that your client will not voluntarily provide those records. Accordingly, I will proceed to file an appropriate Motion with the Court.

Thank you for your attention to this matter.

Very truly yours,

McQUAIDE BLASKO

JAMES M. HORNE

JMH/sap

cc: G. Hugh Givens, Claim Specialist (#38-J107-189)

..ODMA\PCDOCS\DOCSLIB2\219771\5

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
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John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
Certificate of Service

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

FEB 08 2002

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Rule to Show Cause with regard to Defendant's Motion to Compel Plaintiff's Execution of Authorization for Release of Psychological Records in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 7th day of February 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

FEB 08 2002

7/10/5110 < C

William A. Shaw ~~Prothonotary~~

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Motion to Compel Production of
Plaintiff's Cervical MRI Films dated
November 3, 1998**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

CHENA L. GLENN-HART, ESQ.

I.D. NO. 82750

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

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

MAY 15 2002

ml 10:37) no cc
William A. Shaw
Prothonotary *KEB*

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

**MOTION TO COMPEL PRODUCTION OF PLAINTIFF'S CERVICAL
MRI FILMS DATED NOVEMBER 3, 1998**

AND NOW, comes Defendant, Cindy Nadvit, by and through her attorneys, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and files this Motion to Compel Plaintiff's Cervical MRI Films Dated November 3, 1998, pursuant Pa. Rule of Civil Procedure 4019. In support thereof, Defendant avers as follows:

Background Information

1. Plaintiff initiated the instant action by Writ of Summons filed on October 26, 2000.
2. A Rule to File Complaint was issued upon Plaintiff on November 30, 2000.
3. Thereafter, Plaintiff filed her Complaint on January 3, 2001.
4. This personal injury action arises out of an October 30, 1998 motor vehicle accident which occurred on Route 53 in Osceola Mills, Pennsylvania and seeks recovery in excess of \$25,000 for injuries that Plaintiff allegedly sustained as a result of the accident.
5. Plaintiff specifically avers in her Complaint that:

"As a direct and proximate result of the negligence of the defendant and the Plaintiff suffered the following injuries:

- (a) **injury and damages to the muscles, ligaments, discs, nerves and tissues of the cervical spine, including herniation of the intervertebral disc at the level C5-6;**
- (b) contusions of the forehead;
- (c) injury and damage to the muscles, ligaments, tendons, nerves and tissues of the shoulders;
- (d) injury and damage to the muscles, ligaments, nerves and tissues of the lumbar spine.”

(See true and correct copy of Plaintiff's Complaint attached hereto as Exhibit A, ¶6) (emphasis added).

6. Plaintiff's allegations in paragraph 6(a) clearly demonstrate that Plaintiff is claiming injury to, *inter alia*, her cervical spine as a result of the October 30, 1998 motor vehicle accident.

**Defendant's Discovery Requests for Production of
Plaintiff's Cervical MRI Films from November 3, 1998**

7. Defendant specifically requested all medical records and medical reports regarding Plaintiff's medical treatment, hospitalization, and medication related to the injuries she allegedly sustained as a result of the accident described in the Complaint. This request was made via Request for Production of Documents and Tangible Things by Defendant Directed to Plaintiff (Set 2) on December 20, 2000. (See true and correct copy of said discovery request attached hereto as Exhibit B at No. 7).

8. Defendant received Plaintiff's Response to said discovery requests on June 27, 2001. (See copy of said discovery responses attached hereto at Exhibit C).

9. However, Plaintiff's Response does not address Defendant's Request for

Production No. 7, which specifically requests copies of Plaintiff's medical records/reports, nor does Plaintiff object to same.

10. Following Plaintiff's accident on October 30, 1998, an MRI x-ray of her cervical spine was taken on November 3, 1998 at 611 Open MRI in State College, Pennsylvania. Numerous references to said film are found in Plaintiff's medical records from KDV Orthopedics & Rehabilitation which were provided to Defendant in response to a subpoena. (See excerpts from KDV Orthopedics & Rehabilitation's medical records attached hereto as Exhibit D).

11. Specifically, in Plaintiff's patient history sheet she completed at KDV Orthopedics & Rehabilitation on November 9, 1998, Plaintiff indicates that a **cervical MRI scan was completed by 611 Open MRI following the accident on October 30, 1998.** (See Exhibit D, pp. 1-2)(emphasis added).

12. In addition, Dr. Rudy J. Nicholas of 611 Open MRI notes, "this is a post-operative study after C5-C6 cervical dysectomy on 11-13-98 and is compared to a **previous C-Spine MRI dated 11-3-98** which shows a large herniated disc at C5-C6 level." (See Exhibit D, p. 5) (emphasis added).

13. Furthermore, Dr. Franklin B. Olney of 611 Open MRI describes Plaintiff's herniation of the C4-C5 disc indicating that "the disc is unchanged when compared to the **previous study of 11-3-98.**" (See Exhibit D, p. 6)(emphasis added).

14. In addition, one of Plaintiff's chiropractors, Susan I. Harchak, D.C. references the November 3, 1998 MRI in her Initial Report for the injuries Plaintiff allegedly sustained from the October 30, 1998 accident, noting, "**cervical disc herniation (C5-C6) as demonstrated by 11-3-98 MRI.**" (See Exhibit F)(emphasis added).

15. Given the numerous references to Plaintiff's cervical MRI scan performed on November 3, 1998 throughout Plaintiff's medical records from KDV Orthopedics & Rehabilitation and Susan I. Harchak, D.C., it is quite clear that Plaintiff did in fact undergo a cervical MRI scan on November 3, 1998 at 611 Open MRI.

16. Nonetheless, the cervical MRI film in question was not produced by KDV Orthopedics, 611 Open MRI, or Dr. Harchak in response to Defendant's subpoenas for Plaintiff's medical records. Inasmuch as these medical facilities/providers complied with Defendant's subpoenas to the extent possible, Defendant can only surmise that these facilities/providers are not in possession of the November 3, 1998 cervical MRI films, but rather Plaintiff retains possession of said films.

17. Upon review of Plaintiff's medical records and learning of the existence of the MRI scan in question, Defendant made a specific request of Plaintiff's counsel on February 14, 2002 to produce a copy of Plaintiff's cervical MRI films from November 3, 1998. (See copy of correspondence attached hereto at Exhibit E, p. 1).

18. Thereafter, on March 12, 2002, Defendant again requested that Plaintiff provide a copy of her cervical MRI films from November 3, 1998. (See copy of correspondence attached hereto at Exhibit E, p. 2).

19. Finally, on April 24, 2002, Defendant's counsel reminded Plaintiff's counsel that Plaintiff still had not provided a copy of her cervical MRI dated November 3, 1998. (See copy of correspondence attached hereto at Exhibit E, p. 3).

20. Plaintiff's counsel has never made any representations that the requested films are not in Plaintiff's possession. To the contrary, Plaintiff's counsel has simply not responded to

requests for the November 3, 1998 cervical MRI films.

21. Despite defense counsel's requests for production of documents including the production of any and all medical records and defense counsel's repeated specific requests for the cervical MRI from November 3, 1998, Plaintiff has, nonetheless, failed to produce the same to Defendant to date.

Plaintiff's Extensive History of Back Problems

22. Plaintiff's medical records manifest an extensive history of back problems including complications and problems with the disc at the C5-C6 level which Plaintiff claims to have injured in the accident giving rise to the claims set forth in her Complaint.

23. According to Plaintiff's medical records, she sought intermittent chiropractic treatment from Susan I. Harchak, D.C. beginning in 1993 through 1999 for, among other things, upper and mid-back discomfort, cervical discomfort and stiffness, aberrant cervical motion, and cervical muscle spasms. (See medical records of Susan I. Harchak, D.C. attached hereto as Exhibit F at Patient's Daily Report). Given this, Plaintiff appears to have experienced ongoing difficulties with her back since 1993.

24. In fact, on April 25, 1994, Dr. Harchak notes that Plaintiff experienced "mid-back discomfort, aberrant cervical motion" and that the chiropractor "reviewed MRI of 2/18/94 - **C5/C6 disc rupture.**" (See Exhibit F at Patient's Daily Report)(emphasis added). The C5/C6 disc, which according to these records was ruptured in 1994, is the very disc which Plaintiff claims to have herniated as a result of the accident of October 30, 1998. (See Paragraph 5 of Plaintiff's Complaint at Exhibit A).

25. Moreover, Dr. Harchak's records indicated that Plaintiff experienced "cervical

discomfort, cervical stiffness, [and] cervical muscle spasms” on October 19, 1998, only eleven (11) days prior to the accident in question. (See Exhibit F at Patient’s Daily Report).

26. In addition, Plaintiff sought treatment at Philipsburg Area Hospital on two separate occasions when she was allegedly assaulted by her husband on November 19, 1996 and April 6, 1997. (See copy of records from Philipsburg Area Hospital attached hereto as Exhibit G, pp. 8-19).

27. As a result of the November 19, 1996 assault, Plaintiff presented in the Philipsburg Emergency Room complaining of pain in the back of her neck, in the interior of her left chest, in her right wrist, and in her left knee. She also suffered some degree of amnesia. (See Exhibit G, pp. 8, 15-16).

28. The multiple trauma experienced by Plaintiff prompted medical providers at the Philipsburg Area Hospital to order an x-ray of Plaintiff’s cervical spine which was reportedly normal. (See Exhibit G, pp. 11-12, 16).

29. On April 6, 1997, Plaintiff also sought treatment in the Philipsburg Area Hospital Emergency Room after her husband hit her on top of her head and on her back with a baseball bat. (See Exhibit G, pp. 17-19).

30. During this hospital visit, x-rays revealed Plaintiff’s thoracic spine to be normal. Additionally, although x-rays of Plaintiff’s cervical spine showed no evidence of an acute fracture, medical records note that her head tilted to the right likely due to a suspected muscle spasm. (See Exhibit G, p. 19).

31. Plaintiff was also involved in an all-terrain vehicle (“ATV”) accident prior to the accident in question on June 30, 1996. (See Exhibit G, pp. 1-7). Plaintiff initially sought

treatment for the injuries she sustained in this accident at Philipsburg Area Hospital Emergency Room. (See Exhibit G, pp. 1-7).

32. While at the Philipsburg Area Hospital Emergency Room, x-rays revealed that Plaintiff sustained fractures to her left and right clavicles while her chest, pelvis, left knee, right elbow, ribs, and cervical spine were normal. (See Exhibit G, pp. 5-7).

33. Thereafter, Plaintiff was transferred for additional treatment for the injuries she sustained in the ATV accident to Conemaugh Memorial Medical Center via Life Flight where she remained until July 8, 1996. (See Exhibit G, p. 4 and excerpts of Conemaugh Memorial Medical Center records attached hereto as Exhibit H, p. 1).

34. Plaintiff's records from Conemaugh Memorial Medical Center reflect, "... an MRI of the cervical spine was done. There was a **small central disc protrusion C5, C6**, which does not cause a cord compression." (See Exhibit H, p. 1)(emphasis added). At that time, Plaintiff was discharged with a principal diagnosis of **cervical strain** and secondary diagnoses of, among other things, "**displacement of cervical intervertebrae disc without myelopathy**." (See Exhibit H, p. 2)(emphasis added).

35. Given Plaintiff's extensive history of back problems and injuries, and in particular that of her cervical spine, the November 3, 1998 cervical MRI is necessary to compare the condition of Plaintiff's back as it existed pre- and post-accident. This comparison is crucial to assess and evaluate whether the condition of Plaintiff's cervical spine, a disc herniation at C5-C6 level, is casually related to the accident in question.

36. Moreover, the cervical MRI scan taken on November 3, 1998 reflects the condition of Plaintiff's back, to which she claims injury resulted from the accident, immediately

following said accident and just prior to her surgery on November 13, 1998. In this regard, the November 3, 1998 MRI film is necessary to compare to the post-operative films to evaluate Plaintiff's condition following the accident as well as the extent to which said condition was corrected by surgery.

37. Furthermore, Plaintiff was involved in a subsequent motor vehicle accident on April 8, 2000. (See copy of William Schroeder, D.C. records attached hereto as Exhibit I).

38. As a result of the April 8, 2000 motor vehicle accident, Plaintiff experienced pain in her upper, lower, and mid-back for which she sought chiropractic treatment from William Schroeder, D.C. (See Patient Information sheet in Exhibit I).

39. Plaintiff treated with Dr. Schroeder a total of eighteen times from May 2, 2000 until July 27, 2000 when she discontinued her treatments due to migraines. (See Exhibit I).

40. In light of the injuries Plaintiff sustained in the subsequent motor vehicle accident of April 8, 2000, it is imperative that Plaintiff's cervical MRI from November 3, 1998 also be compared to any medical records related to this subsequent accident to determine whether her present condition(s), if any, are causally related to the accident of October 30, 1998 or whether said conditions arise from the April 8, 2000 accident.

**Prejudice Suffered by Defendant in the Absence of
the Cervical MRI dated November 3, 1998**

41. Plaintiff's failure to produce her cervical MRI film from November 3, 1998 severely prejudices Defendant in that she is unable to obtain expert review of said films or an independent medical examination of Plaintiff, in order to evaluate causation and/or the extent to which surgery corrected Plaintiff's disc herniation allegedly caused by the accident on October 30,

1998.

42. The prejudice suffered by Defendant under the present circumstances is amplified by Plaintiff's substantial medical history relating to the condition of her back as well as the problems she experienced with her back following the October 30, 1998 accident primarily due to a subsequent motor vehicle accident.

43. Without review of the November 3, 1998 cervical MRI, it is difficult to determine whether Plaintiff's cervical spine disc herniation was causally related to the accident in question or merely related to an underlying condition from which Plaintiff suffered prior to the October 30, 1998 accident. Moreover, it is difficult to determine whether the current condition of Plaintiff's back resulted from the October 30, 1998 accident or the subsequent motor vehicle accident of April 8, 2000.

44. In this regard, the November 3, 1998 cervical MRI scan is an absolutely essential medical record which must be considered in evaluating the injuries Plaintiff alleges she sustained as a result of the October 30, 1998 accident.

45. Plaintiff's failure to provide Defendant with a copy of her cervical MRI film from November 3, 1998, is in complete disregard of the Pennsylvania Rules of Civil Procedure. Given that Plaintiff has claimed injury to her cervical spine as a result of the accident as described in her Complaint, she must be prepared to produce materials, including any and all MRI scans of her cervical spine and the November 3, 1998 scan in particular, which are relevant to the evaluation of her claims.

46. Furthermore, without the benefit of expert review of the November 3, 1998 cervical MRI scan, Defendant is unable to adequately and properly assess Plaintiff's injuries and

damages to the extent that Defendant's right to a fair trial is substantially impaired.

WHEREFORE, Defendant, Cindy Nadvit, respectfully requests that this Court issue an Order compelling Plaintiff, Tracy Yarger, to provide Defendant with a copy of her cervical MRI film from November 3, 1998 within 20 days of the date of such Order or suffer an appropriate sanction.

Respectfully submitted,

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

Dated: May 14, 2002

By: 

James M. Horne, Esquire

I.D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion to Compel Production of Cervical MRI Films Dated November 3, 1998, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 14th day of May, 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

RECEIVED

JAN 5 2001

McQUAIDE BLASKO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

COMPLAINT IN CIVIL ACTION

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by 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.

The Court Administrator's Office
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830

Telephone: (814) 765-2641, Extension 50 or 51

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

TRACY YARGER,

Plaintiff,

No. 00-1322 C.D.

vs.

CINDY NADVIT,

Defendant.

COMPLAINT IN CIVIL ACTION

1. The plaintiff resides at 301 Sylvan Circle, Tyrone, Blair County, Pennsylvania.
2. The defendant resides at R.R. 1, Box 420, Houtzdale, Clearfield County, Pennsylvania.
3. The events complained of happened on or about October 30, 1998 in Osceola Mills, Clearfield County, Pennsylvania.
4. At that time and place the plaintiff was operating a motor vehicle on Route 53 in Osceola Mills where she was stopped in traffic at a red light. While the plaintiff waited in her vehicle for the light to change the defendant negligently operated her motor vehicle so as to cause and permit it to collide with the plaintiff's vehicle from the rear thereby injuring the plaintiff.
5. The injuries and damages suffered by the plaintiff were the direct and proximate result of the negligence of the defendant in the following respects:

- (a) in operating her vehicle at a high, dangerous and excessive rate of speed;
- (b) in operating her vehicle at an excessive rate of speed under the circumstances;
- (c) in failing to keep and maintain a proper and adequate lookout;
- (d) in failing to keep and maintain her vehicle under proper and adequate control;
- (e) in failing to stop, slow or turn her vehicle aside when she knew or by the exercise of reasonable care should have known that if the said vehicle were permitted to proceed a collision would result;
- (f) in operating her vehicle into collision with the plaintiff's automobile;
- (g) in causing and permitting her vehicle to strike the stationed and standing plaintiff's vehicle;
- (h) in failing to have her vehicle in a safe, proper and adequate mechanical condition under the circumstances;
- (i) in failing to keep and maintain the assured clear distance ahead;
- (j) in failing to keep and maintain a proper and adequate lookout ahead for traffic;
- (k) in failing to properly observe and heed the traffic conditions then and there existing.

6. As a direct and proximate result of the negligence of the defendant the plaintiff suffered the following injuries:

- (a) injury and damage to the muscles, ligaments, discs, nerves and tissues of the cervical spine, including herniation of the intervertebral disc at the level C5-6;
- (b) contusions of the forehead;
- (c) injury and damage to the muscles, ligaments, tendons, nerves and tissues of the shoulders;
- (d) injury and damage to the muscles, ligaments, nerves and tissues of the lumbar spine.

7. As a direct and proximate result of the negligence of the defendant and the injuries inflicted thereby, the plaintiff has been damaged as follows:

- (a) she has suffered and will suffer pain, inconvenience and mental distress and loss of enjoyment of life;
- (b) she has incurred and will incur medical expense for the treatment of her injuries;
- (c) her general health, strength and vitality have been impaired.

8. At all times relevant and material hereto the plaintiff was under a full tort option.

WHEREFORE the plaintiff demands judgment against the defendant in an amount in excess of the arbitration limits of this Court.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole

James B. Cole

Attorneys for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION

I verify that the statements of fact made in this Complaint in Civil Action are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 PA. C.S. Section 4904, relating to unsworn falsification to authorities.


Tracy Yarger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Complaint in Civil Action was served upon the counsel for defendants by first class mail, postage prepaid, this 3rd day of January, 2001.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

**REQUEST FOR PRODUCTION OF DOCUMENTS
and TANGIBLE THINGS BY DEFENDANT
DIRECTED TO PLAINTIFF (SET TWO)**

To: Tracy Yarger
% James B. Cole, Esquire

AND NOW COMES, Defendant, by and through her counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and hereby requests Plaintiff to produce the documents and tangible things described below, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure for inspection and/or photocopying by Defendant, her attorneys and agents. The documents and tangible things shall be produced at the offices of McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, on or before January 22, 2001, at 5:00 p.m., or at such other time and place that the parties may mutually agree. In responding to this request, you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

INSTRUCTIONS

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including but not limited to, all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Rule 4007.4 of the Pennsylvania Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) The date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

DEFINITIONS

1. "You" and "Your" shall mean Plaintiff as well as her agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with her or purporting to act on her behalf with respect to the matter in question.

2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).

3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or," and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

REQUEST

1. All photographs in the possession, custody or control of the Plaintiff, counsel for Plaintiff, or any other person or entity acting on behalf of the Plaintiff, including any insurers for the Plaintiff, showing, representing or purporting to show any vehicles, locales, instrumentalities, persons, and any and all other matters related to the subject matters of this litigation.

2. All diagrams, sketches, drawings, plans, measurements or blueprints in the possession, custody or control of Plaintiff, counsel for Plaintiff, or any other person or entity acting on behalf of said Plaintiff, including any insurer of said Plaintiff, showing, representing, or purporting to show any of the instrumentalities, locales, persons or other matters involved in the incident which forms the basis of Plaintiff's Complaint.

3. All statements, signed statements, transcripts of recorded statements or interviews, recorded statements if not transcribed or any statement of recorded statements if not transcribed verbatim taken of any parties, persons, or witnesses as part of an investigation of the happening or cause of the incident in question, conducted by, or in the possession of Plaintiff, Plaintiff's attorney, insurers, or anyone else acting on behalf of Plaintiff.

4. All expert opinion, expert reports, expert summaries, or other writings of experts in the possession, custody or control of Plaintiff, or her attorneys or insurers, which relate to the subject matter of this litigation and the incident in question.

5. All documents prepared by Plaintiff or by any insurers, representatives, agents or anyone acting on behalf of Plaintiff, except her attorneys, during an investigation of any aspect of the incident in question. Such documents shall include any documents made or prepared up through the present time, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense or respecting strategy or tactics.

(NOTE: As referred to herein, "documents" includes written, printed, typed, recorded, or graphic matter, however produced or reproduced, including correspondence, telegrams, other written communications, data processing storage units, tapes, contracts, agreements, notes, memoranda, analyses, projections, indices, work papers, studies, reports, surveys, diaries, calendars, films, photographs, diagrams, drawings, minutes of meetings or any other writing (including copies of the foregoing, regardless of whether the parties to whom this request is addressed is now in the possession, custody or control of the original) now in the possession, custody or control of Plaintiff, her former or present counsel, agents, employees, officers, insurers, or any other person acting on Plaintiff's behalf.)

6. If not otherwise covered by the above Requests, the complete claims/investigation/subrogation file(s) of any insurers of Plaintiff, dealing with the incident in questions, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense, or respecting strategy or tactics.

7. All documents in the possession, custody or control of Plaintiff, Plaintiff's counsel, insurers, or anyone else acting on Plaintiff's behalf, dealing in any way with the injuries, damages and losses sustained by Plaintiff, other than those documents supplied by Plaintiff's counsel to Defendant's counsel. This should include, but not be limited to, all medical bills, medical records, medical reports, correspondence and any and all bills documents relating to medical treatment, hospitalization, medication, appliances, lost wages, etc.

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

Dated: _____

12/20/00

By: _____



James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RECEIVED
JUN 28 2001

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

McQUAIDE BLASKO

**PLAINTIFF'S RESPONSE TO
REQUEST FOR PRODUCTION
(SET TWO)**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

:
:
:
:
:
:
:
:
:
:

No. 00-1322 C.D.

PLAINTIFF'S RESPONSE TO
REQUEST FOR PRODUCTION
(SET TWO)

1. None.
2. None.
3. None.
4. See documents attached to Response to Request for Production.
See also documents attached hereto.
5. None.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

COMPUTED TOMOGRAPHY - MAGNETIC RESONANCE - NUCLEAR MEDICINE - ULTRASOUND

YARGER, TRACY JOAN
PT# 40747180 MR# 105105

06/03/1965 FC: I OPT

ATT DR: ROSCOE GREGORY J
ORD DR: ROSCOE GREGORY J
FAM/ADM: DAVIDSON JAMES P
WA BAM?

CF VERTIGO
HEAD PRESSURE

ROUTINE 02/18/94 10:34



CLEARFIELD HOSPITAL
CLEARFIELD, PA
IMAGING DEPARTMENT (814) 768-2275

FILE
NUMBER

10-51-05

CLINICAL HISTORY: *numbness Lt. side of face & pressure in head + neck - pressure & numbness in Lt. side of jaw - dizziness, loss of balance, ringing in both ears*

TECH CR MB SHIELDED
INITIAL *MB* YES NO

IS PATIENT PREGNANT? CIRCLE: YES (NO) N/A LMP: 1-27

TECHNICAL COMMENTS:

DATE DONE 2-18-94 TIME COMPLETED 1:30

CONTRAST USE DOCUMENTATION

☐ IONIC ☐ NONIONIC ☒ PARAMAGNETIC

BRAND NAME *Magnevist*

AMOUNT *12cc*

BY *MB*

NO. FILMS: 14

2 BRAIN MRI (D)

3 CERVICAL CANAL MRI (D)

YARGER, TRACY JOAN

2-8-94

MAGNETIC RESONANCE IMAGING OF THE CERVICAL SPINE

MAGNETIC RESONANCE IMAGING SCANNING SEQUENCE

Sequential T1 and T2 weighted sagittal images obtained. In addition sequential T1 weighted transverse images obtained.

MAGNETIC RESONANCE IMAGING SCANNING FINDINGS:

Marrow fat signal intensity is intact in the cervical and upper thoracic vertebral bodies on T1 weighted images.

No intrinsic or extrinsic abnormality of the cervical or upper thoracic spinal cord is noted on T1 weighted images.

There is mild posterior bulging of the C5-6 intervertebral discs; this is minimal. There is minimal anterior impression upon the thecal sac at this level on T2 weighted images.

Intervertebral disc signal is well maintained at all levels on T2 weighted images.

IMPRESSION: Very minimal midline bulge of the C5-C6 intervertebral disc with very minimal anterior impression upon the thecal sac at that level.

No herniated disc or extruded disc material at any level.

MAGNETIC RESONANCE IMAGING OF THE BRAIN AND POSTERIOR FOSSA
BEFORE AND AFTER GADOLINIUM ENHANCEMENT

MAGNETIC RESONANCE IMAGING SCANNING SEQUENCE:

Unenhanced images: Sequential T1 and T2 weight oblique transverse images were obtained. Sequential T1 weighted sagittal images were obtained.

Enhanced images: 12cc Magnevist was administered intravenously and T1 weighted coronal and sagittal and oblique transverse images were obtained.

MAGNETIC RESONANCE IMAGING SCANNING FINDINGS:

Periventricular white matter signal is completely normal on T1 and T2 weighted images pre and post contrast enhancement. There is no evidence for demyelinating disease.

No masses are seen in the cerebellopontine angles. Seventh and eighth nerve complexes are well visualized; they are symmetric and normal in appearance. There is no evidence for intracranial mass or hemorrhage. No intracranial or extra-axial collection is seen.

~~ROENTGENOGRAPHY~~ ~~MAGNETIC RESONANCE~~ ~~NUCLEAR MEDICINE~~ ~~ULTRASOUND~~

YARGER, TRACY JOAN
 PT# 40747180 MR# 105105

06/03/1965 FC: I OPT

ATT DR: ROSCOE GREGORY J
 ORD DR: ROSCOE GREGORY J
 FAM/ADM: DAVIDSON JAMES P
 WA BAMS

OP VERTIGO HEAD PRESSURE

ROUTINE 02/18/94 10:36



CLEARFIELD HOSPITAL
 CLEARFIELD, PA
 IMAGING DEPARTMENT (814) 768-2275

FILE
 NUMBER

10-57-05

CLINICAL HISTORY:

vertigo, head pressure,
 numbness LT side of face

TECH
 INITIAL BJB

SHIELDED
☐ YES ☐ NO

IS PATIENT PREGNANT? CIRCLE: YES NO N/A LMP:

TECHNICAL COMMENTS.

DATE
 DONE

2-18-94

TIME
 COMPLETED 2:40

CONTRAST USE DOCUMENTATION

☐ IONIC ☐ NONIONIC ☐ PARAMAGNETIC

BRAND NAME

AMOUNT

BY

NO. FILMS:

4 DUPLEX EXT CRANIAL CMP

YARGER, TRACY JOAN
 2/18/94

VASCULAR ULTRASOUND, CAROTID AND VERTEBRAL AND PERIORBITAL
 ULTRASOUND.

Carotid and vertebral distributions were examined with vascular ultrasound, pulsed
 doppler and realtime (2D).

The examination is completely normal. There is no evidence for hemodynamically
 significant stenosis by doppler analysis. Realtime examination is normal.
 No abnormal flow reversal is seen in the vertebral arteries.
 No plaque is visualized.

IMPRESSION: Normal study.

Alfred Coren, MD/map
 D&T: 2/18/94



SUSAN I. HARCHAK, D.C.

1114 Walton Street
Phillipsburg, PA 16866

Telephone: (814) 342-3591

November 24, 1999

James B. Cole, Esquire
Stokes Lurie Cole & Hens-Greco, P.C.
2100 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1593

RE: Tracy Yarger

Dear Mr. Cole:

This letter is in regard to your communication of November 16, 1999.

I have no MRI films or reports concerning the April 1994 date in my office. This was apparently an MRI Tracy had conducted while she was not treating with me--during the lapse of December 31, 1993 to April 11, 1994.

If I can be of any other assistance, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan I. Harchak".

SUSAN I. HARCHAK, D.C.

SIH:gsd

Tracy Yarger
187-52-6682

Patient's Daily Report

12/20/93	Mid-back discomfort, migraine headache, cervical discomfort paresthesia.
12/22/93	Migraine headache, earache, mid-back discomfort, cervical discomfort, cervical stiffness, aberrant cervical motion.
12/24/93	Migraine headache, mid and upper back discomfort, cervical discomfort, cervical stiffness, aberrant cervical motion.
12/29/93	Mid-back discomfort, upper back discomfort, cervical discomfort, cervical stiffness, aberrant cervical motion.
12/31/93	Mid-back discomfort, upper back discomfort, cervical discomfort, cervical stiffness, aberrant cervical motion.
04/11/94	Mid-back discomfort, aberrant cervical motion, upper back discomfort, cervical discomfort, cervical stiffness, aberrant cervical motion.
04/13/94	Mid-back discomfort, aberrant cervical motion, upper back discomfort, cervical discomfort, aberrant cervical motion.
04/15/94	Mid-back discomfort, aberrant cervical motion, cervical discomfort, upper back discomfort, aberrant cervical motion.
04/18/94	patient cancelled/rescheduled
04/20/94	Mid-back discomfort, aberrant cervical motion, cervical discomfort, upper back discomfort, improving.
04/22/94	Mid-back discomfort, aberrant cervical motion; reviewed MRI of 2/18/94-C5/C6 disc rupture.
04/25/94	N/S

Required For Your Case History File

Name Tracy Yarger Date 12/20/93
 Address RD Box 675-D City Osceola Mills State Pa. Zip 16066
 Telephone 534-6527 Social Security No. 187-52-6682 Drivers License No. 20835815
 Age 28 Birthdate 6-3-65 Sex F Marriage Status: ☒ M ☐ S ☐ W ☐ D No. Children 2
 Occupation production Clerk Employer Walmart Distribution Years Employed since 7/6/9
 Employer's Address Walmart Drive Woodland Work Phone 857-5442 Bank _____
 Spouse's Name Brian Yarger Occupation laborer Employer Berg Electronics
 Person responsible for this account Brian Yarger Referred by Bill YARGER

INSURANCE INFORMATION

Are you covered by Medicare? Yes ☐ No ☒ Medi-Cal? Yes ☐ No ☒ County _____
 Do you have any group, union or personal health and accident insurance? Yes ☒ No ☐
 Name of Insurance Company Corn. General Claim No. 2053245
 Address Wilmington DE Agent Cigna
 Was your condition due to an accident or illness? N/A
 Did your accident occur while at work? Yes ☐ No ☐ N/A When _____
 Were you involved in an automobile accident? Yes ☐ No ☒ When _____
 Cash payment _____ Other FNS

SYMPTOMS

HEAD:

- ☒ Headache
 - ☐ entire head
 - ☒ back of head
 - ☐ forehead
 - ☐ temples
 - ☒ migraine had last morning
- ☒ Head feels heavy
- ☐ Loss of memory
- ☒ Light-headedness
- ☐ Fainting
- ☐ Lights bother eyes
- ☐ Loss of smell
- ☐ Loss of taste
- ☒ Loss of balance
- ☒ Dizziness
- ☒ Loss of hearing in left ear
- ☐ Pain in ears
- ☒ Ringing in ears
- ☐ Buzzing in ears
- Numbness left side of face tip of nose

NECK:

- ☒ Pain in neck
- ☒ Neck pain with movement
- ☐ Pinched nerve in neck
- ☐ Neck feels out of place
- ☒ Stiff neck
- ☐ Muscle spasms in neck
- ☐ Grinding sounds in neck
- ☐ Grating sounds in neck
- ☐ Popping sounds in neck
- ☐ Arthritis in neck

SHOULDERS:

- ☐ Pain in shoulder joint (R-L)
- ☐ Pain across shoulders
- ☐ Bursitis (R-L)
- ☐ Arthritis (R-L)
- ☐ Can't raise arm
 - ☐ above shoulder level
 - ☐ over head
- ☐ Tension in shoulders
- ☐ Pinched nerve in shoulder (R-L)
- ☐ Muscle spasms in shoulders

ARMS & HANDS:

- ☐ Pain in upper arm
- ☐ Pain in forearm
- ☐ Pain in hands
- ☐ Pain in fingers
- ☐ Pinched nerve in arm
- ☐ Pinched nerve in fingers
- ☐ Sensation of pins & needles in arms
- ☐ Sensation of pins & needles in fingers
- ☒ Fingers go to sleep Left
- ☒ Hands cold
- ☐ Swollen joints in fingers
- ☐ Sore joints in fingers
- ☐ Arthritis in fingers
- ☐ Loss of grip strength

MID-BACK:

- ☐ Mid-back pain
- ☒ Pain between shoulder blades
- ☐ Sharp stabbing pain in mid-back
- ☐ Muscle spasms

CHEST:

- ☒ Chest pain
- ☒ Shortness of breath
- ☐ Pain around ribs

ABDOMEN:

- ☒ Nervous stomach
- ☒ Nausea
- ☐ Gas
- ☐ Constipation
- ☐ Diarrhea

WOMEN ONLY:

- ☒ Menstrual pain
- ☒ Cramping
- ☒ Irregularity

LOW BACK

- ☐ Low back pain
- ☐ Low back pain is worse when:
 - ☐ working
 - ☐ lifting
 - ☐ stooping
 - ☐ standing
 - ☐ sitting
 - ☐ bending
 - ☐ coughing
- ☐ Pinched nerve in low back
- ☐ Slipped disc
- ☐ Low back feels out of place
- ☐ Muscle spasms
- ☐ Arthritis

HIPS, LEGS & FEET:

- ☐ Pain in buttocks (R-L)
- ☐ Pain in hip joint (R-L)
- ☐ Pain down leg (R-L)
- ☐ Pain down both legs
- ☐ Leg cramps
- ☐ Pins & needles in legs (R-L)
- ☐ Numbness of leg (R-L)
- ☐ Numbness of feet (R-L)
- ☐ Numbness of toes
- ☒ Feet feel cold
- ☐ Cramps in feet (R-L)
- ☐ Swollen ankles (R-L)
- ☐ Swollen feet (R-L)
- ☐ Painful joints in toes

GENERAL

- ☒ Nervousness
- ☒ Irritable
- ☐ Depressed
- ☒ Fatigue
- ☒ Generally feel run-down
- ☒ Loss of sleep
- ☒ Loss of weight

PATIENT INTERVIEW RECORD

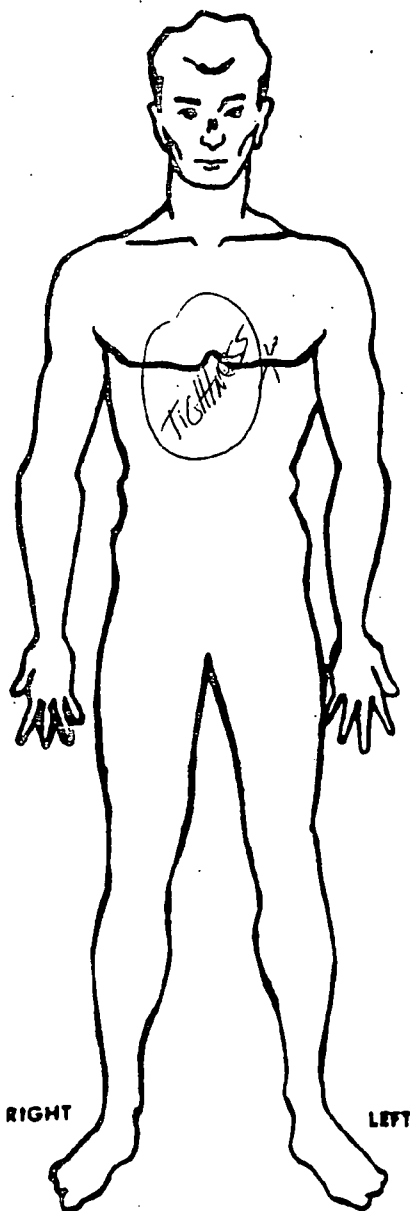
CHIROPRACTIC ORTHOPEDIC, PHYSICAL, NEUROLOGICAL EXAMINATION

Patient Name TRACY J. VARGER

Date of Consultation 12/20/93

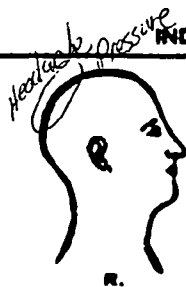
REQUIRED FOR YOUR CASE HISTORY FILE:

INDICATE AREAS OF PAIN



RIGHT

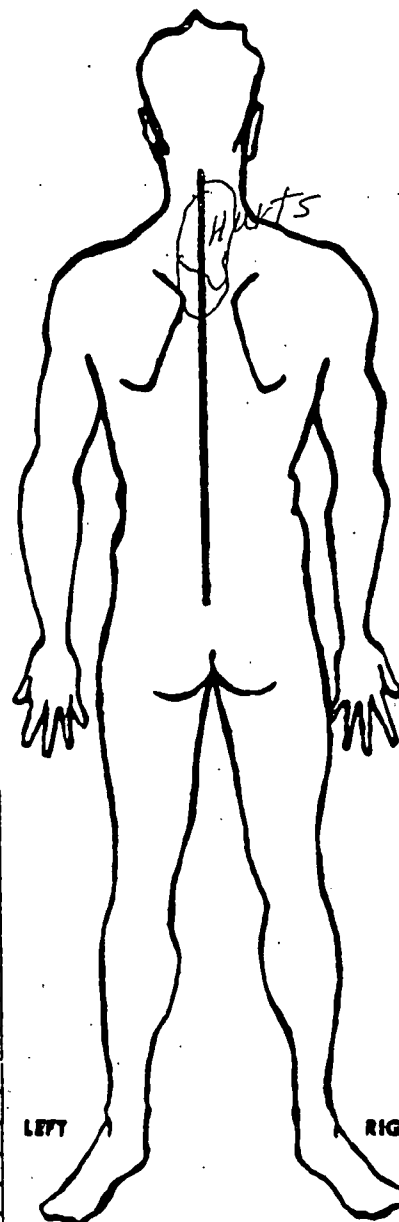
LEFT



R.



L.



LEFT

RIGHT

HELPS	POSITION	HURTS
	Sitting	X
	Standing	
	Walking	
	Lifting	
	Driving	
	Stretching	
	Lying on Side	
	Lying on Back	
	Lying face down	
	Bending Leg	
	Stretching Leg	
	Turning Head	
	Turning Body	
	Bending Forward	X
	Bending Backward	
	Other: Describe	

CASE HISTORY

NOTES

Name Tracey Yarger No. 12209301
 N.O.C. back neck pain L.O.T. Nov. 2, 1993
 1. back shoulder pain before neck
 2. get migraines constantly
 3. tightness in chest - get dizzy & light headed
 4. 50B - (b) sided face numbness extending back to ear & to end of
numbness in both arms & legs & migraines nose
 P.T. Dr. - gave med. - no relief
 O. _____
 I.S. _____ Relief Tylenol
 Morn. pain same Day pain same
 Night " Sleep _____
 H.B. no
 Add. _____

P.D. none

P.S. 2 (sections) '84 Yr. 90, Yr. _____
 Yr. _____ Yr. _____
 B.B. none Yr. _____ Yr. _____
 Yr. _____ Yr. _____
 S.F./A. none Yr. _____ Yr. _____
 A.A. none Yr. _____ Yr. _____
 O.F./A.O.A.N. none Yr. _____ Yr. _____
 K.Uncon. no

C.D. DR. _____ Cond. _____ L.O.T. _____
 Tx.Resp. _____
 DR. _____ Cond. _____ L.O.T. _____
 Tx.Resp. _____
 D.M. DR. Davidson Cond. _____ L.O.T. _____
 Tx.Resp. _____
 DR. _____ Cond. _____ L.O.T. _____
 Tx.Resp. _____
 Med. none L.O.T. _____ L.O.T. _____
 L.O.T. _____ L.O.T. _____

S.D./P. none

P.X./CAT/MRI x-ray (sinus) DATE 3 weeks ago DATE _____
 Preg. no Mon. _____
 Med.or drugs taken today none

How Severe Condition pain noted on face when moving head
 Last Physical Exam Nov 93

Payment: _____ Cash _____
 Medicare# _____ Co-Ins. _____
 ✓ Major Med. _____ Address _____
 Policy # _____ Subscriber _____
 Subscriber's SS# _____ Amt.Deduct. _____
 Auto Ins. Co. _____ Address _____
 Agent _____ Phone _____ Policy# _____
 Claim # _____
 Worker's Comp. Carrier _____ Address _____
 Company _____ Claim# _____

Tracy Yarger
187-52-6682

Patient's Daily Report

12/20/93	Mid-back discomfort, migraine headache, cervical discomfort paresthesia.
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04/13/94	Mid-back discomfort, aberrant cervical motion, upper back discomfort, cervical discomfort, aberrant cervical motion.
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04/18/94	patient cancelled/rescheduled
04/20/94	Mid-back discomfort, aberrant cervical motion, cervical discomfort, upper back discomfort, improving.
04/22/94	Mid-back discomfort, aberrant cervical motion; reviewed MRI of 2/18/94-C5/C6 disc rupture.
04/25/94	N/S

Tracy Yarger

04/27/94	N/S
12/12/95	Migraine headache, cervical discomfort, cervical stiffness, cervical muscle spasm.
12/14/95	Patient cancelled/rescheduled.
12/16/95	Severe cervical discomfort, severe cervical stiffness, severe cervical muscle spasms.
12/20/95	Patient cancelled.
01/06/97	Cervical discomfort, cervical stiffness, cervical muscle spasms, severe headache; ATV accident-sternum fracture.-June 96.
01/10/97	Patient cancelled/rescheduled.
01/13/97	N/S
10/07/98	Neck spasm between shoulders, ASAP or call.
10/09/98	N/S
10/12/98	Cervical discomfort, cervical stiffness, cervical muscle spasms, have call.
10/19/98	Cervical discomfort, cervical stiffness, cervical muscle spasms, have call.
10/28/98	N/S
11/02/98	N/S

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Response to Request for Production (Set Two) was served upon the counsel for defendants by first class mail, postage prepaid, this ^{27th}~~26th~~ day of June 2001.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

10. How severe is the pain? Choose number on scale of 1 to 10
1=very mild 10=severest pain

Mild 1 2 3 4 5 6 7 8 9 10 Severe

When it first started 8 on an average day 8-9
highest 9 lowest 7

11. How long have you had pain? Years _____ Months _____ Days ✓

II. What treatments have you received?

1. Bed rest:

a. At home Yes ✓ No _____ How long SINCE 10/30/98
b. In Hospital Yes ✓ No _____ How long 6 hrs
c. Did it Help Yes _____ No ✓
If Yes: Helped a lot _____ Helped a little bit ✓

2. Traction:

a. At home Yes _____ No ✓ Helped a lot _____ a little _____
b. In Hospital Yes _____ No ✓ Helped a lot _____ a little _____

3. Medications:

	Yes	No	Helped a lot	a little
a. Pain killers	<u>✓</u>	<u>✓</u>		<u>✓</u>
b. Muscle relaxants		<u>✓</u>		
c. Anti-inflammatories		<u>✓</u>		
d. Others: Names _____				

4. Physical Therapy:

	Yes	No	Helped a lot	a little
Ultrasound	<u>✓</u>	<u>✓</u>		<u>✓</u>
Massage		<u>✓</u>		<u>✓</u>
Heat	<u>✓</u>	<u>✓</u>		<u>✓</u>
Ice		<u>✓</u>		
Exercise		<u>✓</u>		

5. Manipulation (Chiropractic)

Yes ✓ No _____ Helped a lot _____ A little ✓
less help

III. What tests have been done?

	Yes	No	When	Where
X-rays	<u>✓</u>		<u>10/30/98</u>	<u>Philipsburg Hospital</u>
CT Scan		<u>✓</u>		<u>Philipsburg, PA</u>
MRI Scan Cervical	<u>✓</u>			<u>611 University Drive</u>
Nerve Test (EMG/NCV)		<u>✓</u>		<u>STATE COLLEGE, PA</u>

800-624-6110
"OPEN"

IV. Have you seen other physicians?

Yes

No

Family Doctor

Internist

Rheumatologist

Neurologist

Neurosurgeon

Other

not yet

V. General Health

1. Medical Problems

Yes

No

Heart disease

Lung disease

Kidney disease

Diabetes

Epilepsy (seizures)

Cancer

Arthritis

Stomach problems (ulcer)

Bowel problems

Bladder problems

Circulation problems

Psychological

2. Current Medications alprazolam 4mg, daily, or as needed,
amitriptyline 25mg, prilosec 25mg. as needed.

3. Allergies

4. Have you had any of the following recently?

Fevers

Night sweats

Chills

Weight loss

5. Do you smoke?

Yes

No

How much

Never

How long

Never

6. Do you drink alcohol?

Yes

No

How much

Never

7. Marital Status: Single

Married

Separated

Divorced

8. Highest level of education:

High school

12+

College

2 yr

Professional

9. Other

Yes

No

Workman's Compensation

Automobile Accident

Litigation

VI. Prior Back Surgery

none

1. Number of operation(s) _____
2. Types of operations _____

3. Location of operations _____

4. For each operation:

Date _____

Location _____

Reason for surgery:

Yes

No

Back pain

Leg pain

R _____ L _____ Both _____

Both

Results

_____ Did not help at all

_____ Made worse

_____ Helped

A lot _____

A little _____

Back pain only _____

Leg pain only _____

Both _____

How long did it help?

_____ Days

_____ Weeks

_____ Months

_____ Years

MRI

611 OPEN MRI

611 University Drive • State College, Pennsylvania 16801

Telephone: (814) 234-2600 • Toll-Free: (800) 624-6110 • Facsimile: (814) 234-9724

2-3-99

YARGER, TRACY

BD: 6-3-65

DR. STEVEN J TRIANTAFYLLOU - 908 S. GEORGE STREET
YORK, PA 17403

FAX: 717-845-2439

X-RAY# 21907

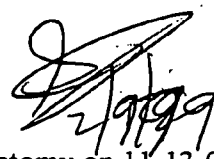
MRI - CERVICAL SPINE:

T1W SE sagittal sequences Pre and Post Gadolinium

T1W SE axial sequences Pre and Post Gadolinium

T2W SE sagittal sequences

GE axial sequences



This is a post operative study after C5-C6 cervical discectomy on 11-13-98 and is compared to a previous C-spine MRI dated 11-3-98 which showed a large herniated disc at C5-C6 level.

The present examination reveals that there are post surgical changes involving the bodies of C5 and C6 which has increased signal intensity in the vertebral bodies with a very low signal intensity between the two vertebral bodies due to the bony fusion in this region. There is also focal areas of decreased signal anteriorly at these level also post operative change. 

There is no evidence of recurrent disc herniation. There is a low signal soft tissue defect posterior to the C5-C6 disc just lateral to the midline which enhanced after contrast administration and would be consistent with post operative scarring rather than recurrent disc herniation. The cervical cord now has essentially normal signal and there is no longer any cord compression as previously seen. There appears to be a faint increased signal in the cervical cord in the T2W sequences from the C5 to C7 level but it has normal signal in the T1W sequences and there is no enhancing lesion after contrast administration and no evidence of fluid accumulation within the cord.

The other cervical vertebrae are normal.

There is now also a suggestion of a central disc bulging of C4-C5 which is obliterating the anterior epidural space but not compressing the cord. The disc material appears to migrate both superiorly and inferiorly from the level of the disc. In retrospect, this disc bulging was also probably present in the previous examination but was over shadowed by the extensive finding at the level below.

IMPRESSION:

1. Post operative changes at the C5-C6 level following discectomy and spinal fusion. No recurrent disc was demonstrated but there is focal post operative scarring at this area just to the left of the midline.
2. Central disc bulging of C4-C5 which is impinging on the CSF space but not compressing the cord.

D&T: 2-3-99 RJN/skr

RUDY J. NICOLAS, M.D.



MRI

611 OPEN MRI

611 University Drive • State College, Pennsylvania 16801

Telephone: (814) 234-2600 • Toll-Free: (800) 624-6110 • Facsimile: (814) 234-9724

8-9-99

YARGER, TRACY

BD: 6-3-65

DR. TRIANTAFYLLOW-908 S. GEORGE STREET - YORK, PA 17403

FAX: 717-845-2439

X-RAY# 21907

MRI - CERVICAL SPINE:

T1W and ME sagittal

T1W and T2W axial

Post Gadolinium T1W axial

Symmetrical posterior bulging and minimal central herniation of the C4-C5 disc is present. The disc minimally compresses the anterior margin of the thecal sac but does not impinge on the cervical spinal cord. The disc is unchanged when compared to the previous study of 11-3-98. Similar findings were described on the report of 2-3-99.

The C5-C6 disc and adjacent vertebra body endplates are obscured by metallic artifact. The posterior margin of the disc is probably normal. The spinal cord posterior to the C5-C6 disc is normal and no compression of the cervical spinal cord was demonstrated. No enhancing defect in the cervical spinal cord was demonstrated following the intravenous injection of Gadolinium.

The brain stem and cervical spinal cord are normal. The alignment of the cervical spine is normal. The neural foramina are patent.

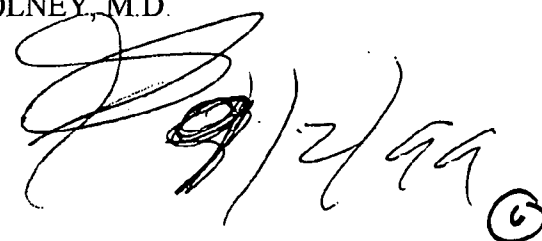
CONCLUSION: Posterior bulging and minimal central posterior herniation C4-C5 disc.

No spinal stenosis was demonstrated. The C5 and C6 vertebral bodies are fused anteriorly.

D&T; 8-10-99

FBO/skr

FRANKLIN B. OLNEY, M.D.

1

McQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
600 Centerview Drive • M.C. A560 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

February 14, 2002

James B. Cole, Esq.
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

In Re: Yarger v. Nadvit

Dear Mr. Cole:

As a follow up to our phone conversation, would you please provide us with a copy of Ms. Yarger's cervical MRI films from November 3, 1998 as soon as possible. We will be happy to reimburse you for any expenses associated with the reproduction of the films. Thank you.

Very truly yours,

McQUAIDE BLASKO

By:


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

:kez

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Huvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi Maureen A. Gallagher John A. Snyder April C. Simpson Allen P. Neely Charles Eppolito, III Katherine V. Oliver Katherine M. Allen
Wayne L. Mowery, Jr. Pamela A. Ruest Michelle S. Katz Ashley Himes Krutich Chena L. Glenn-Hart Richard K. Laws John H. Taylor Michael J. Mohr Livinia N. Jones

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

March 12, 2002

James B. Cole, Esq.
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

In Re: Yarger v. Nadvit

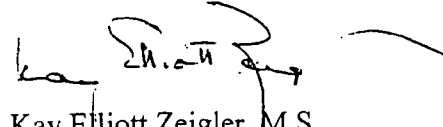
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Very truly yours,

McQUAIDE BLASKO

By:


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

:kez

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3

McQUAIDE BLASKO

ATTORNEYS AT LAW

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600 Centerview Drive • M.C. A560 • Suite 5103, Hershey, Pennsylvania 17033-2903

814-238-4926 FAX 814-234-5620
717-531-1199 FAX 717-531-1193
www.mcquaideblasko.com

Reply to: State College

April 24, 2002

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219

Re: Yarger v. Nadvit, No. 00-1322-CD

Dear Mr. Cole:

When we last spoke regarding the authorizations for your client's psychiatric records, I requested that you consult with your client as to whether she can provide us with a current address for Dr. Ian Osborne, a Clearfield psychiatrist from whom she sought treatment relative to the accident in question. Since then, I have attempted to contact you by phone regarding same, but have not received a response. Please advise whether your client can provide us with a current address for Dr. Ian Osborne or, in the alternative, whether she has general knowledge as to Dr. Osborne's whereabouts. Your prompt response on this issue is requested, as we are awaiting a current address for Dr. Osborne so that we may forward a request for your client's records to him.

On a related matter, we continue to await information pertaining to your client's cervical MRI dated November 3, 1998. Please advise of the status of said films.

Your prompt attention to these matters is greatly appreciated.

Very truly yours,

McQUAIDE BLASKO

By: 
Chena L. Glenn-Hart

CGH/sap

cc: G. Hugh Givens, Claim Specialist (#38-J107-189)
James M. Horne, Esquire

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

John W. Blasko Thomas E. Schwartz Grant H. Fleming R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
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John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)





SUSAN I. HARCHAK, D.C.

1114 Walton Street

Philipsburg, PA 16866

Telephone: (814) 342-3591

RECEIVED

MAY 04 1999

STATE COLLEGE FCO

11/10/98

908 South George Street
York, PA 17403
Fax (717) 845-2439

Dear Dr. Triantafyllou,

Please evaluate Tracy Yarger for severe cervical and upper back discomfort. Dr. Danyo suggested we send her directly to you. I just wanted you to know a brief history on how I have treated her to date.

Tracy was a regular patient of mine when she was in an auto accident on 10/30/98. She has had a MRI done locally, the radiologist suggested what he felt was a very significant disc herniation.

To date I have treated her with physical therapy only to the cervicalthoracic region, in attempt to alleviate the spasms.

I have not pursued and cervical manipulation, but I have manipulated her pelvis and thoracic spine, due to other effects of the injury.

Tracy is a very nice and cooperative patient.

I would appreciate your input.

Thank you,

Susan I. Harchak, D.C.

Susan I. Harchak, D.C.

HF



SUSAN I. HARCHAK, D.C.

1114 Walton Street
Philipsburg, PA 16866

Telephone: (814) 342-3591

RECEIVED

OCT 15 1998

FBI/DOJ

11/10/98

908 South George Street
York, PA 17403
Fax (717) 846-2439

Dear Dr. Triantafyllou,

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Tracy is a very nice and cooperative patient.

I would appreciate your input.

Thank you,

Susan I. Harchak, D.C.

Susan I. Harchak, D.C.

HF

Required For Your Case History File

RECEIVED

Name TRACY TOON YARGER ^{cellular} # 592-0132 NOV 18 1999-2-98
 Address RD#1 Box 617 City HOLTZDALE STATE PA ZIP 15116
 Telephone 814-378-8154 Social Security No. 187-52-6682 Drivers License No. _____
 Age 33 Birthdate 06/03/65 Sex F Marriage Status: M S W D 2 No. Children _____
 Occupation HOMEMAKER Employer N/A Years Employed N/A
 Employer's Address _____ Work Phone _____ Bank _____
 Spouse's Name BRIAN YARGER ^{employed} Occupation TRUCK DRIVER Employer Rodger Kephart Trucking
 Person responsible for this account ALLSTATE INSURANCE/MYSELF Referred by _____

INSURANCE INFORMATION

Are you covered by Medicare? Yes ☒ No ☐ Medi-Cal? Yes ☐ No ☒ County CLEARFIELD
 Do you have any group, union or personal health and accident insurance? Yes ☒ No ☐
 Name of Insurance Company MEDICARE/AFB/ACCESS Claim No. _____
 Address _____ Agent _____
 Is your condition due to an accident or illness? ACCIDENT
 Did your accident occur while at work? Yes ☐ No ☒ When _____
 Were you involved in an automobile accident? Yes ☒ No ☐ When 10/30/98
 Cash payment _____ Other _____

SYMPTOMS

HEAD:

- ☒ Headache
 - ☐ entire head
 - ☐ back of head
 - ☒ forehead
 - ☐ temples
 - ☐ migraine
- ☒ Head feels heavy
- ☐ Loss of memory
- ☒ Light-headedness
- ☐ Fainting
- ☒ Lights bother eyes
- ☐ Loss of smell
- ☐ Loss of taste
- ☒ Loss of balance
- ☒ Dizziness
- ☐ Loss of hearing
- ☐ Pain in ears
- ☒ Ringing in ears
- ☐ Buzzing in ears

NECK:

- ☒ Pain in neck
- ☒ Neck pain with movement
- ☐ Pinched nerve in neck
- ☒ Neck feels out of place
- ☒ Stiff neck
- ☒ Muscle spasms in neck
- ☒ Grinding sounds in neck
- ☐ Grating sounds in neck
- ☒ Popping sounds in neck
- ☐ Arthritis in neck

SHOULDERS:

- ☒ Pain in shoulder joint (R-L)
- ☒ Pain across shoulders
- ☐ Bursitis (R-L)
- ☐ Arthritis (R-L)
- ☒ Can't raise arm
 - ☒ above shoulder level
 - ☐ over head
- ☒ Tension in shoulders
- ☐ Pinched nerve in shoulder (R-L)
- ☒ Muscle spasms in shoulders

ARMS & HANDS:

- ☒ Pain in upper arm
- ☒ Pain in forearm
- ☒ Pain in hands
- ☒ Pain in fingers
- ☐ Pinched nerve in arm
- ☐ Pinched nerve in fingers
- ☒ Sensation of pins & needles in arms
- ☒ Sensation of pins & needles in fingers
- ☒ Fingers go to sleep
- ☒ Hands cold
- ☐ Swollen joints in fingers
- ☐ Sore joints in fingers
- ☐ Arthritis in fingers
- ☐ Loss of grip strength

MID-BACK:

- ☒ Mid-back pain
- ☒ Pain between shoulder blades
- ☒ Sharp stabbing pain in mid-back
- ☒ Muscle spasms

CHEST:

- ☒ Chest pain
- ☒ Shortness of breath
- ☒ Pain around ribs

ABDOMEN:

- ☒ Nervous stomach
- ☒ Nausea
- ☐ Gas
- ☐ Constipation
- ☐ Diarrhea

WOMEN ONLY:

- ☒ Menstrual pain
- ☒ Cramping
- ☐ Irregularity

LOW BACK

- ☒ Low back pain
- ☒ Low back pain is worse when:
 - ☐ working
 - ☐ lifting
 - ☐ stooping
 - ☒ standing
 - ☒ sitting
 - ☒ bending
 - ☒ coughing
- ☐ Pinched nerve in low back
- ☒ Slipped disc
- ☒ Low back feels out of place
- ☐ Muscle spasms
- ☐ Arthritis

HIPS, LEGS & FEET:

- ☒ Pain in buttocks (R-L)
- ☒ Pain in hip joint (R-L)
- ☐ Pain down leg (R-L)
- ☐ Pain down both legs
- ☒ Leg cramps
- ☒ Pins & needles in legs (R-L)
- ☒ Numbness of leg (R-L)
- ☒ Numbness of feet (R-L)
- ☒ Numbness of toes
- ☒ Feet feel cold
- ☐ Cramps in feet (R-L)
- ☐ Swollen ankles (R-L)
- ☐ Swollen feet (R-L)
- ☐ Painful joints in toes

GENERAL

- ☒ Nervousness
- ☒ Irritable
- ☒ Depressed
- ☒ Fatigue
- ☐ Generally feel run-down
- ☐ Loss of sleep
- ☐ Loss of weight

Automobile And Job Injury Information

JOB INJURY INFORMATION: Date 10/30/98 Time 7:45 AM Injury reported to employer YES
 Description of accident 4th vehicle at red light stopped in Osceola Mills, PA. RECEIVED
NOV 18 1999

STATE COLLEGE, PA

AUTO ACCIDENT INFORMATION: Date 10/30/98 Time 7:45 AM Police report made YES
 Location 4th vehicle at red light stopped in Osceola Mills, PA.
 Were you struck from: Behind ☒ Right Side ☐ Left Side ☐ Front ☐ Were you: Driver ☒ Passenger ☐
 Description of Accident: WAS SITTING AT RED LIGHT COMPLETELY STOPPED, HEARD TIRES SQUEALING AND WHAM! IT HAPPENED SO FAST! HAD SEAT BELT ON.

Were you injured YES How HIT OFF OF STEERING WHEEL, COLUMN, NOT SURE
 Where RTE. 53 FROM HOUTZDALE TO OSCEOLA MILLS 4th vehicle at red light

Were you unconscious ☐ Fractures ☐ Cuts ☒ Abrasions ☒ Bruises ☒
 Patient taken to PHILIPSBURG Hospital for Emergency Treatment

Confined to hospital for treatment/x-rays Days (Hours) Name of hospital doctor Dr. Mathis

What are your present complaints: Neck, shoulder, mid-lower back, upper back, arms, pain in left leg, hip, sore all over a lot.

What treatments have you received on only 2nd hand points would like further testing

OTHER DOCTORS SEEN FOR THIS CONDITION: MD Dr. D'Arcy DO Dumbar DDS Headaches and ect.

Doctor's name Dr. D'Arcy Diagnosis Neck, shoulder, mid-lower back, upper back, arms, pain in left leg, hip, sore all over a lot.

X-rays ☐ Urinalysis ☐ Blood Tests ☐ Other ☐

Treatment: Pills ☐ Shots ☐ Traction ☐ Physiotherapy ☐

Results ☐ Length of time under his care ☐ Other ☐

Have you had any problems as the result of the injury YES

Were you off work N/A If so, how long

Have you returned to your same job N/A If not, why

HISTORY OF PRIOR INJURY, ILLNESS OR SURGERY:

Name of other party CINDY NADVIT Address RD Henderson

City HOUTZDALE State PA. (661) Phone 378-5088

Their insurance company STATE FARM Insurance Agent LARRY KOKISKY

ATTORNEY: Name Tim Cole Address Pittsburg, PA. Phone 412-391-0800

Litigation: Yes ☒ No ☐ Maybe ☐ Comment Handled by attorney

EXAMINATION:

Date: 11/02/98 Age: 33 HT: WT: Gait: Normal MINOR'S SIGN. Limp ☒ Impaired

X-ray views / dates Reviewed X-rays taken at D-burg ER.

X-ray Findings hypolordosis C-6 with significant muscle spasm

Subjective Findings headaches, left forehead, neck pain and stiffness that radiates into (R) shoulder region, (R) arm pain through fingers, right lowback hip discomfort (R).

Objective Findings Severely restricted cervical ROM w/ crepitus and edema, C- distraction test (+), Bilat trap spasm esp (R), T-L paraspinal spasm at S/L fixation w/ reduced L/S ROM, R SLR (+) R AB 35° w/ (+) BRAGGARD'S

Dynagrip: R N/A L N/A

Neurological: Ranges of motion: use of dumblange inclinometer

	R	L	C/S	EN	Amtpain/% norm	US	EN	Amtpain/% norm
Biceps.....	-N+	-N+	Flex	90	30 (Y) N 60	Flex	90	60 (Y) N 30
Triceps.....	-N+	-N+	Extend	30	15 (Y) N 15	Extend	30	20 (Y) N 10
Brachioradials..	-N+	-N+	R Lat Bend	40	20 (Y) N 20	R Lat Bend	30	24 (Y) N 6
Patillar.....	-N+	-N+	L Lat Bend	40	22 (Y) N 18	L Lat Bend	30	26 (Y) N 4
Achilles.....	-N+	-N+	R Rot	90	60 (Y) N 30	R Rot	20	(Y) N
			L Rot	90	15 (Y) N 25	L Rot	20	(Y) N

Diagnosis Severe cervical strain/sprain
cervical disc herniation (C5-C6) as demonstrated by MRI
Moderate lumbar strain/sprain. 11/03/98

2nd opinion scheduled for 11/10/98. DR. TRIANTAFYLLOW, MD.
 of York (spine specialist)

PATIENT INTERVIEW RECORD

CHIROPRACTIC ORTHOPEDIC, PHYSICAL, NEUROLOGICAL EXAMINATION

RECEIVED

NOV 18 1999

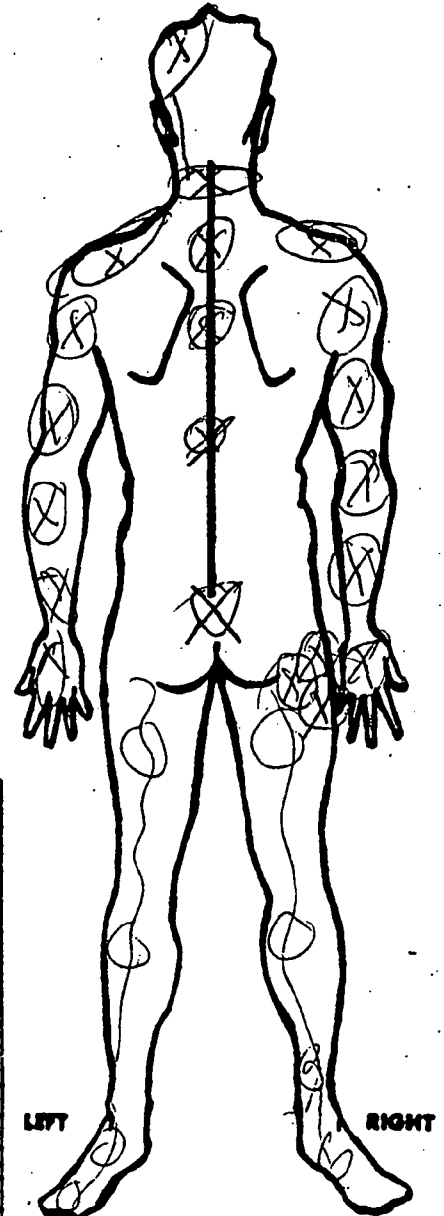
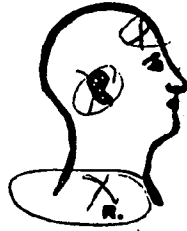
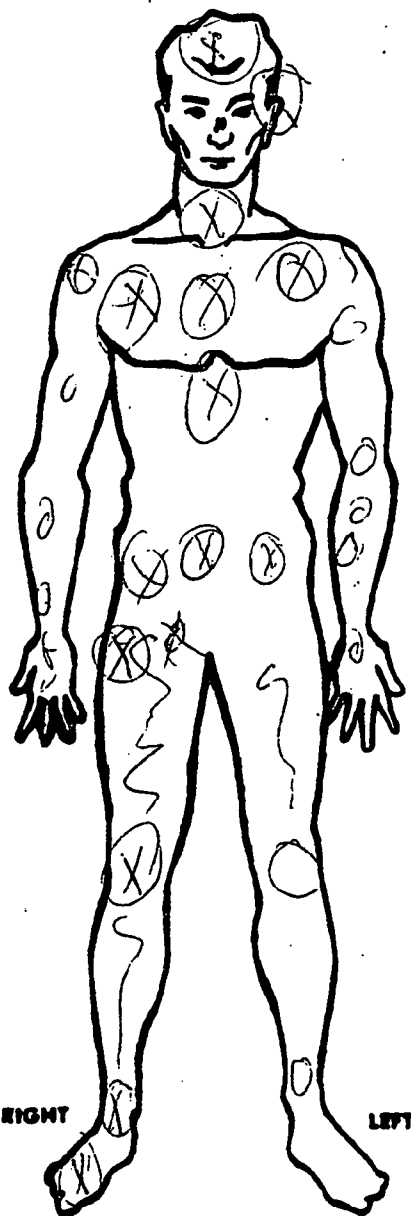
STATE COLLEGE FCO

Patient Name Tracy J. Varner

Date of Consultation 11/2/98

REQUIRED FOR YOUR CASE HISTORY FILE:

INDICATE AREAS OF PAIN



HELPS	POSITION	HURTS
	Sitting	X
	Standing	X
	Walking	X
	Lifting	X
	Driving	X
	Stretching	X
	Lying on Side	X
X	Lying on Back with cervical pillow	
	Lying face down	X
	Bending Leg	X
	Stretching Leg	X
	Turning Head	X
	Turning Body	X
	Bending Forward	X
	Bending Backward	X
	Other: Describe	
X	Heating pad	
X	ice/moist heat	

PERSONAL INJURY QUESTIONNAIRE

RECEIVED

NOV 18 1999

STATE COLLEGE FCO

Name Tracy J. Urger Phone (814) 378-8154
 Address RR #1 Box 614 City Houtzdale State PA. Zip 16651
 Age 33 Birthdate 06/03/65 Sex F S/S # 187-52-6682

Employer's Name _____ Employer's Address _____

Your Ins. Co. Allstate Auto Policy # 098 766896 Agent's Name Carl Odgen

Name on Policy (If other than self) N/A Policy # _____

Responsible Party's Name Cindy Nadvitt

Address RD Henderson City Houtzdale State PA. Zip 16651

Policy Holder's Name STATE FARM 378-7317 or 949-3200 Policy # _____

ATTORNEY

Name Jim Cole Phone (412) 391-0800

Address _____ City Pittsburg State Pa. Zip _____

Were there any witnesses? ☒ Yes () No Name(s) _____

NATURE OF ACCIDENT:

- Date of Accident 10/30/98 Time of Day 7:45 A.M.
- Were you: ☒ Driver () Passenger () Front Seat () Back Seat
- Number of people in your vehicle? 2 Were you wearing seat belts? yes
- What direction were you headed? () North () East ☒ South () West
on (name of street) Rte. 53 Towards Philipsburg AT Red Lite in Osceola
- What direction was other vehicle headed? ☒ North () East () South () West
on (name of street) SAME, behind me, I WAS already completely stopp
- Were you struck from: ☒ Behind () Front () Left side () Right side
- Approximate speed of your car 0 mph Other car _____ mph
- Were you knocked unconscious? () Yes () No If yes, for how long? not sure
- Were police notified? ☒ Yes () No
- In your own words, please describe accident: My SON WAS A PASSINGET IN MY CAR. We were the fourth vehicle stopped AT Osceola Mills, red light heading towards Philipsburg. I heard tires squeeling as it happened so quick. We got rear ended and HARD
- Did you have any physical complaints BEFORE THE ACCIDENT? ☒ Yes () No If yes, please describe in detail: ANXIETY/PANIC Disorder, nothing WAS my fault IN this accident.
- Please describe how you felt:
 - DURING the accident: DAZED & Confused, Sore, scared
 - IMMEDIATELY AFTER the accident: like passing out, spinning, PAIN, scared
 - LATER THAT DAY: very, very sore
 - THE NEXT DAY: more sore AND bruised, pain (A lot) everywhere.

13. What are your PRESENT complaints and symptoms? Left and front headaches and sharp pains in head, neck more so like shoulder/neck area down to right hip, lower, middle back, numbness, pain, tingling

14. Do you have any congenital (from birth) factors which relate to this problem? () Yes (X) No If yes, please describe: _____

15. Do you have any previous illnesses which relate to this case? () Yes (X) No If yes, please describe: _____
NOV 18 1999
STATE COLLEGE PCO

16. Have you ever been involved in an accident before? () Yes (X) No If yes, please describe, including date(s) and type(s) of accidents, as well as injury(ies) received. Never had been involved in any auto accidents ever.

17. Where were you taken after the accident? Philipsburg Hospital E.R.

18. Have you been treated by another doctor since the accident? () Yes (X) No If yes, please list doctor's name and address: _____

What type of treatment did you receive? _____

19. Since this injury occurred, are your symptoms: () Improving (X) Getting Worse () Same

20. CHECK SYMPTOMS YOU HAVE NOTICED SINCE ACCIDENT:

- | | | | | |
|---|--|---|---|---|
| ☒ Headache | ☒ Irritability | ☒ Numbness in Toes | ☐ Face Flushed | ☒ Feet Cold |
| ☒ Neck Pain | ☒ Chest Pain | ☒ Shortness of Breath | ☐ Buzzing in Ears | ☒ Hands Cold |
| ☒ Neck Stiff | ☒ Dizziness | ☒ Fatigue | ☒ Loss of Balance | ☒ Stomach Upset |
| ☒ Sleeping Problems | ☒ Head Seems Too Heavy | ☒ Depression | ☐ Fainting | ☐ Constipation |
| ☒ Back Pain | ☒ Pins & Needles in Arms | ☒ Lights Bother Eyes | ☐ Loss of Smell | ☐ Cold Sweats |
| ☒ Nervousness | ☒ Pins & Needles in Legs | ☐ Loss of Memory | ☐ Loss of Taste | ☐ Fever |
| ☒ Tension | ☒ Numbness in Fingers | ☒ Ears Ring | ☐ Diarrhea | ☐ |

Symptoms Other Than Above bleeding after accident, like having period of FF on but shouldn't

21. Have you lost time from work as a result of this accident? () Yes (X) No If yes, please complete this question.

a. Last Day Worked: _____

b. Type of Employment: Home Maker

c. Present Salary: _____

d. Are you being compensated for time lost from work? () Yes () No If yes, please state type of compensation you are receiving: _____

22. Do you notice any activity restrictions as a result of this injury? (X) Yes () No If yes, please describe, in detail:

Moving, can not bend, turn, lift, Afraid to drive because of Dizziness of FF BALANCENESS

23. Other pertinent information: _____

11-2-98
DATE

Tracy Yager
PATIENT'S SIGNATURE

INITIAL REPORT

RECEIVED

TO: Allstate Insurance Company

NOV 18 1999

STATE COLLEGE FCO

PATIENT TRACY YARGER

EMPLOYER A/A DATE OF INJURY/ONSET 10/30/98

1. Incident of Injury We were 4th vehicle stopped at red light. I heard tires squealing and it happened so quick. We got rearended hard.
2. Patient's Complaints Headaches, left forehead, neck pain and stiffness that radiates into (R) shoulder region, (R) arm pain through fingers, right low back hip discomfort (R).
3. Objective Findings (Examination) Severely restricted cervical ROM with crepitus and edema; C-distraction test (+); bilateral trapezius spasm, esp. (R); T-L paraspinal spasm; (R) S/I fixation with reduced L/S ROM; (R) SLR (+) at 35° with (-) Braggards.
4. X-Ray Analysis Summary Hypolordosis with significant muscle spasm.
5. Diagnosis — ICDA # Severe cervical strain/sprain
Cervical disc herniation (C5-C6) as demonstrated by MRI 11/3/98
Moderate lumbar strain/sprain
6. Alternate Summary (Comments) ****SECOND OPINION scheduled for 11/10/98 with Dr. Triantafyllou of York, PA (spine special:
7. Disability Data
8. Examination Forms Attached? ☒ Yes ☐ No
9. Additional Evaluations Attached? ☐ Yes ☐ No
10. Accident Report Attached? ☐ Yes ☐ No

Robert L. Harchak
Doctor's Signature

11/3/98

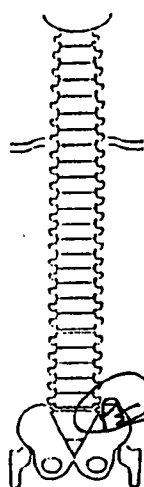
Date

Completed by SIH

Patient Tracy Yarger 11/2/98
Subjective _____

See other

Borg Pain Scale 10 Improving/Worsen/Stable
Objective Exam: C/T, L/S, S/I knee(R/L)
ankle(R/L), shoulder(R/L), elbow(R/L), wrist(R/L)
TMJ(R/L), other _____



Assess/Prog: No Improv. Fair Guard Imp. but
Guard Stable Maint. MML.
Areas Tx: C/T, L/S, S/I shoulder(R/L),
elbow(R/L), knee(R/L), TMJ(R/L), other _____
shoulder(R/L), elbow(R/L),
knee(R/L), TMJ(R/L), other _____
Visit Schedule ASAP, 5X, 4X, 3X, 2X, 1X, 1wk,
2wk, 3wk, 4wk, 5wk, 6wk. M T W Th F S
As needed Call in Change Dx/Add'l plans/other
Change Dx/Add'l plans/other recomm.
Complete Bedrest - moist heat 20min
2x DAY. Mobilization L/S only - Schedule
C-THRE ASAP - R/O Herniation.

Description of treatment C-T - L - PT. w/
emphysis on reducing pain/spasm.
Lumbopelvic Joint Mobil.

Today's Procedures: E/M Codes:

Joint mobil.(spine)	97265	New Pt.(30mn.)	99203
Joint mobil(extrem)	97265	New Pt.(45mn.)	99204
Spinal manip.	A2000	New Pt.(60mn.)	99205
Myofas.Rel.	97250	Est.Pt.(10mn.)	99212
Trigger Pt.Ther.	97139	Est.Pt.(15mn.)	99213
Mass.Therapy	97124	Est.Pt.(25mn.)	99214
		Est.Pt.(40mn.)	99215
Manual spinal traction	97122		
Mech. traction	97012	X-Rays:	
Hot Pack	97039	Cervical AP	72040
Cryotherapy	97039	Cervical Lat	72040
Elec. Stim(unatten)	97014	Davis (5)	
Ultrasound	97035	Thoracic AP	72070
Self care/ADLs	97535	Thoracic Lat	72070
In-office Rehab.	97530	Lumbopelvic Lat	72100
Thera. Activities each		(2) Obliques	72052
add'l. 15 min.	97530-15	Pelvis AP	72170
Therapy exercises	97110	Other	
Cold pack	99070	Inclinometer	95851
Cervical pillow	06371	Re-Exam	99214
L/S support	99070	Reports: Initial	Progress
Orthotics	99070	Narrative (# pages)	
Heel lifts	07324		99080
Other			

Patient _____ Date 11/4/98
Subjective still extremely uncomfortable,
was able to rest better than before tx here.
A little discomfort after MRI.

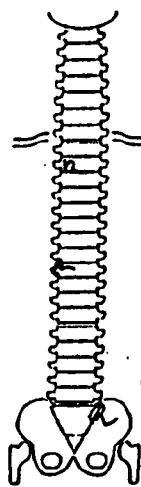
NOV 18 1999

Borg Pain Scale 10 Improving/Worsen/Stable
Objective Exam: C/T, L/S, S/I knee(R/L)
ankle(R/L), shoulder(R/L), elbow(R/L), wrist(R/L)
TMJ(R/L), other cervical edema doming, still

has extremely restricted C-T - L Rom.

Bilat. trapezius and Rhomboids

Rt S/E Fixed.



Assess/Prog: No Improv. Fair Guard Imp. b
Guard Stable Maint. MML.
Areas Tx: C/T, L/S, S/I shoulder(R/L),
elbow(R/L), knee(R/L), TMJ(R/L), other _____
shoulder(R/L), elbow(R/L),
knee(R/L), TMJ(R/L), other _____
Visit Schedule: ASAP, 5X, 4X, 3X, 2X, 1X, 1
2wk, 3wk, 4wk, 5wk, 6wk. M T W Th F S
As needed Call in Change Dx/Add'l plans/ot
Change Dx/Add'l plans/other recomm.
Dr. Olney from GI Imaging called w/
MRI result: very large C5 disc
herniation.

Description of treatment PT. in conjunction w/ T & L Joint Mobil.

Today's Procedures: E/M Codes:

Joint mobil.(spine)	97265	New Pt.(30mn.)	99203
Joint mobil(extrem)	97265	New Pt.(45mn.)	99204
Spinal manip.	A2000	New Pt.(60mn.)	99205
Myofas.Rel.	97250	Est.Pt.(10mn.)	99212
Trigger Pt.Ther.	97139	Est.Pt.(15mn.)	99213
Mass.Therapy	97124	Est.Pt.(25mn.)	99214
		Est.Pt.(40mn.)	99215
Manual spinal traction	97122		
Mech. traction	97012	X-Rays:	
Hot Pack	97039	Cervical AP	72040
Cryotherapy	97039	Cervical Lat	72040
Elec. Stim(unatten)	97014	Davis (5)	
Ultrasound	97035	Thoracic AP	72070
Self care/ADLs	97535	Thoracic Lat	72070
In-office Rehab.	97530	Lumbopelvic Lat	72100
Thera. Activities each		(2) Obliques	72052
add'l. 15 min.	97530-15	Pelvis AP	72170
Therapy exercises	97110	Other	
Cold pack	99070	Inclinometer	95851
Cervical pillow	06371	Re-Exam	99214
L/S support	99070	Reports: Initial	Progress
Orthotics	99070	Narrative (# pages)	
Heel lifts	07324		99080
Other			

Patient Tracy Yanger 1H6-98
Subjective resting Better, but still exhausted
from pain, no real comfortable position.

Borg Pain Scale 9 Improving/Worsen/Stable
Objective Exam: C/T L L/S S/I knee(R/L)
ankle(R/L), shoulder(R/L), elbow(R/L), wrist(R/L)
TMJ(R/L), other C-T-L sprain is reducing,

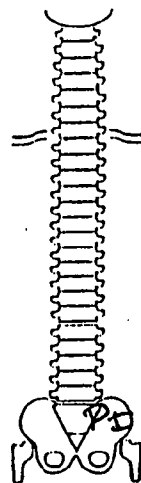
Lower C & R S/I Edema,
hypolordotic C-spine w/ trigger pts
Rt trapezius

Assess/Prog: No Improv. Fair Guard Imp. but
Guard Stable Maint. MMI.

Areas Tx: C/T L, L/S S/I shoulder(R/L),
elbow(R/L), knee(R/L), TMJ(R/L), other
shoulder(R/L), elbow(R/L),
knee(R/L), TMJ(R/L), other

Visit Schedule: ASAP, 5X, 4X, 3X 2X, 1X, 1wk,
2wk, 3wk, 4wk, 5wk, 6wk. M T W Th F S
As needed Call in Change Dx/Add'l plans/other
Change Dx/Add'l plans/other recomm.
discussed w/pt. 2nd opinion w/ Dr. T.
needs to take driver along.

Description of treatment C-T-L Pt. w/
T-L/S Spinal Mobilization



Today's Procedures: E/M Codes:
Joint mobil.(spine) 97265 NewPl.(30mn.)99203
Joint mobil(extrem) 97265 NewPl.(45mn.)99204
Spinal manip. A2000 NewPl.(60mn.)99205
Myofas.Rel. 97250 Est.Pl.(10mn.)99212
Trigger Pt.Ther. 97139 Est.Pl.(15mn.)99213
Mass.Therapy 97124 Est.Pl.(25mn.)99214
Est.Pl.(40mn.)99215

Manual spinal traction 97122
Mech. traction 97012 X-Rays:
Hot Pack 97039 Cervical AP 72040
Cryotherapy 97039 Cervical Lat 72040
Elec. Stim(unatten) 97014 Davis (5)
Ultrasound 97035 Thoracic AP 72070
Self care/ADLs 97535 Thoracic Lat 72070
In-office Rehab. 97530 Lumbopelvic Lat 72100
Thera. Activities each (2) Obliques 72052
add'l. 15 min. 97530-15 Pelvis AP 72170
Therapy exercises 97110 Other
Cold pack 99070 Inclinator 95851
Cervical pillow 06371 Re-Exam 99214
L/S support 99070 Reports: Initial Progress
Orthotics 99070 Narrative (# pages)
Heel lifts 07324 99080
Other

Patient RECEIVED
Subjective
NOV 18 1999
STATE COLLEGE FCO

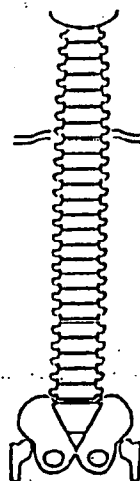
Borg Pain Scale Improving/Worsen/Stable
Objective Exam: C T L L/S S/I knee(R/L)
ankle(R/L), shoulder(R/L), elbow(R/L), wrist(R/L)
TMJ(R/L), other

Assess/Prog: No Improv. Fair Guard Imp. b
Guard Stable Maint. MMI.

Areas Tx: C, T, L, L/S, S/I, shoulder(R/L),
elbow(R/L), knee(R/L), TMJ(R/L), other
shoulder(R/L), elbow(R/L),
knee(R/L), TMJ(R/L), other

Visit Schedule: ASAP, 5X, 4X, 3X, 2X, 1X, 1
2wk, 3wk, 4wk, 5wk, 6wk. M T W Th F S
As needed Call in Change Dx/Add'l plans/ot
Change Dx/Add'l plans/other recomm.

Description of treatment



Today's Procedures: E/M Codes:
Joint mobil.(spine) 97265 NewPl.(30mn.)99203
Joint mobil(extrem) 97265 NewPl.(45mn.)99204
Spinal manip. A2000 NewPl.(60mn.)99205
Myofas.Rel. 97250 Est.Pl.(10mn.)99212
Trigger Pt.Ther. 97139 Est.Pl.(15mn.)99213
Mass.Therapy 97124 Est.Pl.(25mn.)99214
Est.Pl.(40mn.)99215

Manual spinal traction 97122
Mech. traction 97012 X-Rays:
Hot Pack 97039 Cervical AP 72040
Cryotherapy 97039 Cervical Lat 72040
Elec. Stim(unatten) 97014 Davis (5)
Ultrasound 97035 Thoracic AP 72070
Self care/ADLs 97535 Thoracic Lat 72070
In-office Rehab. 97530 Lumbopelvic Lat 72100
Thera. Activities each (2) Obliques 72052
add'l. 15 min. 97530-15 Pelvis AP 72170
Therapy exercises 97110 Other
Cold pack 99070 Inclinator 95851
Cervical pillow 06371 Re-Exam 99214
L/S support 99070 Reports: Initial Progress
Orthotics 99070 Narrative (# pages)
Heel lifts 07324 99080
Other

Tracy Yarger
1998-00003

RECEIVED
NOV 18 1999
STATE COLLEGE PCO

01/29/99

Subjective: Ms. Yarger presented today and indicated that she is feeling intermittent severe pain in the neck. She has also noticed intermittent mild to moderate restricted movement as well as burning and achy pain radiating to the posterior right upper shoulder and posterior left upper shoulder. She states that her neck pain is made worse by looking down.

The patient evaluated her pain and discomfort on a 1 to 10 pain scale and reported her neck pain at 5. Ms. Yarger also rates the improvement of her neck pain at 50%. Ms. Yarger is recovering from a cervical discectomy (C5/C6). This was conducted on 11/13/98. She is here today per request of Dr. Triantafyllou. He would like us to help reduce her cervical muscle spasm.

Objective: On examination of the spinal joints, a moderate amount of spinal joint fixation C1, C2 and T1 was detected. A digital inspection of the spinal area was performed. A moderate pain and discomfort at C1, C2 and T1 bilaterally was elicited.

Spinal ROM:	Normal	Patient	Quantity	Quality
Cervical:				
Flexion	60°	45°	With Pain	Tight
Extension	65°	35°	With Pain	Burn
Right Lateral Flexion	45°	32°	Mild Pain	Achy
Left Lateral Flexion	45°	34°	Mild Pain	Achy
Right Rotation	80°	60°	Mild Pain	Tight
Left Rotation	80°	56°	Mild Pain	Tight

Diagnosis:

- 722.2 Cervical IVD Herniation
- 847.2 Sprain/Strain - Lumbar
- 728.85 Cervical Muscle Spasm
- 847.0 Sprain/Strain - Cervical Spine

Postural Analysis:

- Forward Head Translation
- Decreased Cervical Lordosis

Plan: The patient's condition has shown some improvement and has entered a subacute phase. The visit schedule is for three times per week, until reexamination warrants change in visit frequency. Treatment consisted of ultrasound therapy to the cervical spine, in order to reduce edema and encourage circulatory flow to the tissues. Treatment consisted of heat therapy to the neck area, in order to enhance local circulation. Myofascial release was also performed on the upper thoracic spine to help reduce muscle spasm and encourage circulation.

Tracy Yarger
1998-00003

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NOV 18 1999
STATE COLLEGE FCO

02/01/99

Subjective: The patient indicated on her visit today that there hasn't been any change in the neck pain since the last treatment. Ms. Yarger was asked to rate her pain on a scale of one to ten, where ten is the worst pain imaginable. She rated her neck pain at 5. She also estimated the improvement in her neck pain at 50%.

Objective: Spinal evaluation for functional motoricity revealed a moderate loss of joint function C1, C2 and T1. The spine and paraspinal tissues were examined and found to show a moderate pain at C1, C2 and T1 bilaterally.

Assessment: The patient has shown some progress but is in a subacute phase.

Plan: The patient's symptoms reflect an intermediate subacute nature. The visit schedule is for three times per week, until reexamination warrants change in visit frequency. Ultrasound therapy was performed to increase circulatory flow to while reducing edema and soft tissue inflammation in the neck. Treatment consisted of heat therapy to the area of the cervical spine. The purpose is to within the involved paraspinal tissue, provide an increase of circulation flow. Myofascial release was performed to decrease myofascial adhesions of the soft tissues in the thoracic spine and cervical spine.

Tracy Yarger
1998-00003

02/05/99

Subjective: Ms. Yarger enters the office today and states the neck pain is slightly improved. The patient evaluated her pain and discomfort on a 1 to 10 pain scale and reported her neck pain at 5. Ms. Yarger also rates the improvement of her neck pain at 50%. Lots of thoracic and cervical muscle spasm. Arms feel heavy. Resting better after leaves here

Objective: On evaluation of the spine for joint mobility, a moderate amount of spinal joint fixation C1, C2 and T1 was elicited. On palpation of the spinal segments there was a medium level of pain at C1, C2 and T1 bilaterally. Dynogrip measurement indicates 100 lb. with the right hand and 98 lb. with the left.

Assessment: The status of the patient's condition has changed as treatment progresses. The patient is now in a subacute phase.

Plan: The acute phase of this patient's condition has passed. The condition has entered an intermediate stage. The patient will return three times weekly until a brief reexam indicates a revision in schedule. Ultrasound therapy was administered to the neck. This treatment is given to increase circulatory flow to while reducing edema and soft tissue inflammation. Treatment included heat therapy to the cervical spinal area to promote circulatory flow into the involved tissues. Myofascial release was performed to decrease myofascial adhesions of the soft tissues in the thoracic region and cervical spine.

02/08/99

Subjective: Ms. Yarger enters the office today and states she is feeling slightly better in the neck area. A 1 to 10 pain scale was used for Ms. Yarger to assess her current status. She assessed her neck pain at 5. The response to treatment was estimated as a percentage. She estimates her neck pain at 50%.

Objective: On evaluation for spinal functional motoricity a moderate fixation of the spinal joints C1, C2 and T1 was detected. On examination of the spine by palpation, there was a medium level of pain at C1, C2 and T1 bilaterally.

Assessment: The patient's condition has progressed to the subacute phase.

Plan: The acute phase of this patient's condition has passed. The condition has entered an intermediate stage. Anticipating a reexamination, the patient will return three times per week. Ultrasound therapy was performed to promote soft tissue healing by decreasing inflammation in the cervical spine. The cervical spinal area received heat therapy to encourage circulatory flow in the effected tissues to relax muscle tissue. Myofascial release was administered to the thoracic spinal area and cervical area. This treatment is given to restore functional mobility to the soft tissues by releasing myofascial adhesions.

Tracy Yarger
1998-00003

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NOV 18 1999
STATE COLLEGE PCO

02/10/99

Subjective: At the time of Ms. Yarger's appointment today, she related that the neck pain is slightly improved. A 1 to 10 pain scale was used for Ms. Yarger to assess her current status. She assessed her neck pain at 4. The response to treatment was estimated as a percentage. She estimates her neck pain at 60%.

Objective: Functional segmental motoricity was checked and there was a moderate degree of fixation C1, C2 and T1 noted. The spinal tissues were evaluated by palpation and showed evidence of a moderate pain and discomfort at C1, C2 and T1 bilaterally.

Assessment: The patient has shown some progress but is in a subacute phase.

Plan: The patient has shown some progress but is in a subacute phase. The patient will return three times per week until the next reexamination. Treatment consisted of ultrasound therapy to the cervical spinal area. The purpose is to reduce edema and encourage circulatory flow to the tissues. Heat therapy was administered to the cervical spine. This treatment is given to locally stimulate circulatory flow. Treatment consisted of myofascial release to the thoracic spine and cervical spinal area. The purpose is to decrease myofascial adhesions of the soft tissues. I called Dr. T's office yesterday to get MRI results. (see other). Extensive discussion today with instructions on ADL's. I also discussed with her a restrengthening program that I would like to begin next week. She is agreeable.

02/12/99

Subjective: Ms. Yarger keeps her appointment today and reports that there hasn't been any significant improvement in the cervical region pain. Based on a pain scale from 1 to 10, the patient was asked to rate her current condition. She places her neck pain at 5. She was further asked to assess her improvement and stated that she felt improvement of her neck pain at 50%.

Objective: On evaluation for functional motoricity a moderate amount of joint fixation at C1, C2 and T1 was detected. The spinal tissues were evaluated by palpation and showed evidence of a moderate pain level at C1, C2 and T1 bilaterally.

Assessment: The patient's condition has progressed to the subacute phase.

Plan: The patient's condition has reached an intermediate stage. The patient's condition indicates the need for 3 visits/week until the next reexamination. Treatment included ultrasound therapy to the neck to increase circulatory flow to the soft tissues thereby reducing edema and abating inflammation. Heat therapy was administered to the neck. This treatment is given to encourage circulatory flow in the effected tissues to relax muscle tissue. Treatment included myofascial release to the thoracic spinal region and cervical area to restore functional mobility to the soft tissues by releasing myofascial adhesions.

Tracy Yarger
1998-00003

03/01/99

Subjective: On her office visit today, Ms. Yarger stated that she is feeling slightly better in the neck area. Ms. Yarger was requested to evaluate her perception of the current status of her condition. On a pain scale of 1 to 10 he rates her neck pain at 5. On a percentage basis, she rates the improvement of her neck pain at 50%. Started rehab today here. It seemed to go well. Tracy is still complaining of hand and leg paresthesias, but is showing improvement. Tracy has been very ill with sinus infections. Missed several appointments due to incapacitation.

Objective: Palpation revealed moderate fixation at C1, C2 and T1. A moderate level of pain and discomfort at C1, C2 and T1 bilaterally was found on palpation of the spine.

Assessment: The patient's condition has reached an intermediate stage.

Plan: The acute phase of this patient's condition has passed. The condition has entered an intermediate stage. The patient's condition indicates the need for a visit frequency of three times per week, until reexamination. Ultrasound therapy was performed to actuate inflammatory exudates from the soft tissue while reducing edema in the cervical area. Treatment included heat therapy to the cervical spine to improve local circulation to diminish muscle tension. Myofascial release was administered to the area of the thoracic spine and neck area. This treatment is given to decrease myofascial adhesions of the soft tissues. The neck received ROM exercises to improve the range of joint motion. Second opinion is scheduled for tomorrow with Dr. Parry. Patient received interferential to the cervical area in order to encourage relaxation and strengthening of muscles while abating tissue congestion. Review of activities of daily living was done with patient.

03/03/99

Subjective: Ms. Yarger enters the office today and states she is feeling a slight improvement in the condition of cervical pain. When asked to rate the pain and discomfort she's experiencing, Ms. Yarger rated her neck pain at 5. She indicated she has noticed improvement in her neck pain at 50%.

Objective: Spinal evaluation revealed a moderate degree of fixation at C1, C2 and T1. The spine and paraspinal tissues were examined and found to show a moderate pain and discomfort at C1, C2 and T1 bilaterally.

Assessment: The patient's symptoms reflect an intermediate subacute nature.

Plan: The patient's condition has reached an intermediate stage. The patient's condition indicates the need for 3 visits/week until the next reexamination. Treatment included ultrasound therapy to the neck area to promote soft tissue healing by decreasing inflammation. Treatment consisted of heat therapy to the cervical spinal area, in order to improve and enhance blood circulation. To restore functional mobility to the soft tissues by releasing myofascial adhesions, myofascial release was administered to the thoracic spinal area and cervical area. Treatment included ROM exercises to the cervical spinal area to provide an increase of functional joint mobility. Electro-muscle stim was performed to reduce hypertonicity in the muscle tissue in the neck area.

NOV 18 1999

STATE COLLEGE PCO

Plan:The patient's condition has reached an intermediate stage. The patient's condition indicates the need for 3 visits/week until the next reexamination. Treatment included ultrasound therapy to the neck area to promote soft tissue healing by decreasing inflammation. Treatment consisted of heat therapy to the cervical spinal area, in order to improve and enhance blood circulation. To restore functional mobility to the soft tissues by releasing myofascial adhesions, myofascial release was administered to the thoracic spinal area and cervical area. Treatment included ROM exercises to the cervical spinal area to provide an increase of functional joint mobility. Electro-muscle stim was performed to reduce hypertonicity in the muscle tissue in the neck area.

03/08/99

Subjective:Ms. Yarger stated on her visit today that there hasn't been any significant improvement in the cervical region pain. A 1 to 10 pain scale was used for Ms. Yarger to assess her current status. She assessed her neck pain at 5. The response to treatment was estimated as a percentage. She estimates her neck pain at 50%.

Objective: On examination of the spinal joints, a moderate degree of fixation at C1, C2 and T1 was detected. A medium degree of pain at C1, C2 and T1 bilaterally was found on palpation of the spine.

Assessment: The patient's condition has progressed to the subacute phase.

Plan:The patient has reached a subacute status. The visit schedule is for three times per week, until reexamination warrants change in visit frequency. In order to increase circulatory flow to while reducing edema and soft tissue inflammation, ultrasound therapy was administered to the neck area. Heat therapy was performed to encourage circulatory flow in the effected tissues to relax muscle tissue in the area of the cervical spine. Myofascial release was performed to restore functional mobility to the soft tissues by releasing myofascial adhesions in the thoracic spinal area and cervical spinal area. Treatment consisted of ROM exercises to the neck area. The purpose is to promote an increase in functional mobility. To decongest the inflamed tissue, alleviate pain and muscle tension, electro-muscle stim was administered to the neck area.

03/12/99

Subjective:The patient indicated on her visit today that she is feeling a slight improvement in the condition of cervical pain. When asked to rate the pain and discomfort she's experiencing, Ms. Yarger rated her neck pain at 5. She indicated she has noticed improvement in her neck pain at 50%.

Objective: Palpation revealed a moderate loss of joint function at C1, C2 and T1. Examination performed by palpation over the spinal vertebral segments showed a moderate degree of pain at C1, C2 and T1 bilaterally.

Assessment: The patient's condition has reached an intermediate stage.

Plan:The patient has shown some progress but is in a subacute phase. The patient's condition indicates the need for a visit frequency of three times per week, until reexamination. In order to cause an increased blood flow in the paraspinal tissues, heat therapy was administered to the area of the cervical spine. Treatment consisted of myofascial release to the thoracic area and area of the cervical spine. The purpose is to restore functional mobility to the soft tissues by releasing myofascial adhesions. Treatment included ROM exercises to the cervical spinal area to improve the range of joint mobility. Electro-muscle stim was performed to promote healing while decreasing tenderness and inflammation in the area of the cervical spine. Joint mobilization was administered to the area of the thoracic spine. This treatment is given to restore mobility and reduce joint fixation.

NOV 18 1999

Name Tracy Yarger Date of Birth 10-3-65
 Address RD Box 1675-D City Osceola Mills State Pa. Zip 16866
 Telephone 539-6527 Social Security No. 187-52-6682 Drivers License No. 20835815
 Age 28 Birthdate 10-3-65 Sex F Marriage Status: ☒ M ☐ S ☐ W ☐ D No. Children 2
 Occupation production Clerk Employer Walmart Distribution Years Employed since 7/6/98
 Employer's Address Walmart Drive Woodland Work Phone 857-5442 Bank _____
 Spouse's Name Brian Yarger Occupation laborer Employer Berg Electronics
 Person responsible for this account Brian Yarger Referred by Bill YARGER

INSURANCE INFORMATION

Are you covered by Medicare? Yes ☐ No ☒ Medi-Cal? Yes ☐ No ☒ County _____
 Do you have any group, union or personal health and accident insurance? Yes ☒ No ☐
 Name of Insurance Company Corn General Claim No. 2053245
 Address Wilmington DE Agent Cigna
 Is your condition due to an accident or illness? N/A
 Did your accident occur while at work? Yes ☐ No ☐ N/A When _____
 Were you involved in an automobile accident? Yes ☐ No ☒ When _____
 Cash payment _____ Other FMS

SYMPTOMS

HEAD:

- ☒ Headache
☐ entire head
☒ back of head
☐ forehead
☐ temples
☒ migraine had last Monday
☒ Head feels heavy
☐ Loss of memory
☒ Light-headedness
☐ Fainting
☐ Lights bother eyes
☐ Loss of smell
☐ Loss of taste
☒ Loss of balance
☒ Dizziness
☒ Loss of hearing in left ear
☐ Pain in ears
☒ Ringing in ears
☐ Buzzing in ears
Numbness left side of face tip of nose

NECK:

- ☒ Pain in neck
☐ Neck pain with movement
☐ Pinched nerve in neck
☐ Neck feels out of place
☒ Stiff neck
☐ Muscle spasms in neck
☐ Grinding sounds in neck
☐ Grating sounds in neck
☐ Popping sounds in neck
☐ Arthritis in neck

SHOULDERS:

- ☐ Pain in shoulder joint (R-L)
☐ Pain across shoulders
☐ Bursitis (R-L)
☐ Arthritis (R-L)
☐ Can't raise arm
☐ above shoulder level
☐ over head
☐ Tension in shoulders
☐ Pinched nerve in shoulder (R-L)
☐ Muscle spasms in shoulders

ARMS & HANDS:

- ☐ Pain in upper arm
☐ Pain in forearm
☐ Pain in hands
☐ Pain in fingers
☐ Pinched nerve in arm
☐ Pinched nerve in fingers
☐ Sensation of pins & needles in arms
☐ Sensation of pins & needles in fingers
☒ Fingers go to sleep > Left
☒ Hands cold
☐ Swollen joints in fingers
☐ Sore joints in fingers
☐ Arthritis in fingers
☐ Loss of grip strength

MID-BACK:

- ☐ Mid-back pain
☒ Pain between shoulder blades
☐ Sharp stabbing pain in mid-back
☐ Muscle spasms

CHEST:

- ☒ Chest pain
☒ Shortness of breath
☐ Pain around ribs

ABDOMEN:

- ☒ Nervous stomach
☒ Nausea
☐ Gas
☐ Constipation
☐ Diarrhea

WOMEN ONLY:

- ☒ Menstrual pain
☒ Cramping
☒ Irregularity

LOW BACK

- ☐ Low back pain
☐ Low back pain is worse when:
☐ working
☐ lifting
☐ stooping
☐ standing
☐ sitting
☐ bending
☐ coughing
☐ Pinched nerve in low back
☐ Slipped disc
☐ Low back feels out of place
☐ Muscle spasms
☐ Arthritis

HIPS, LEGS & FEET:

- ☐ Pain in buttocks (R-L)
☐ Pain in hip joint (R-L)
☐ Pain down leg (R-L)
☐ Pain down both legs
☐ Leg cramps
☐ Pins & needles in legs (R-L)
☐ Numbness of leg (R-L)
☐ Numbness of feet (R-L)
☐ Numbness of toes
☒ Feet feel cold
☐ Cramps in feet (R-L)
☐ Swollen ankles (R-L)
☐ Swollen feet (R-L)
☐ Painful joints in toes

GENERAL

- ☒ Nervousness
☒ Irritable
☒ Depressed
☒ Fatigue
☒ Generally feel run-down
☒ Loss of sleep
☒ Loss of weight

PATIENT INTERVIEW RECORD

CHIROPRACTIC ORTHOPEDIC, PHYSICAL, NEUROLOGICAL EXAMINATION

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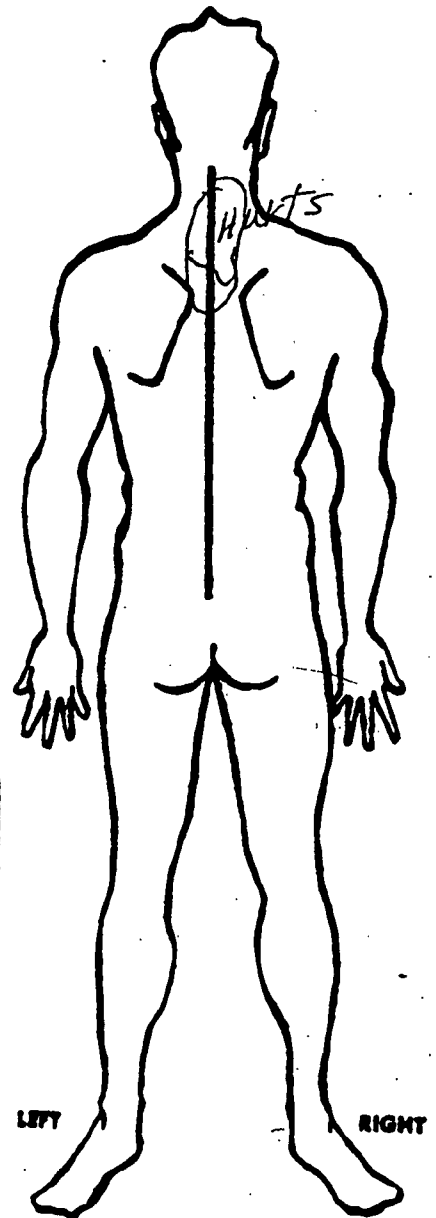
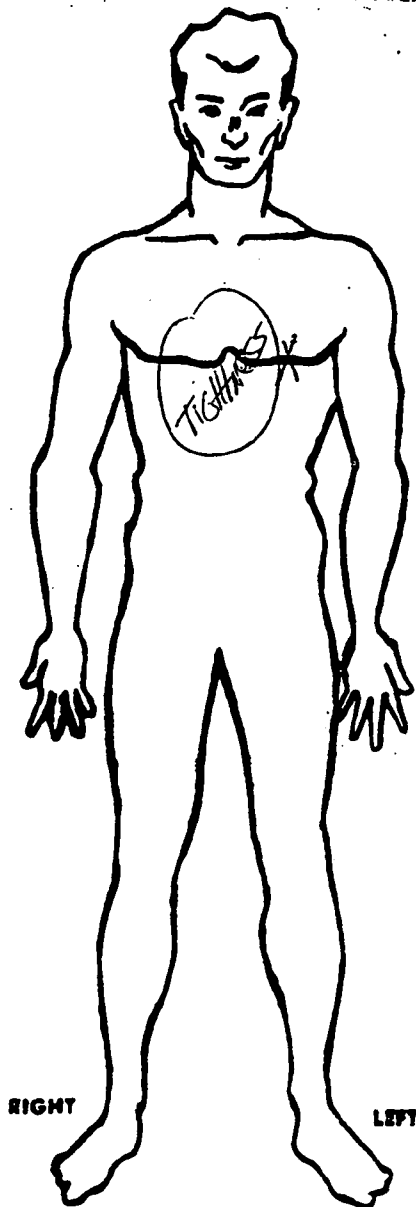
STATE COLLEGE TCO

Patient Name TRACY J. VARGER

Date of Consultation 12/20/93

REQUIRED FOR YOUR CASE HISTORY FILE:

INDICATE AREAS OF PAIN



HELPS	POSITION	HURTS
	Sitting	X
	Standing	
	Walking	
	Lifting	
	Driving	
	Stretching	
	Lying on Side	
	Lying on Back	
	Lying face down	
	Bending Leg	
	Stretching Leg	
	Turning Head	
	Turning Body	
	Bending Forward	X
	Bending Backward	
	Other: Describe	

NOTES

Company _____ Claim# _____

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Tracy Yarger
187-52-6682

Patient's Daily Report

- 12/20/93 Mid-back discomfort, migraine headache, cervical discomfort
paresthesia.
- 12/22/93 Migraine headache, earache, mid-back discomfort, cervical
discomfort, cervical stiffness, aberrant cervical motion.
- 12/24/93 Migraine headache, mid and upper back discomfort, cervical
discomfort, cervical stiffness, aberrant cervical motion.
- 12/29/93 Mid-back discomfort, upper back discomfort, cervical
discomfort, cervical stiffness, aberrant cervical motion.
- 12/31/93 Mid-back discomfort, upper back discomfort, cervical
discomfort, cervical stiffness, aberrant cervical motion.
- 04/11/94 Mid-back discomfort, aberrant cervical motion, upper back
discomfort, cervical discomfort, cervical stiffness, aberrant
cervical motion.
- 04/13/94 Mid-back discomfort, aberrant cervical motion, upper back
discomfort, cervical discomfort, aberrant cervical motion.
- 04/15/94 Mid-back discomfort, aberrant cervical motion, cervical
discomfort, upper back discomfort, aberrant cervical motion.
- 04/18/94 patient cancelled/rescheduled
- 04/20/94 Mid-back discomfort, aberrant cervical motion, cervical
discomfort, upper back discomfort, improving.
- 04/22/94 Mid-back discomfort, aberrant cervical motion; reviewed MRI
of 2/18/94-C5/C6 disc rupture.
- 04/25/94 N/S

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Tracy Yarger

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04/27/94 N/S

12/12/95 Migraine headache, cervical discomfort, cervical stiffness,
cervical muscle spasm.

12/14/95 Patient cancelled/rescheduled.

12/16/95 Severe cervical discomfort, severe cervical stiffness, severe
cervical muscle spasms.

12/20/95 Patient cancelled.

01/06/97 Cervical discomfort, cervical stiffness, cervical muscle spasms,
severe headache; ATV accident-sternum fracture.-June 96.

01/10/97 Patient cancelled/rescheduled.

01/13/97 N/S

10/07/98 Neck spasm between shoulders, ASAP or call.

10/09/98 N/S

10/12/98 Cervical discomfort, cervical stiffness, cervical muscle
spasms, have call.

10/19/98 Cervical discomfort, cervical stiffness, cervical muscle spasms,
have call.

10/28/98 N/S

11/02/98 N/S

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HEALTH INSURANCE CLAIM FORM

1. MEDICARE (Medicare #) ☐ MEDICAID (Medicaid #) ☐ CHAMPUS (Sponsor's SSN) ☐ CHAMPVA (VA File #) ☐ GROUP HEALTH PLAN (SSN or ID) ☐ FECA BLK LUNG (SSN) ☐ OTHER (ID) ☒				1a. INSURED'S I.D. NUMBER 187-52-6682											
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) Yarger, Tracy J				3. PATIENT'S BIRTH DATE MM DD YY 6 3 1965		SEX M ☐ F ☒		4. INSURED'S NAME (Last Name, First Name, Middle Initial) Yarger, Tracy							
5. PATIENT'S ADDRESS (No., Street) RD #1 Box 617				6. PATIENT RELATIONSHIP TO INSURED Self ☒ Spouse ☐ Child ☐ Other ☐				7. INSURED'S ADDRESS (No., Street) RD #1 Box 617							
CITY Houtzdale				STATE PA		CITY Houtzdale				STATE PA					
ZIP CODE 16651				TELEPHONE (Include Area Code) (814) 378-8154		ZIP CODE 16651				TELEPHONE (INCLUDE AREA CODE) (814) 378-8154					
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)				10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (CURRENT OR PREVIOUS) YES ☐ NO ☒ b. AUTO ACCIDENT? ☒ YES ☐ NO ☐ c. OTHER ACCIDENT? ☐ YES ☐ NO ☐ 10d. RESERVED FOR LOCAL USE				11. INSURED'S POLICY GROUP OR FECA NUMBER 6941256809 a. INSURED'S DATE OF BIRTH MM DD YY 06/03/65 SEX M ☐ F ☒ b. EMPLOYER'S NAME OR SCHOOL NAME c. INSURANCE PLAN NAME OR PROGRAM NAME d. IS THERE ANOTHER HEALTH BENEFIT PLAN? ☐ YES ☐ NO If yes, return to and complete item 9 a-d.							
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below. SIGNED Signature on file				13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below. SIGNED on file											
14. DATE OF CURRENT ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY (LMP) MM DD YY				15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MM DD YY				16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY							
17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE				17a. I.D. NUMBER OF REFERRING PHYSICIAN				18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY							
19. RESERVED FOR LOCAL USE				20. OUTSIDE LAB? ☐ YES ☒ NO \$ CHARGES				21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (RELATE ITEMS 1,2,3 OR 4 TO ITEM 24E BY LINE) 722.2 Cervical IVD Herniation 728.85 Cervical Muscle Spasms 847.2 Lumbar Sprain/strain 847.0 Cervical Sprain/strain							
22. MEDICAID RESUBMISSION ORIGINAL REF. NO.				23. PRIOR AUTHORIZATION NUMBER				24. A B C D E F G H I J K DATE(S) OF SERVICE To Place of Service Type of Service PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT/HCPCS I MODIFIER DIAGNOSIS CODE \$ CHARGES DAYS OR UNITS EPSDT Family Plan EMG COB RESERVED FOR LOCAL USE 1 012999 012999 3 97250 Myofac. Release 1234 52.00 1 1 012999 012999 3 97039 Hot Pack 1234 20.00 1 1 012999 012999 3 97035 ultrasound 1234 20.00 1 2 012999 012999 3 99214 Re-exam 1234 80.00 1 1 012999 012999 3 97001 PT Init. Evl 1234 80.00 1 3 020199 020199 3 97250 Myofac. Release 1234 52.00 1 1 020199 020199 3 97039 Hot Pack 1234 20.00 1 4 020199 020199 3 97035 ultrasound 1234 20.00 1 5 6							
25. FEDERAL TAX I.D. NUMBER 25-1576901				26. PATIENT'S ACCOUNT NO. 11029803-00				27. ACCEPT ASSIGNMENT? (For govt. claims, see back) YES ☐ NO ☒				28. TOTAL CHARGE \$ 344.00			
29. AMOUNT PAID \$ 0.00				30. BALANCE DUE \$ 344.00				31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.) SIGNED Susan I. Harchak, D.C. DATE 02/03/99				32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE RENDERED (If other than home or office) SUSAN I. HARCHAK, D.C. 1114 Walton Street Harrisburg, PA 16966 Telephone: (814) 342-3591 PIN# HA146682 GRP#			

Allstate
6345 Flamingo Dr, Suite 3000
Harrisburg, PA 17112

HEALTH INSURANCE CLAIM FORM

PICA ☐

SIGNED Susan J. Hanchard, DC. DATE _____

Pin# HA146682 GRP# _____

FORM HCFA-1500 (12-90)
FORM OWCP-1500 FORM RRB-1500
#19423 - #29423 - Medical Arts Press

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HEALTH INSURANCE CLAIM FORM

PICA ☐

1. MEDICARE (Medicare #) ☐		MEDICAID (Medicaid #) ☐		CHAMPUS (Sponsor's SSN) ☐		CHAMPVA (VA File #) ☐		GROUP HEALTH PLAN (SSN or ID) ☐		FECA BLK LUNG (SSN) ☐		OTHER (ID) ☒		1a. INSURED'S I.D. NUMBER (FOR PROGRAM IN ITEM 1) 187-52-6682			
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) Yarger, Tracy J								3. PATIENT'S BIRTH DATE MM DD YY 06031965		SEX M ☐ F ☒		4. INSURED'S NAME (Last Name, First Name, Middle Initial) Yarger, Tracy					
5. PATIENT'S ADDRESS (No., Street) RD #1 Box 617								6. PATIENT RELATIONSHIP TO INSURED Self ☒ Spouse ☐ Child ☐ Other ☐		7. INSURED'S ADDRESS (No., Street) RD #1 Box 617							
CITY Houtzdale				STATE PA				8. PATIENT STATUS Single ☐ Married ☐ Other ☐ Employed ☐ Full-Time Student ☐ Part-Time Student ☐				CITY Houtzdale				STATE PA	
ZIP CODE 16651				TELEPHONE (Include Area Code) (814) 378-8154				ZIP CODE 16651				TELEPHONE (INCLUDE AREA CODE) (814) 378-8154					
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)								10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (CURRENT OR PREVIOUS) ☐ YES ☒ NO b. AUTO ACCIDENT? ☒ YES ☐ NO c. OTHER ACCIDENT? ☐ YES ☐ NO				11. INSURED'S POLICY GROUP OR FECA NUMBER 6941256809					
a. OTHER INSURED'S POLICY OR GROUP NUMBER								a. INSURED'S DATE OF BIRTH MM DD YY 06031965				SEX M ☐ F ☒					
b. OTHER INSURED'S DATE OF BIRTH MM DD YY								b. EMPLOYER'S NAME OR SCHOOL NAME				c. INSURANCE PLAN NAME OR PROGRAM NAME					
c. EMPLOYER'S NAME OR SCHOOL NAME								10d. RESERVED FOR LOCAL USE				d. IS THERE ANOTHER HEALTH BENEFIT PLAN? ☐ YES ☐ NO If yes, return to and complete item 9 a-d.					
d. INSURANCE PLAN NAME OR PROGRAM NAME								12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment. SIGNED Signature on file DATE 11101000									
14. DATE OF CURRENT: MM DD YY								15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MM DD YY				16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY					
17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE								17a. I.D. NUMBER OF REFERRING PHYSICIAN				18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY					
19. RESERVED FOR LOCAL USE								20. OUTSIDE LAB? ☐ YES ☒ NO \$ CHARGES				22. MEDICAID RESUBMISSION CODE ORIGINAL REF. NO.					
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (RELATE ITEMS 1,2,3 OR 4 TO ITEM 24E BY LINE) 1. 722.2 Cervical IVD Herniation 2. 847.2 Lumbar SPRAIN/Strain 3. 728.85 Cervical Muscle Spasms 4. 847.0 Cervical Sprain/Strain								23. PRIOR AUTHORIZATION NUMBER				24. A DATE(S) OF SERVICE To B Place of Service C Type of Service D PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT/HCPCS MODIFIER E DIAGNOSIS CODE F \$ CHARGES G DAYS OR UNITS H EPST Family Plan I EMG J COB K RESERVED FOR LOCAL USE					
25. FEDERAL TAX I.D. NUMBER SSN EIN 25-1576901								26. PATIENT'S ACCOUNT NO. 11028803-00				27. ACCEPT ASSIGNMENT? (For govt. claims, see back) ☒ YES ☐ NO					
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.) SIGNED Susan I. Harchak DATE 11101999								32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE RENDERED (If other than home or office) 11101999				33. PHYSICIAN'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE & PHONE # SUSAN I. HARCHAK, D.C. 1114 Walton Street Phillipsburg, PA 16886 Telephone: (814) 342-3591 PIN# HA146682 GRP#					

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HEALTH INSURANCE CLAIM FORM STATE COLLEGE FOO

1. MEDICARE MEDICAID CHAMPUS CHAMPVA GROUP HEALTH PLAN FECA BLK LUNG OTHER		1a. INSURED'S I.D. NUMBER (FOR PROGRAM IN ITEM 1)	
☐ (Medicare #) ☐ (Medicaid #) ☐ (Sponsor's SSN) ☐ (VA File #) ☐ (SSN or ID) ☐ (SSN) ☒ (ID)		187-52-6682	
2. PATIENT'S NAME (Last Name, First Name, Middle Initial)		4. INSURED'S NAME (Last Name, First Name, Middle Initial)	
Yarger, Tracy J		Yarger, Tracy	
5. PATIENT'S ADDRESS (No., Street)		7. INSURED'S ADDRESS (No., Street)	
RD #1 Box 617		RD #1 Box 617	
CITY		CITY	
Houtzdale		Houtzdale	
STATE		STATE	
PA		PA	
ZIP CODE		ZIP CODE	
16651		16651	
TELEPHONE (Include Area Code)		TELEPHONE (INCLUDE AREA CODE)	
(814) 378-8154		(814) 378-8154	
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)		11. INSURED'S POLICY GROUP OR FECA NUMBER	
a. OTHER INSURED'S POLICY OR GROUP NUMBER		6941256809	
b. OTHER INSURED'S DATE OF BIRTH MM DD YY		a. INSURED'S DATE OF BIRTH MM DD YY	
SEX M ☐ F ☐		SEX M ☐ F ☒	
c. EMPLOYER'S NAME OR SCHOOL NAME		b. EMPLOYER'S NAME OR SCHOOL NAME	
d. INSURANCE PLAN NAME OR PROGRAM NAME		c. INSURANCE PLAN NAME OR PROGRAM NAME	
10. IS PATIENT'S CONDITION RELATED TO:		d. IS THERE ANOTHER HEALTH BENEFIT PLAN?	
a. EMPLOYMENT? (CURRENT OR PREVIOUS)		☐ YES ☐ NO If yes, return to and complete item 9 a-d.	
b. AUTO ACCIDENT? ☐ YES ☒ NO		13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below.	
c. OTHER ACCIDENT? ☐ YES ☐ NO		Signature on file	
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below.		14. DATE OF CURRENT: MM DD YY	
SIGNED Signature on file		DATE 11101999	
15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MM DD YY		16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY	
17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE		18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY	
19. RESERVED FOR LOCAL USE		20. OUTSIDE LAB? ☐ YES ☒ NO \$ CHARGES	
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (RELATE ITEMS 1, 2, 3 OR 4 TO ITEM 24E BY LINE)		22. MEDICAID RESUBMISSION CODE ORIGINAL REF. NO. USE TO FUND MED	
1. 722.2 Cervical IVD Herniation 2. 847.2 Lumbar Sprain / Strain 3. 728.85 Cervical Muscle Spasms 4. 847.0 Cervical Sprain/strain		23. PRIOR AUTHORIZATION NUMBER	
24. A DATE(S) OF SERVICE From MM DD YY To MM DD YY B Place of Service C Type of Service D PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT/HCPCS I MODIFIER E DIAGNOSIS CODE F \$ CHARGES G DAYS OR UNITS H EPSDT Family Plan I EMG J COB K RESERVED FOR LOCAL USE			
1 03031999 03031999 3 97039 Hot Pack 1234 20.00 1			
2 03031999 03031999 3 97035 ultrasound 1234 20.00 1			
3 03031999 03031999 3 97032 Elec. Stim /atten 1234 35.00 1			
4 03031999 03031999 3 97140 Myofac. Release 1234 52.00 1			
5 03031999 03031999 3 97530 In-Of. Rehab. 1234 45.00 1			
6 03081999 03081999 3 97039 Hot Pack 1234 20.00 1			
7 03081999 03081999 3 97035 ultrasound 1234 20.00 1			
8 03081999 03081999 3 97530 In-Of. Rehab. 1234 45.00 1			
9 03081999 03081999 3 97140 Myofac. Release 1234 52.00 1			
10 03081999 03081999 3 97032 Elec. Stim /atten 1234 35.00 1			
25. FEDERAL TAX I.D. NUMBER SSN EIN		26. PATIENT'S ACCOUNT NO.	
25-1576901 ☐ ☒		11029803 00	
27. ACCEPT ASSIGNMENT? (For govt. claims, see back) ☐ YES ☒ NO		28. TOTAL CHARGE \$ 344.00	
29. AMOUNT PAID \$ 0.00		30. BALANCE DUE \$ 344.00	
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.)		32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE RENDERED (If other than home or office)	
SIGNED Signature on file		DATE 11101999	
33. PHYSICIAN'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE & PHONE #		34. PHYSICIAN'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE & PHONE #	
SUSAN I. HARCHAK, D.C.		1114 Walton Street	
Phillipsburg, PA 16866		Telephone: (814) 342-3591	
PIN# HA146682		GRP#	

(APPROVED BY AMA COUNCIL ON MEDICAL SERVICE 8/88)

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HEALTH INSURANCE CLAIM FORM

STATE COLLEGE, PA

1. MEDICARE ☐ MEDICAID ☐ CHAMPUS ☐ CHAMPVA ☐ GROUP HEALTH PLAN (SSN or ID) ☐ FECA BLK LUNG (SSN) ☐ OTHER ☒ (ID)		1a. INSURED'S I.D. NUMBER	
(Medicare #) (Medicaid #) (Sponsor's SSN) (VA File #)		187-52-6682	
2. PATIENT'S NAME (Last Name, First Name, Middle Initial)		4. INSURED'S NAME (Last Name, First Name, Middle Initial)	
Yarger, Tracy J		Yarger, Tracy	
5. PATIENT'S ADDRESS (No., Street)		7. INSURED'S ADDRESS (No., Street)	
RD #1 Box 617		RD #1 Box 617	
CITY		CITY	
Houtzdale		Houtzdale	
STATE		STATE	
PA		PA	
ZIP CODE		ZIP CODE	
16651		16651	
TELEPHONE (Include Area Code)		TELEPHONE (INCLUDE AREA CODE)	
(814) 378-8154		(814) 378-8154	
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)		11. INSURED'S POLICY GROUP OR FECA NUMBER	
a. OTHER INSURED'S POLICY OR GROUP NUMBER		6941256809	
b. OTHER INSURED'S DATE OF BIRTH MM DD YY SEX M F		a. INSURED'S DATE OF BIRTH MM DD YY SEX M F	
		06031965 M F	
c. EMPLOYER'S NAME OR SCHOOL NAME		b. EMPLOYER'S NAME OR SCHOOL NAME	
d. INSURANCE PLAN NAME OR PROGRAM NAME		c. INSURANCE PLAN NAME OR PROGRAM NAME	
10. IS PATIENT'S CONDITION RELATED TO:		d. IS THERE ANOTHER HEALTH BENEFIT PLAN?	
a. EMPLOYMENT? (CURRENT OR PREVIOUS) YES NO		YES NO If yes, return to and complete item 9 a-d.	
b. AUTO ACCIDENT? YES NO PLACE (State)			
c. OTHER ACCIDENT? YES NO			
10d. RESERVED FOR LOCAL USE			
READ BACK OF FORM BEFORE COMPLETING & SIGNING THIS FORM.			
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below.		13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below.	
SIGNED Signature on file DATE 11101999		SIGNED Signature on file	
14. DATE OF CURRENT: MM DD YY ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY (LMP)		15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS. GIVE FIRST DATE MM DD YY	
17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE		17a. I.D. NUMBER OF REFERRING PHYSICIAN	
19. RESERVED FOR LOCAL USE		18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY	
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (RELATE ITEMS 1,2,3 OR 4 TO ITEM 24E BY LINE)		20. OUTSIDE LAB? YES NO \$ CHARGES	
722.2 Cervical IVD Herniation 728.85 Cervical Muscle Spasms		22. MEDICAID RESUBMISSION CODE ORIGINAL REF. NO.	
847.2 Lumbar Sprain/Strain 847.0 Cervical Sprain/Strain		23. PRIOR AUTHORIZATION NUMBER	
24. A DATE(S) OF SERVICE To B Place of Service C Type of Service D PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) E DIAGNOSIS CODE F \$ CHARGES G DAYS OR UNITS H EPSTD Family Plan I EMG J COB K RESERVED FOR LOCAL USE			
03121999 03121999 3 97039 Hot Pack 123 20.00 1			
03121999 03121999 3 97032 Elec. Stim. 123 35.00 1			
03121999 03121999 3 97140 Myofac. Release 123 52.00 1			
03121999 03121999 3 97530 In-Of. Rehab. 123 45.00 1			
03151999 03151999 3 97039 Hot Pack 123 20.00 1			
03151999 03151999 3 97140 Myofac. Release 123 52.00 1			
03151999 03151999 3 97530 In-Of. Rehab. 123 45.00 1			
08231999 08231999 3 98940 Spinal Man. p. 123 52.00 1			
08231999 08231999 3 97002 P.T. Re-Eval. 123 80.00 1			
08251999 08251999 3 98940 Spinal Man. p. 123 52.00 1			
08251999 08251999 3 99212 Est. Patient 123 35.00 1			
25. FEDERAL TAX I.D. NUMBER SSN EIN 25-1576901		26. PATIENT'S ACCOUNT NO. 11029803-00	
27. ACCEPT ASSIGNMENT? (For govt. claims, see back) YES NO		28. TOTAL CHARGE \$ 488.00	
29. AMOUNT PAID \$ 0.00		30. BALANCE DUE \$ 488.00	
31. SIGNATURE OF PHYSICIAN OR SUPPLIER. INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.)		32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE RENDERED (If other than home or office)	
SIGNED Susan J. Harchak, D.C. DATE 11101999		33. PHYSICIAN'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE & PHONE #	
		SUSAN J. HARCHAK, D.C. 1114 Walton Street Phillipsburg, PA 16866 Telephone: (814) 342-3591 PIN# HA146682 GRP#	



PAH

Philipsburg Area
Hospital
Philipsburg, PA

EMERGENCY
ROOM
RECORD

NAME AND ADDRESS

YARGER, TRACY J
RD 1 BOX 675D
OSCEOLA MILLS, PA 16666
S.S. NO. 107526602
EMPLOYER, OCCUPATION

PREV. NAME MCGLYN
PAT. PH. NO. 339-6527
COUNTY CLFD

REGISTRATION DATE/TIME 06/30/96 17.48
AGE 31 BIRTHDATE 06/03/1965 PA U F M A J
REG. NO. 380643

UNEMPLOYED UNEMPLOYED 8404 24 02 81000
ACCIDENT ACC/OTHER INSURANCE CO. MEDICAID POLICY # 5101235165
TIME 06/30/96 GROUP # 00 SUBS. YARGER, TRACY POLICY # 81000
DATE 06/30/96 ADDRESS PO BOX 8192 HARRISBURG, PA 17177 ADDRESS 8509
SUBS. R 8470
9248
E 8190

EMERGENCY CONTACT PHONE
BRIAN YARGER 3396527
RELATIONSHIP SPOUSE OSCEOLA MILLS, PA COMPLAINT ATV ACCIDENT
REGISTERING DOCTOR NAME NO. FAMILY DOCTOR NAME NO. TIME NOTIFIED
GREG CONRADO 22 DAVIDSON JAMES 181

☒ AMBULATORY ☐ STRETCHER ☒ PRIVATE VEHICLE ☐ POLICE ☐ GOOD ☐ POOR ☐ I ☐ II ☐ III
☐ WHEELCHAIR ☐ CARRIED ☐ AMBULANCE ☐ CORONER ☐ FAIR ☐ DOA ☐ IV ☐ V ☐ VI
TIME SEEN BY M.D.

Multiple injuries
R case of a 31 yr old
female was in an ATV
accident, unable to recall
what happened. Pt complains
of pain in both shoulder
blows at elbow - Rt elbow

Pt is conscious oriented
Alert, unable to recall
what transpired.

HEENT Pertinent. ears -
 tympanic membrane intact,
 pharyngeal pouch absent.
 Neck no spine tenderness
 Chest - good chest wall
 expansion
 lungs good breath sounds
 in both lung fields
 Heart regular

old left foot tender
 good sensation
 Rt - Obvious Rt elbow
 Discharged to Dr. Dussie at 2021

CONDITION ON DISPOSITION
☐ SATISFACTORY ☐ FAIR ☐ POOR
TIME AM PM DISPOSITION ☐ DISCHARGED ☐ ADMITTED DATE RM# RETURN DATE
SENT HOME ☐ RETAINED ☐ DECEASED ☐ TRANSFERRED ☐ FOLLOW-UP CARE

CONSULT: TIME:
FOLLOW INSTRUCTIONS ON PATIENTS INSTRUCTION COPY FOR: ☐ X-RAY ☐ MEDICAL ☐ SPRAINS ☐ EAR ☐ NOSE ☐ OTHER
☐ LAB ☐ WOUND ☐ HEAD ☐ EYE ☐ CAST
OTHER INSTRUCTIONS: *Dr: Bilateral clavicle fx's. Cervical compression*
R/O acute T12
multiple abrasions contusions
Sprain of C-spine

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THESE DISCHARGE INSTRUCTIONS

PHYSICIAN SIGNATURE

PATIENT SIGNATURE

PAH

PHILIPSBURG AREA HOSPITAL
LOCH LOMOND ROAD
PHILIPSBURG, PA 16866
(814) 342-7112

LEVEL I _____
LEVEL II _____
LEVEL III _____
LEVEL IV _____
LEVEL V _____
LEVEL VI _____

380643

24

F

YARGER, TRACY J 8404

06/03/65 31 339-6527

AGRA CONRADO 06/30/96

AGRA CONRADO DAVIDSON JA

TIME: 1738

ARRIVED: () WALK () WC () CARRY () LITTER () AMB () OTHER

INITIALS VS: flb P 93 R 20 BP 120/80 PULSE OX 98% WT 126 lbs.

CHIEF COMPLAINT/HISTORY

ATV accident. No memory of accident. Go chest, rib & shoulder @ side pains abrasions, lacerations. No nausea. Not drinking. No helmet. Forgetful belt alert. Go pain lower back. No contact lens in. States she can't feel any loose teeth. Tampon in. Go @ knee pain.

RX PRIOR TO ARRIVAL

MEDICATIONS:

ALLERGIES-REACTIONS

TETANUS HISTORY: unknown

RIGHT SIZE 5 REACTION

LEFT SIZE 5 REACTION

☐ BRISK ☐ SLUGGISH ☒ NORMAL

SUBJECTIVE:

LOC () YES () NO

DURATION: unknown

VISUAL DISTURBANCE: () YES ☒ NO

CHEST PAIN: ☒ YES () NO

LOCATION:

DURATION:

ONSET:

RADIATION:

DYSPNEA: () YES ☒ NO

COUGH: () YES ☒ NO

PRODUCTIVE: () YES ☒ NO

SYNCOPE: () YES ☒ NO

DIAPHORESIS: () YES ☒ NO

VOMITING: () YES ☒ NO () BLOOD

FREQUENCY:

LAST ORAL INTAKE:

DIARRHEA: () YES ☒ NO () BLOOD

FREQUENCY:

() URINARY FREQUENCY

() URINARY BURNING

TRIAGE ASSESSMENT: OBJECTIVE

AIRWAY: ☒ PATENT () NASAL () ORAL () ET TUBE #

BREATHING: ☒ SPONT () ASSISTED BREATH SOUNDS: RT clear LT clear

() RETRACTIONS () USE ACCESSORY MUSCLES

SKIN: ☒ WARM () HOT () COLD ☒ DRY () MOIST () DIAPHORETIC () PALE () CYANOTIC

() MOTTLED

CARDIO: () JVD RHYTHM: SR MONITOR: () YES () NO () ALARMS

IV:

() PEDAL EDEMA ☒ DISTAL PULSES INTACT pedal

SPEECH: ☒ CLEAR () GARBLED () AGE APPROPRIATE () NONE

MUSCULOSKELETAL: ☒ LAC ☒ ABR () PW () STAB () SPRAIN/STRAIN () BURN

SENSATION PRESENT: () YES () NO CAP REFILL: () <2 SEC () >2 SEC ROM: ☒ FULL () LIMITED

() SWELLING () DEFORMITY () BRUISING () BLEEDING CONTROLLED

GI/GU: ABD PAIN ☒ YES () NO LOCATION: mid-quadrant

ABD SOFT: ☒ YES () RIGID () DISTENDED BOWEL SOUNDS: ☒ PRESENT () ABSENT () DEC

VAG BLEEDING: () YES () NO PADS/HR:

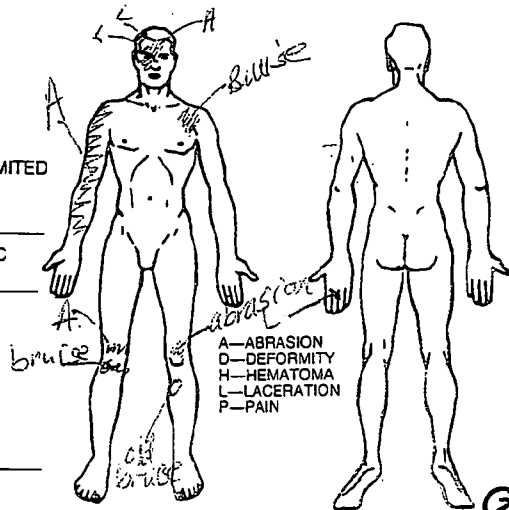
LMP: 26 JUN 96 () HEMATURIA () VAGINAL DISCHARGE () PENILE DISCHARGE

PARA: GRAVIDA: FHT: () YES () NO

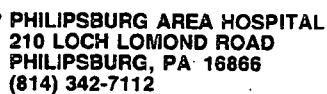
BIRTH CONTROL: () YES () NO TYPE:

PATIENT DISPOSITION: ☒ ED () CLINIC

NURSE SIGNATURE: K Frankhausen, RN



EMERGENCY DEPARTMENT WOUNDING FLOW SHEET



380643 24 F
YARGER, TRACY J 8404
06/03/65 31 339-6527
ACPA- CONRADO 06/30/96
ACPA CONRADO DAVIDSON JA

DATE/TIME	DISCIPLINE	NOTES SHOULD BE SIGNED
6-30-96	ED	Pt. returns from x-ray. She is confused. Pt has bilat. clavicle fx's and neck pain. Chest pain is ↑ E inspiration. On chest x-ray the shadow of aorta is somewhat wide and unusual in appearance. Transfer to Coramair.
20:10		J. J. Herber, MD

DATE - 6/30/96
 TIME - 5:12 PM
 BY - (7)

Philipsburg Area Hospital

075811

CONSOLIDATED GRAPHIC COMMUNICATIONS

ROUTINE	
STAT	
PORTABLE	
WHEELCHAIR	
STRETCHER	
AMBULATORY	

PHILIPSBURG AREA HOSPITAL
 PHILIPSBURG, PA 16866
RADIOLOGY DEPARTMENT
DIAGNOSTIC I SERVICE REPORT

X-RAY COPY

TECHNICIAN DK/SA

REQUESTING
 PHYSICIAN:

AGRA

X-RAY NO.

8404

DATE TO BE DONE

6/30/96

DATE DONE

6/30/96

PATIENT IDENTIFICATION (NAME, AGE, ADDRESS AND PATIENT NO.)

380643 24 F
YARGER, TRACY J 8404
06/03/65 31 339-6327
AGRA CONRADO 06/30/96
AGRA CONRADO DAVIDSON JA

*CODES

* INP-INPATIENT

OPT-OUTPATIENT

ER-EMERGENCY

CL-CLINIC

CLINICAL HISTORY PERTAINING TO SERVICE ORDERED

SERVICES REQUESTED	1	<u>C-Spine</u>	6		11	
	2	<u>Chest</u>	7		12	
	3	<u>Pelvis</u>	8		13	
	4	<u>Lt. Knee</u>	9		14	
	5		10		15	

ATV accident - pain
Chest (R) med abd
(R) arm & face
Imp - N/A

PATIENT'S NAME

339-6527

YARGER, Tracy J. ER: Agra/Davidson DOB: 6/3/65

X-RAY NUMBER

8404

DATE

6/30/96

ROENTGENOLOGIST'S REPORT

CHEST:

COMMENTS: An AP supine chest film was made.

The heart size is normal and the lung fields are clear. No pneumothorax or pulmonary contusion was demonstrated.

CONCLUSION: Normal chest.

PELVIS:

COMMENTS: The bony structures appear to be intact and the articular surfaces are unremarkable. There is no soft tissue abnormality seen.

CONCLUSION: Normal.

LEFT KNEE:

COMMENTS: The bony structures appear to be intact and the articular surfaces are unremarkable. There is no soft tissue abnormality seen.

CONCLUSION: Normal.

ROENTGENOLOGIST'S SIGNATURE

PLEASE SEE PAGE 2

Philipsburg Area Hospital

PASTE X-RAY REQUEST HERE

PATIENT'S NAME	X-RAY NUMBER	DATE
YARGER, Tracy J. ER: Agra/Davidson DOB: 6/3/65 339-6527	8404	6/30/96

ROENTGENOLOGIST'S REPORT

CONTINUED:

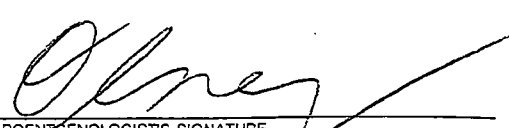
CERVICAL SPINE:

COMMENTS: The vertebral bodies are normally mineralized and aligned. The disc spaces and posterior elements are unremarkable. There is no evidence of fracture or dislocation. The oblique views reveal no significant bony spur encroachment into the neural foramina.

CONCLUSION: Normal cervical spine.

D: 8/10/96
T: 8/11/96
sls CHART COPY

ROENTGENOLOGIST'S REPORT


ROENTGENOLOGIST'S SIGNATURE

Franklin B. Olney, M.D.

Philipsburg Area Hospital

075811

CONSOLIDATED GRAPHIC COMMUNICATIONS

PHILIPSBURG AREA HOSPITAL
PHILIPSBURG, PA 16866
RADIOLOGY DEPARTMENT
DIAGNOSTIC I SERVICE REPORT

ROUTINE	
STAT	☒
PORTABLE	
WHEELCHAIR	
STRETCHER	☒
AMBULATORY	

X-RAY COPY

TECHNICIAN DX

X-RAY NO.

8404

DATE TO BE DONE

6/30/96

DATE DONE

6/30/96

PATIENT IDENTIFICATION NAME ADDRESS INPATIENT NO.

380643 24
YARGER, TRACY J 8404
06/03/65 31 339-6527
AGRA CONRADO 06/30/96
AGRA CONRADO DAVIDSON JA

*CODES

☐ ☐ ☐

REQUESTING
PHYSICIAN:

AGRA

* INP-INPATIENT

OPT-OUTPATIENT

ER-EMERGENCY

CL-CLINIC

CLINICAL HISTORY PERTAINING TO SERVICE ORDERED

1	(R) Shoulder	6	11
2	(L) Shoulder	7	12
3	(R) Elbow	8	13
4	Ribs bil	9	14
5		10	15

ATV Accident -
pain (L) chest (R) mid
abdomen, abrasions
(R) arm + face
LMP - NOW

PATIENT'S NAME

339-6527

YARGER, Tracy J. ER: Agra/Davidson DOB: 6/3/65

X-RAY NUMBER

8404

DATE

6/30/96

ROENTGENOLOGIST'S REPORT

RIGHT SHOULDER:

COMMENTS: A comminuted fracture involves the middle third of the right clavicle. The shoulder joint is aligned and intact.

CONCLUSION: Fracture right clavicle.

LEFT SHOULDER:

COMMENTS: A vertical fracture involves the middle third of the left clavicle. The fracture line is 3 mm wide. The clavicle is otherwise aligned. The left shoulder joint is normal.

CONCLUSION: Fracture left clavicle.

RIGHT ELBOW:

COMMENTS: The bony structures appear to be intact and the articular surfaces are unremarkable. There is no soft tissue abnormality seen.

CONCLUSION: Normal.

BILATERAL RIBS:

COMMENTS: The ribs are aligned. No fracture is demonstrated.

ROENTGENOLOGIST'S SIGNATURE

Franklin B. Olney, M.D.

D: 8/10/96

T: 8/11/96

ROENTGENOLOGIST'S REPORT

FORM 21500-0109

PAH

Philipsburg Area
Hospital
Philipsburg, PAEMERGENCY
ROOM
RECORD390766 30-D 1 F
YARGER, TRACY J 8404REGISTRATION
NUMBER

NAME AND ADDRESS

YARGER, TRACY J
RD 1 BOX 875D
OSCEOLA MILLS, PA 16666
SS. NO. 1A75266AP
EMPLOYER, OCCUPATIONPREV. NAME MCCLYNN
PAT. PH. NO. 339-6527
COUNTY CLEOREGISTRATION DATE/TIME 04/03/65 11:26/65
BERCSTROM
AGE 31 BIRTH DATE 04/03/1965 B. PLACE (RACE) SEX (MAR.) REG. BY
390766ACCIDENT CRIME VICT INSURANCE CO. MEDICAID POLICY # 5101235185
TIME DATE 11/19/96 GROUP # 00 SUBS. YARGER, TRACY ADDRESS PO BOX 8192 HARRISBURG, PA 17177
INSURANCE CO. POLICY # GROUP # SUBS. ADDRESSEMERGENCY CONTACT PHONE 378-7154 Mr. & Mrs. (Wanda) Thomas
BRIAN YARGER 3396527
RELATIONSHIP SPOUSE OSCEOLA MILLS, PA COMPLAINT ASSAULT
REGISTERING DOCTOR NAME NO. FAMILY DOCTOR NAME NO. TIME NOTIFIED
MATHIS JAMES 332 DAVIDSON JAMES 101☐ AMBULATORY ☐ STRETCHER ☐ PRIVATE VEHICLE ☐ POLICE ☐ GOOD ☐ POOR ☐ I ☐ II ☐ III
☐ WHEELCHAIR ☐ CARRIED ☐ AMBULANCE ☐ CORONER ☐ FAIR ☐ DOA ☐ IV ☐ V ☐ VITIME SEEN BY M.D. 2255
CURRENT MEDS Xanax BID Paxil BID
VITAL SIGNS TIME 2255 TEMP. 96.2 PULSE 120 RESP. 28 B/P 137/85 WT. LMP 2 days TETANUS: 3 ALLERGIES: NKA
2255 - Assaulted sometime this m. perhaps 6 pm or 7 pm. Pain @ back of neck, Dorsal upper, anterior chest, pain @ wrist and @ knee. Dorsal 10 c or breathing difficulty.

Alert, in good skin - all color, dry + cool. Head - all contents + tenderness. Trachea - hemiparesis. Neck - no deformity. Core - no pain. Chest - No bruising or swelling about Tender area @ upper anterior chest. EKG - No swelling about Tender @ wrist. EKG - non T wave. Neuro - Confused. 0100 - case of stroke. CxR - ? Fr @ 4th + 5th ribs. EKG - Sinus Tachy, otherwise no 2 from EKG on 12/13/96.

DX: 1. Concussion
2.
3.LACERATIONS: LENGTH _____ CM
F.B. ☐ YES ☐ NOCONDITION ON DISPOSITION ☐ SATISFACTORY ☐ FAIR ☐ POOR ☐ AM ☐ PM ☐ DISCHARGED ☐ ADMITTED DATE 230-1 RETURN DATE ☐ SENT HOME ☐ RETURN TO WORK ☐ DECEASED ☐ TRANSFERRED ☐ PLEASE SEE PERSONAL PHYSICIAN FOR FOLLOW-UP CARE

CONSULT: TIME:

FOLLOW INSTRUCTIONS ON PATIENT'S INSTRUCTION COPY FOR: ☐ X-RAY ☐ MEDICAL ☐ SPRAINS ☐ EAR ☐ NOSE ☐ OTHER
☐ LAB ☐ WOUND ☐ HEAD ☐ EYE ☐ CAST

OTHER INSTRUCTIONS

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THESE DISCHARGE INSTRUCTIONS

PHYSICIAN SIGNATURE

PATIENT SIGNATURE

MEDICAL RECORDS



PHILIPSBURG AREA HOSPITAL
LOCH LOMOND ROAD
PHILIPSBURG, PA 16866
(814) 342-7112

LEVEL I _____
LEVEL II _____
LEVEL III _____
LEVEL IV _____
LEVEL V _____
LEVEL VI _____

390766 24 F
YARCEP, TRACY J 8404
06/03/65 31 330-6527
MATHIS JAMES 11/19/95
MATHIS JAMES DAVIDSON JA

TIME: 2255

ARRIVED: () WALK () WC () CARRY () LITTER () AMB () OTHER

INITIALS VS: P62 P120 R 28 BP 137/87 PULSE OX 98% WT

CHIEF COMPLAINT/HISTORY

PT in Bay Amb, S/p Being Thrown around By Husband, Twisting
motion, By @ Wrist, & Twisting Neck, TO get Her in Husband's Truck
@ approx 9:00 By medic Hx, found in woods outside, C/o PAN Chest Pain
@ Wrist, Shoulder & Hand pain also c/o @ Knee, Pain, & Neck Pain
Denies ETOH, But AOB

Good strength in ext, moves all ext, ABR, @ Knee.
PT Has memory of events in past

PT Does Not Know Where When
Hx of MVA 6/30/96 Life Flight to CUMH OR who she is

RX PRIOR TO ARRIVAL: NPD B6776 C-Cellar, C/D, Long Beach, Heart Pack II

MEDICATIONS:

Xanax B/D
Paxil B/D

ALLERGIES--REACTIONS

TETANUS HISTORY: P

5-23-95

RIGHT SIZE 5 REACTION LEFT SIZE 5 REACTION

☐ BRISK ☐ SLUGGISH ☒ NORMAL

SUBJECTIVE:
LOC () YES () NO ?
DURATION:

VISUAL DISTURBANCE: () YES () NO

CHEST PAIN: () YES () NO

LOCATION: PAN Chest

DURATION:

ONSET:

RADIATION: @ Shoulder

DYSPNEA: () YES () NO

COUGH: () YES () NO

PRODUCTIVE: () YES () NO

SYNCOPE: () YES () NO

DIAPHORESIS: () YES () NO

VOMITING: () YES () NO () BLOOD

FREQUENCY:

LAST ORAL INTAKE:

DIARRHEA: () YES () NO () BLOOD

FREQUENCY:

() URINARY FREQUENCY

() URINARY BURNING

TRIAGE ASSESSMENT: OBJECTIVE

AIRWAY: () PATENT () NASAL () ORAL () ET TUBE # N B P

BREATHING: () SPONT () ASSISTED BREATH SOUNDS: RT Clear LT Clear

() RETRACTIONS () USE ACCESSORY MUSCLES

SKIN: () WARM () HOT () COLD () DRY () MOIST () DIAPHORETIC () PALE () CYANOTIC

() MOTTLED

CARDIO: () JVD RHYTHM: ST MONITOR: () YES () NO () ALARMS

IV: () PEDAL EDEMA () DISTAL PULSES INTACT +2

SPEECH: () CLEAR () GARBLED () AGE APPROPRIATE () NONE

MUSCULOSKELETAL: () LAC () ABR () PW () STAB () SPRAIN/STRAIN () BURN

SENSATION PRESENT: () YES () NO CAP REFILL: () <2 SEC () >2 SEC ROM: () FULL () LIMITED

() SWELLING () DEFORMITY () BRUISING () BLEEDING CONTROLLED

GI/GU: ABD PAIN () YES () NO LOCATION:

ABD SOFT: () YES () RIGID () DISTENDED BOWEL SOUNDS: () PRESENT () ABSENT () DEC

VAG BLEEDING: () YES () NO PADS/HR:

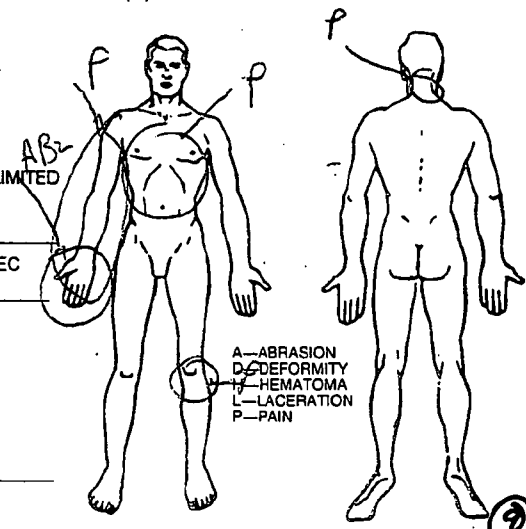
LMP: TUBS () HEMATURIA () VAGINAL DISCHARGE () PENILE DISCHARGE

PARA: GRAVIDA: FHT: () YES () NO

BIRTH CONTROL: () YES () NO TYPE:

PATIENT DISPOSITION: () ED () CLINIC

NURSE SIGNATURE: [Signature]



A--ABRASION
D--DEFORMITY
H--HEMATOMA
L--LACERATION
P--PAIN

390766
VARGEM, TRACY J
06/09/65 31 339-6527
MAINIS JAMES 11/10/96
MAINIS JAMES DAVIS06 JA

11 Apr 1964

0.168
0.08
0.32

PAI

1

John

- ST, 120
- M / Axis
- NS ST - T D'S / artifact, somewhat

more prominent than 6/30/96

Philipsburg Area Hospital

ROUTINE	
STAT	☒
PORTABLE	☒
WHEELCHAIR	
STRETCHER	
AMBULATORY	

PHILIPSBURG AREA HOSPITAL
PHILIPSBURG, PA 16866
RADIOLOGY DEPARTMENT
DIAGNOSTIC I SERVICE REPORT

X-RAY COPY

TECHNICIAN

DE

X-RAY NO.

8404

DATE TO BE DONE

11/19/96

DATE DONE

11/19/96

PATIENT IDENTIFICATION (NAME, AGE, ADDRESS AND PATIENT NO.)

390766

YARGER, TRACY J

6-3-65 31

MATHIS

*CODES

☒ ER

REQUESTING
PHYSICIAN:

Mathis

* INP-INPATIENT

OPT-OUTPATIENT

ER-EMERGENCY

CL-CLINIC

CLINICAL HISTORY PERTAINING TO SERVICE ORDERED

R E Q U E S T E D	1	<i>X-T-L-C-Spine</i>	6	11
	2		7	12
	3		8	13
	4		9	14
	5		10	15

*Alleged Assault by
husband - altered level
of consciousness as
reported by Medics*

PATIENT'S NAME

339-6527

DOB: 06/03/65

X-RAY NUMBER

008404

DATE

11/19/96

YARGER, TRACY J. INP: Bergstrom/Davidson, Ja

ROENTGENOLOGIST'S REPORT

CERVICAL SPINE

COMMENTS

A cross-table lateral view of the cervical spine was obtained.
The vertebral bodies are normally aligned, and there is no evidence
of compression fracture.

SENT TO

G. M. Davidson

DATE

11/21/96

TIME

BY

W

D&T: 11/20/96

RJN/wmk

ROENTGENOLOGIST'S SIGNATURE

Rudy J. Nicolas, MD Date

ROENTGENOLOGIST'S REPORT

FORM 412000 2/90

Philipsburg Area Hospital

ROUTINE	
STAT	☒
PORTABLE	☒
WHEELCHAIR	
STRETCHER	
AMBULATORY	

**PHILIPSBURG AREA HOSPITAL
PHILIPSBURG, PA 16866
RADIOLOGY DEPARTMENT
DIAGNOSTIC I SERVICE REPORT**

X-RAY COPY
TECHNICIAN *CH*

X-RAY NO.

8404

DATE TO BE DONE

11/19/96

DATE DONE

11/19/96

PATIENT IDENTIFICATION (NAME, AGE, .

340766
YARGER, TRACY J *8404*
06/03/65 *31* *339-6527*
MATHIS JAMES *11/19/96*
MATHIS JAMES *DAVIDSON JA*

*CODES

--	--	--

REQUESTING
PHYSICIAN:

Mathis

* INP-INPATIENT

OPT-OUTPATIENT

ER-EMERGENCY

CL-CLINIC

CLINICAL HISTORY PERTAINING TO SERVICE ORDERED

Assault Victim

SERVICES REQUESTED	1	<i>C spine</i>	7	11
	2	<i>CXR</i>	8	12
	3	<i>RWRIST</i>	9	13
	4		10	14
	5		11	15

PATIENT'S NAME	<i>339-6527</i>	DOB: <i>06/03/65</i>	X-RAY NUMBER	<i>008404</i>	DATE	<i>11/19/96</i>
<i>YARGER, TRACY J. INP: Bergstrom/Davidson, Ja</i>						

ROENTGENOLOGIST'S REPORT

CHEST

COMMENTS An AP view of the chest was obtained. The heart and mediastinum and normal, and there is no evidence of pneumothorax or lung contusion. Limited visualization of the ribs revealed no fracture. There are old healed fractures of both clavicles.

CONCLUSION Normal AP view of the chest. Old fractures of both clavicles.

CERVICAL SPINE

COMMENTS The cervical examination was completed after the cross-table lateral view. The vertebral bodies are normally aligned, and the disc spaces are well preserved. The facet joints are intact. There is no evidence of fracture or subluxation.

CONCLUSION Normal cervical spine.

RIGHT WRIST

COMMENTS: The bony structures appear to be intact, and the articular surfaces are unremarkable. There is no soft tissue abnormality seen.

D&T: 11/20/96
RJN/wmk

SENT TO *C. M. / Davidson*
DATE *11/21/96*
TIME _____
BY _____

ROENTGENOLOGIST'S SIGNATURE

Rudy J. Nicolas, MD Date

ROENTGENOLOGIST'S REPORT

Philipsburg Area Hospital

DEPARTMENT COPY RADIOLOGY DEPARTMENT
CAT SCAN
SERVICE REPORT
PHILIPSBURG AREA HOSPITAL
PHILIPSBURG, PA 16866

ROUTINE	☒
STAT	☒
PORTABLE	☐
WHEELCHAIR	☐
STRETCHER	☐
AMBULATORY	☐

TECHNICIAN

CH

X-RAY NO.

8404

DATE TO BE DONE

11/20/96

DATE DONE

11/20/96

PATIENT IDENTIFICATION (NAME, AGE, ADDRESS AND PATIENT NO.)

390766
YARGER, TRACY J 20 8404 F
08/03/65 31 330-6527
MATHIS JAMES 11/19/96
MATHIS JAMES DAVIDSON JA

* CODES

☐ ER

REQUESTING
PHYSICIAN:

Mathis

* INP-INPATIENT

OPT-OUTPATIENT

☒ ER-EMERGENCY

CL-CLINIC

APPROVED
REQUESTED

1 *CT Head*

6

11

2

7

12

3

8

13

4

9

14

5

10

15

CLINICAL HISTORY PERTAINING TO SERVICE ORDERED

*Alleged Assault by
Husband & Altered Level
of Consciousness as reported
by Medic.*

DOB 6-3-65

339-6527

PATIENT'S NAME

YARGER, TRACY J. IP

Dr. Mathis/Davidson

X-RAY NUMBER

8404

DATE

11-20-96

ROENTGENOLOGIST'S REPORT

CT SCAN OF THE HEAD:

COMMENTS: The examination consists of axial images of the head without IV contrast.

The ventricular system is normal in size and configuration. There is no evidence of midline shift or other mass effect. There are no abnormal areas of parenchymal attenuation or evidence of an extra-axial process. The vascular structures cannot be evaluated in the absence of contrast.

CONCLUSION: Normal noncontrast CT imaging of the head.

D/T 11-21-96

KJR/nh

SENT TO *Davidson*
DATE *11/22/96*
TIME
BY *KJR*

Rogers
ROENTGENOLOGIST'S SIGNATURE

Kenneth J. Rogers, M. D. Date

ROENTGENOLOGIST'S REPORT

FORM #15090 9/93

XXXXXXXXXXXXXXXXXX
NAME: YARGER, TRACY J

PAT #/ADM # : 8404 /390766

TYPE OF PAT : 01 INPATIENT
SERVICE CODE:

390766 230-D 1 F
YARGER, TRACY J 8404
11/19/96 31 339-6527
Philippeberg Area/20496 tal
* 1000 Locust Lane, PA 16866 *
* Philipaburg, PA 16866 *

ADMISSION REPORT

COMPLAINTS: CONCUSSION

ALLERGIES: NKA

NOTES:

NOTES: DNBP INFO IN SYSTEM/ACCESS CARD/INELIGIBLE/01 INPT/EJM

***** PATIENT INFO ***** GUARANTOR INFO *****

DATE: 11/20/96 TIME: 01.10

PT NAME: YARGER, TRACY J

ADDRESS:

ADDRESS: RD1 BOX 675D

CITY, STATE: OSCEOLA MILLS, PA

ZIP CODE: 16666 COUNTY: CLFD

PHONE #: 339-6527

PT EMP NAME:

PT EMP ADDR:

PT EMP PHONE:

* GUAR NUMBER: 0

* NAME : YARGER, TRACY J

* ADDRESS :

* ADDRESS : RD1 BOX 675D

* CITY, STATE: OSCEOLA MILLS, PA

* ZIP CODE: 16666 COUNTY: CLFD

* SOC SEC # : 187526682

* BIRTHDAY : 06/03/1965

* PHONE # : 339-6527

* GUAR EMP NAME:

* GUAR EMP ADDR:

* GUAR EMP PHONE:

SOC SEC #: 187526682

B-DAY: 06/03/1965 AGE: 31

PREVIOUS NAME: MCGLYN

ADV DIR : U LIVING WILL : U

SEX : F

RACE: WHITE

DONOR: U

MARITAL STATUS: MARRIED

RELIGION: CATHOLIC

MED PWR ATTN : U

EMRG NOTIFY NAME: BRIAN YARGER

ADDRESS: RD1 BOX 675D

ADMIT CLERK: JV JOSIE VOYZEY

NOTES:

PHONE # : 339-6527

RELATION: SPOUSE

PREV ADM DATE: 06/30/96

FAMILY DR: DAVIDSON JAMES

***** ADMISSION INFO *****

ADM TYPE: URGENT

ADMITTING PHYSICIAN: 646

ACCIDENT DATE : 11/19/96

ACCIDENT PLACE:

DEPARTMENT : 310

ATTENDING PHYSICIAN: 646

ADM SOURCE: EMERGENCY RM

NAME: BERGSTROM ROBERT

ACC TIME:

TYPE OF ROOM: 1

NAME: BERGSTROM ROBERT

PATIENT TYPE: INPATIENT

ACCIDENT TYPE: CRIME VICTIM

ROOM #: 230-D

***** INSURED'S INFO *****

FINANCIAL CLASS: 06 SELF PAY

ADDR/CTY/ST/ZIP:

NAME: YARGER, TRACY J

ID# : 5101235165

INS. CO. NAME: 06 SELF PAY

SEX : F

GROUP #:

RELATION: PATIENT

EMPLOYER:

FINANCIAL CLASS:

ADDR/CTY/ST/ZIP:

NAME:

ID# :

INS. CO. NAME:

SEX :

GROUP #:

RELATION:

EMPLOYER:

Date of Discharge: 11-20-96

390766 230-D 1 F
YARGER, TRACY J 8404
06/03/65 31 339-6527
BERGSTROM ROBERT 11/20/96
BERGSTROM ROBE DAVIDSON JA

The following information is to prepare you for your discharge from the Philipsburg Area Hospital. If you have any other questions, please ask before leaving.

MEDICATIONS: ☐ None ☒ Has Prescriptions ☐ Instructions given

[illegible]

DIET: Regular

ACTIVITY: ☒ No Restrictions as tolerated

FOLLOW UP: Cleefeld MH

SPECIAL INSTRUCTIONS: ☒ None

RETURN TO WORK/SCHOOL:

11-20-96
DATE

Thelma J.
NURSE'S SIGNATURE

R. Bergstrom
PHYSICIAN SIGNATURE

PART 1 — MEDICAL RECORD

PART II — PATIENT/NURSING HOME

PART II — PHYSICIAN

PATIENT SIGNATURE

DISCHARGE INSTRUCTIONS/EXTENDED CARE FACILITY PHYSICIAN'S ORDERS

PATIENT ID NUMBER: 8404/390766
PATIENT NAME: YARGER, TRACY
DATE OF BIRTH: 06/03/1965

ADMISSION DATE: 11/20/96

HISTORY and PHYSICAL

PHILIPSBURG AREA HOSPITAL
PHILIPSBURG, PA 16866

ATTENDING PHYSICIAN: DR. ROBERT BERGSTROM

CHIEF COMPLAINT: Assault victim.

HISTORY OF PRESENT ILLNESS: The patient is a 31-year-old female who reported was assaulted by her husband yesterday evening. This accorded at their home. She reportedly was taken out in the yard and thrown around on the ground. She was brought to the Emergency Room by the paramedics that were called by her friend. She apparently had some mild amnesia while in the Emergency Room she could not recall the names of her children or her husband. She was able to recall the names of her medications but was not to recall where she had gotten them from.

This morning she seems a little bit better and says that she is followed at Clearfield Mental Health and is followed by Dr. Davidson in Clearfield. She has anxiety disorder for which she takes Paxil and Xanax. The Xanax was only recently started.

This morning she says she is sore in both shoulders, across the front of her chest, back of her head, right wrist, the middle and ring finger of her left hand, and the left knee. She is still a little hazy on the details of the incident.

A CT scan of the head was performed in the Emergency Room last night which was normal by report.

PAST MEDICAL HISTORY: Anxiety disorder. Migraine headaches. She had an ATV accident 06/96, she was Life-flighted out to Conemaugh Hospital. She had bilateral broken clavicles and broken ribs. She also injured her left knee at that time; as well as, the fingers of her left hand. Apparently, she also broke her sternum. She is mostly recovered from this episode except for some residual pain in her left knee.

PAST SURGICAL HISTORY: Status post C-section x2. Status post tubal ligation. Status post tonsillectomy.

MEDICATIONS: Xanax 1mg as needed for anxiety. She takes 2-4 a day. Paxil 10mg a day, just started this two days ago. Tylenol as needed for pain.

ALLERGY: PREDNISONE.

SOCIAL HISTORY: No tobacco or alcohol. She lives with her husband and two children.

FAMILY HISTORY/REVIEW OF SYSTEMS: Noncontributory.

PLEASE SEE REVERSE SIDE

PATIENT ID NUMBER: 8404/390766
PATIENT NAME: YARGER, TRACY

HISTORY and PHYSICAL
PAGE # 3

EKG: Showed sinus tachycardia.

CHEST X-RAY: Showed clear lung fields with no apparent rib fractures.

CT SPINE: Was reportedly normal.

RIGHT WRIST: Normal.

CT HEAD: Reportedly normal.

ASSESSMENT: 1) Multiple trauma reportedly due to physical abuse by her spouse.
2) Mild concussion with some degree of amnesia which has resolved overnight.
3) Anxiety disorder.

PLAN: Continue her outpatient medications. Social services consult. She should also follow-up with her usual mental health provider. She will undoubtedly need further counseling and social services intervention. She may go home later today or tomorrow depending on how her head feels.

D&T: 11/20/96
RB/mmsk

R Bergstrom 12-23-96
ROBERT BERGSTROM, MD DATE

SENT TO Gmc
DATE 11-20-96
TIME _____
BY mmsk

NAME AND ADDRESS

YARGER, TRACY J
RD1 BOX 675D
OSCEOLA MILLS, PA 16666
S.S. NO. 1A7526682
EMPLOYER, OCCUPATION

PREV. NAME MCGLYN
PAT. PH. NO. 339-6527
COUNTY CLFD

REGISTRATION DATE/TIME
04/06/97 20.27

400038

AGE 31 BIRTHDATE 06/03/1965 B. PLACE PA RACE W SEX F MAR M REG. DS

UNEMPLOYED 8404 24 01

ACCIDENT ACC/OTHER

INSURANCE CO. MEDICARE

INSURANCE CO. MAPA

TIME 04/06/97

POLICY # 187526682A

POLICY # 5101235165

GROUP # SUBS. YARGER, TRACY
ADDRESS 5TH AVE PLACE
PITTSBURGH, PA 15222-3099

GROUP # 22 SUBS. YARGER, TRACY
ADDRESS PO BOX 8192
HARRISBURG, PA 17117

EMERGENCY CONTACT

PHONE

BRIAN YARGER
RELATIONSHIP SPOUSE

339-6527
OSCEOLA MILLS, PA

COMPLAINT ABUSE BY SPOUSE

REGISTERING DOCTOR NAME

NO.

FAMILY DOCTOR NAME

NO.

TIME NOTIFIED

MATHIS JAMES

332

DAVIDSON JAMES

181

☐ AMBULATORY ☐ STRETCHER
☐ WHEELCHAIR ☐ CARRIED

☐ PRIVATE VEHICLE ☐ POLICE
☐ AMBULANCE ☐ CORONER

☐ GOOD ☐ POOR
☐ FAIR ☐ DGA

☐ I ☐ II ☐ III
☐ IV ☐ V ☐ VI

CURRENT MEDS

VITAL SIGNS

TIME SEEN BY M.D.

2030

1/2 pain about (side of
neck after being choked by
husband according to patient.
She also 1/2 mild painful
something top of scalp and
about upper thoracic spine
after being struck in aluminum
ballbaton 1 hr prior to E.R.
anterior. Denies LOC, breathing
difficulty, numbness or weakness
L.E. absent, ambulating normally in ward.
Skin - very erythematous
over back. 1cm lac (R hand).
Head - Tenderness about small
area of right something top
of scalp.

Findings - lower leg.

Neck - no tenderness (side)

Cerv - 7th clear, no

Chest - mild tenderness (side ant. chest)

Back - Tenderness over right spine

DX: 1. Ext process mid thoracic spine

2. Ext - no tenderness

3. Hemo - oriented x3, strength 5/5

Ad - Contusion of scalp, neck & back

Max 1mg 6xc

Paral 30mg tid

TIME 2020

TEMP. 99.5

PULSE 100

RESP. 20

B/P 120/80

WT. LMP 2 days

TETANUS: -

ALLERGIES: NKA

SIGNATURE: Snyder R

ORDERS NOTED TIME

ER PROFILE

ICU PROFILE

CBC

UA

CHEM 6

1c spine

CXR

Thoracic spine

neg

DT

Soft neck collar

ABG

PULSE OX

LACERATIONS: LENGTH CM

F.B. YES NO

CONDITION ON DISPOSITION

☐ SATISFACTORY ☐ FAIR ☐ POOR

TIME AM

DISPOSITION

DATE

RM#

RETURN DATE

☐ SENT HOME ☐ RETURN WORK ☐ DECEASED ☐ PLEASE SEE PERSONAL PHYSICIAN FOR FOLLOW-UP CARE

☐ DISCHARGED ☐ ADMITTED

CONSULT:

FOLLOW INSTRUCTIONS ON PATIENTS INSTRUCTION COPY FOR:

☐ X-RAY ☐ MEDICAL ☐ SPRAINS ☐ EAR ☐ NOSE ☐ OTHER

☐ LAB ☐ WOUND ☐ HEAD ☐ EYE ☐ CAST

OTHER INSTRUCTIONS

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THESE DISCHARGE INSTRUCTIONS

PHYSICIAN SIGNATURE

PATIENT SIGNATURE

MEDICAL RECORDS

PAHPHILIPSBURG AREA HOSPITAL
LOCH LOMOND ROAD
PHILIPSBURG, PA 16866
(814) 342-7112LEVEL I _____
LEVEL II _____
LEVEL III _____
LEVEL IV _____
LEVEL V _____
LEVEL VI _____400838
YAPCEA, TRACY J 24 8404
06/03/65 31 337-6527
MATHIS JAMES 28/1/67
MATHIS JAMES DAVIDSON JA

TIME: 2020

ARRIVED: ☒ WALK ☐ WC ☐ CARRY ☐ LITTER ☐ AMB ☐ OTHERINITIALS VS: T 99⁵ P 100 R 22 BP 170/68 PULSE OX _____ WT _____

CHIEF COMPLAINT/HISTORY

No spousal abuse.

states she was hit on top of head and on back with
ball-bat by husband.
- LOC - did state she felt dizzy
also has knee and lip injuries
states she was "thrown around a lot"

RX PRIOR TO ARRIVAL: Zanax

MEDICATIONS:

Zanax 1mg 6xd
Paxil 20mg tid

ALLERGIES-REACTIONS

Heroids -
K. B.P.
irreg. pulse.

TETANUS HISTORY: _____

1 2 3 4 5 6 7 8
RIGHT SIZE REACTION LEFT SIZE REACTION☐ BRISK ☐ SLUGGISH ☐ NORMAL

SUBJECTIVE:

LOC ☐ YES ☐ NO

DURATION: _____

VISUAL DISTURBANCE: ☐ YES ☐ NOCHEST PAIN: ☒ YES ☐ NO

LOCATION: _____

DURATION: _____

ONSET: _____

RADIATION: _____

DYSPNEA: ☐ YES ☐ NOCOUGH: ☐ YES ☒ NOPRODUCTIVE: ☐ YES ☒ NOSYNCOPE: ☐ YES ☐ NODIAPHORESIS: ☐ YES ☐ NOVOMITING: ☐ YES ☒ NO ☐ BLOOD

FREQUENCY: _____

LAST ORAL INTAKE: _____

DIARRHEA: ☐ YES ☒ NO ☐ BLOOD

FREQUENCY: _____

☐ URINARY FREQUENCY☐ URINARY BURNINGOD _____ OS _____
OU _____ CONTACTS: _____

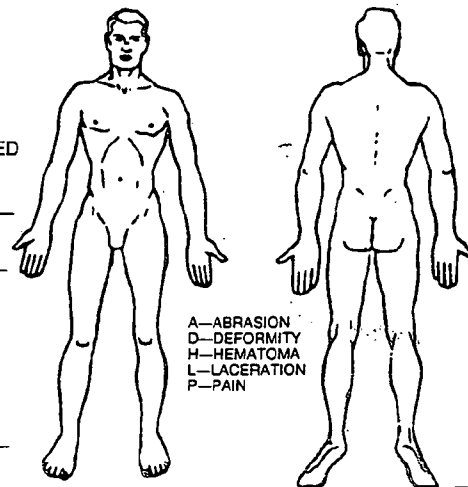
GLASGOW COMA SCALE

EYES	VERBAL	MOTOR
☒ SPONTAN	☒ ORIENTED	☒ OBEYS COMM.
(3) TO VOICE	(4) CONFUSED	(5) PAIN-LOCAL
(2) TO PAIN	(3) INAPPROP	(4) PAIN-WITHDR.
(1) NONE	(2) GARBLD	(3) PAIN-FLEXION
	(1) NONE	(2) PAIN-EXTENDS
		(1) NONE

TRIAGE ASSESSMENT: OBJECTIVE

AIRWAY: ☒ PATENT ☐ NASAL ☐ ORAL ☐ ET TUBE # _____ O2 _____BREATHING: ☒ SPONT ☐ ASSISTED BREATH SOUNDS: RT Clear LT Clear☐ RETRACTIONS ☒ USE ACCESSORY MUSCLESSKIN: ☒ WARM ☐ HOT ☐ COLD ☒ DRY ☐ MOIST ☐ DIAPHORETIC ☐ PALE ☐ CYANOTIC☐ MOTTLEDCARDIO: ☐ JVD RHYTHM: _____ MONITOR: ☐ YES ☒ NO ☐ ALARMS

IV: _____

☐ PEDAL EDEMA ☒ DISTAL PULSES INTACTSPEECH: ☒ CLEAR ☐ GARBLD ☐ AGE APPROPRIATE ☐ NONEMUSCULOSKELETAL: ☐ LAC ☒ ABR ☐ PW ☐ STAB ☐ SPRAIN/STRAIN ☐ BURNSENSATION PRESENT: ☒ YES ☐ NO. CAP REFILL: ☒ < 2 SEC ☐ > 2 SEC ROM: ☒ FULL ☐ LIMITED☒ SWELLING ☐ DEFORMITY ☐ BRUISING ☐ BLEEDING CONTROLLEDGI/GU: ABD PAIN ☐ YES ☒ NO LOCATION: _____ABD SOFT: ☒ YES ☐ RIGID ☐ DISTENDED BOWEL SOUNDS: ☒ PRESENT ☐ ABSENT ☐ DECVAG BLEEDING: ☐ YES ☐ NO PADS/HR: _____LMP: 2 days ago ☐ HEMATURIA ☐ VAGINAL DISCHARGE ☐ PENILE DISCHARGEPARA: 2 GRAVIDA: 2 FHT: ☐ YES ☐ NOBIRTH CONTROL: ☐ YES ☐ NO TYPE: _____PATIENT DISPOSITION: ☐ ED ☐ CLINICNURSE SIGNATURE: Hayden R

EMERGENCY DEPARTMENT NURSING FLOW SHEET

(18)

PHILIPSBURG AREA HOSPITAL

ROUTINE	
STAT	X
PORTABLE	
WHEELCHAIR	X
STRETCHER	
AMBULATORY	

PHILIPSBURG AREA HOSPITAL
PHILIPSBURG, PA 16866
RADIOLOGY DEPARTMENT
DIAGNOSTIC I SERVICE REPORT

X-RAY COPY

TECHNICIAN

REQUESTING
PHYSICIAN:

X-RAY NO.

8404

DATE TO BE DONE

4/6/97

DATE DONE

4/6/97

PATIENT IDENTIFICATION (NAME, AGE, ADDRESS AND PATIENT NO.)

400838 24
YARGER, TRACY J. RA04
06/03/65 31 339-6527
MATHIS JAMES 04/26/47
MATHIS JAMES DAVIDSON JA
01 01

(3)

*CODES

* INP-INPATIENT

OPT-OUTPATIENT

ER-EMERGENCY

CL-CLINIC

SERVICES REQUESTED	1 C-Spine	6	11
	2 Chest	7	
	3 Thoracic Spine	8	
	4	9	
	5	10	15

BD: 6-3-65 339-6527

PREGNANCY
INQUIRY
DGP

CLINICAL HISTORY PERTAINING TO SERVICE ORDERED

hit on head & baseball bat
- alleged spousal abuse
B LAC

PATIENT'S NAME	X-RAY NUMBER	DATE
YARGER, TRACY J. ER Dr. Mathis/J. Davidson	8404	4-6-97

ROENTGENOLOGIST'S REPORT

CHEST

Comments: PA and lateral views. The heart and mediastinum are normal. There is no evidence of active pulmonary or pleural disease. Old fractures of the clavicle are again noted. There is no evidence of acute fracture of the ribs or clavicles.

Impression: Normal chest.

CERVICAL SPINE

Comments: The head is tilted to the right. This is probably due to muscular spasm in the neck. The cervical vertebrae are normally aligned. There is no evidence of acute compression fracture. The facet joints are well preserved.

Impression: Suspect muscular spasm. No evidence of acute fracture.

THORACIC SPINE:

COMMENTS: The vertebral bodies are normally mineralized and aligned. The disc spaces and posterior elements are unremarkable as visualized and no paravertebral soft tissue abnormality is seen.

CONCLUSION: Normal thoracic spine.

D/T 4-7-97

RJN/nh

ROENTGENOLOGIST'S SIGNATURE

Rudy J. Nicolas, M. D.

ROENTGENOLOGIST'S REPORT

SENT TO
DATE
TIME
BY

(19)



118 DL

CONEMAUGH
Memorial Medical Center

NAME: YARGER, TRACY J
MR#: 30-01-56 ACCOUNT#: 00002445756 ROOM#:
PHYSICIAN: S. LEE MILLER, M.D

ADMISSION DATE: 07/08/96

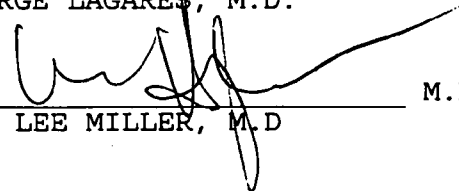
DISCHARGE DATE: 07/08/96

This is a 31-year-old white female involved in an ATV accident, un-helmeted, with possible loss of consciousness and amnesia, was transferred from Phillipsburg area as a Trauma Alert. Initial admitting diagnoses were status post ATV, closed head injury, rule out C-spine, midclavicular fracture, and lacerations over the right elbow and middle finger of the left hand.

The patient, prior to admission, started complaining with paresthesias followed with a pattern of C8 over the 5th finger on the right hand and the medial aspect of the right forearm. The sensation was very decreased, but the motion and strength was preserved. The patient discontinued the clavicle strap and also thinks that might have been the cause of the paresthesias. The patient was brought and admitted into the hospital, and an MRI of the cervical spine was done. There was a small central disc protrusion C5, C6, which does not cause a cord compression. There were no focal cord abnormalities.

A consultation to Dr. Green was sent, who cleared the C-spine, and the patient was discharged with Percocet - 1 tab q. 4 to 6 hours p.r.n. as well as a followup with Dr. Rundorff and Dr. Green as well as the Trauma Service.

RESIDENT

JORGE LAGARES, M.D.


S. LEE MILLER, M.D. M.D.

JL/clm
D: 07/18/96 10:02 P
T: 07/29/96 10:17 A
cc: GARY DAVIDSON, M.D.
RICHARD GREEN, M.D.
ROBERT L RUNDORFF, M.D.

NAME: YARGER, TRACY J
MR#: 30-01-56 ACCOUNT#: 00002445756 ROOM#:
PHYSICIAN: S. LEE MILLER, M.D

DISCHARGE SUMMARY

④

CONEMAUGH MEMORIAL MEDICAL CENTER

PHYSICIAN ATTESTATION STATEMENT

MR# 000300156 YARGER, TRACY J

ACCT# 2445756

Admit: 07/08/96 DOB: 06/03/65 A MEDICAID

ATT: MILLER S LEE

Gender : Female
Age : 31
Disposition: Home or Self Care
Disch Date : 07/08/96

MDC

008 DISEASES & DISORDERS OF THE MUSCULOSKELETAL SYSTEM & CONN TISSUE

DRG

243 MEDICAL BACK PROBLEMS

Admit Diagnosis

9529 ~RULE OUT C AND T SPINE INJURY

Principal Diagnosis

*8470 ~CERVICAL STRAIN

Secondary Diagnoses

81003 CLOSED FRACTURE OF CLAVICLE, ACROMIAL END OF CLAVICLE

E8210 ~NONTRAFFIC ACCIDENT INVOLVING OTHER OFF-ROAD MOTOR VEHICLE,
DRIVER (OTHER THAN MOTORCYCLE)

7220 DISPLACEMENT OF CERVICAL INTERVERTEBRAL DISC WITHOUT MYELOPATHY

PHYSICIAN CERTIFICATION

I certify that the narrative descriptions of the principal and secondary
diagnoses and the major procedures performed are accurate and complete
to the best of my knowledge.

PHYSICIAN SIGNATURE: _____

DATE: 8/7/96



PATIENT: YARGTR01 - Yarger, Tracy J.

Tuesday, May 2, 2000

Initial Evaluation

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger is a 34 year old lady of caucasian descent who appeared to be uncomfortable. She stated that she does not exercise. She denies the use of alcohol and also denies the use of tobacco. On 4/8/00 Ms. Yarger was involved in a motor vehicle accident. She was the driver of the vehicle. Ms. Yarger stated that she was wearing her seat belt when the accident occurred. She stated that she left Advanced Auto Parts parking lot heading toward McDonalds when she observed a car backing up towards her. She came to a complete stop, but the car backing up hit her left door pushing her vehicle four to five feet to the right. Following the accident, she stated that she went home. She further said that when the accident occurred, she did not lose consciousness but felt extremely sore and painful. Since the accident she noticed the following symptoms: Sleeping problems; mid and lower back pain of a sharp, throbbing, aching, shooting, burning, tingling, and stiff nature; tension; and irritability. The symptoms were generally worse with sleeping, recreation, daily routine, bending, standing, sitting, lying down, and walking. Before the accident she experienced neck pain, right hip pain, paralysis type pain with radiation throughout her legs and arms, allergy shots, asthma, bronchitis, chicken pox, herniated disc, migraine headaches, tonsillitis, tumors, and ulcers. She stated that this pain is new and in a different location and has been getting progressively worse.

OBJECTIVE: On palpation, severe spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, severe spasm was noticed in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. Seated straight leg raise was positive bilaterally. Supine straight leg raise was positive bilaterally. Kemp's test was positive bilaterally. Cervical distraction increased the symptoms. Foraminal compression was positive bilaterally. Shoulder compression was positive bilaterally. Spurling's test was positive bilaterally. George's test was found to be negative during the standard procedure. The right C8 dermatome was found to be hypoesthetic via pinprick. All of the other upper extremity dermatomes were normal via pinprick. The lower extremity dermatomes were found to be unremarkable. All of the standard upper extremity muscle strengths were graded 5/5. All of the standard lower extremity muscle strengths were graded 5/5. All of the upper extremity reflexes were graded 2/2. All of the lower extremity reflexes were normal. All of the upper extremity pulses were normal. The lower extremity pulses were all graded as 3/3. On active testing in the cervical region, flexion was measured at approximately 50% of normal, extension was measured at approximately 16% of normal, right lateral flexion was measured at approximately 22% of normal, left lateral flexion was measured at approximately 22% of normal, right rotation was measured at approximately 18% of normal and left rotation was measured at approximately 18% of normal. On active testing in the lumbar region, true flexion was measured at approximately 33% of normal, extension was measured at approximately 40% of normal, right lateral flexion was measured at approximately 60% of normal, left lateral flexion was measured at approximately 60% of normal, right rotation was measured at approximately 66% of normal and left rotation was measured at approximately 66% of normal.

ASSESSMENT: The primary diagnosis is lumbar sprain strain (847.2). The secondary diagnosis is lumbar radiculopathy (724.4). The third diagnosis is cervical sprain strain (847.0). The fourth diagnosis is thoracic sprain strain (847.1).

PLAN: Manipulation consisted of maneuvers to C3, C7, T1, T5, T10, L2 and the right ilium on the right. Additionally, maneuvers were applied to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes was applied to the neck. She tolerated today's treatment well and afterward she stated that she was feeling asymptomatic. Her next visit is on Wednesday.

Signature: _____

William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Monday, May 8, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports feeling no significant difference in her symptoms since her last visit. The patient states that her chief complaint today is constant shooting pain into left leg and toes.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further manual palpation, spasm was noticed in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has not changed significantly.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable.

PLAN: I will continue with the same treatment program so long as progress is seen. Manipulation consisted of maneuvers to C2, C3, C7, T1, T8, T11, L2 and the right ilium on the right. Furthermore, maneuvers were applied to C5, T3, T10, L1, L3, L4, L5 and the sacrum on the left. Modalities performed to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes was applied to the neck. She tolerated today's treatment well and reported feeling better afterward. Her next visit is on Wednesday.

Wednesday, May 10, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: She reports that she is feeling better since the last visit.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further manual palpation, spasm was noticed in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has decreased 5%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: So long as progress is continuing, I plan to continue with the current treatment. Manipulation consisted of maneuvers to C3, C7, T1, T5, T10, L2 and the right ilium on the right. Further manipulation consisted of maneuvers to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes was applied to the neck. Today's treatment was tolerated well and afterward, she reported feeling better. She is to return on Friday.

Signature: _____

William Schroeder D.C.

William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Friday, May 12, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: She reported less symptoms today.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further manual palpation, spasm was noticed in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has decreased 10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: The current treatment program appears to be effective and as long as Ms. Yarger continues to respond, I will not change it. Manipulation consisted of maneuvers to C2, C7, T1, T5, T9, T11, L2 and the right ilium on the right. Additional manipulation consisted of maneuvers to C3, C5, T3, T8, L1, L3 and L5 on the left. Modalities performed to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes was applied to the neck. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return three times next week.

Monday, May 15, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports feeling no significant difference in her symptoms since her last visit. The patient states that her chief complaint today is that she is feeling stiff and sore.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further manual palpation, spasm was noticed in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has not changed significantly.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable.

PLAN: I will continue with the same treatment program so long as progress is seen. Manipulation consisted of maneuvers to C3, C7, T1, T5, T6, L1, L3 and the right ilium on the right. Furthermore, maneuvers were applied to C5, T3, T8, L2, L4, L5 and the sacrum on the left. Today, modalities applied to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes was applied to the neck. She tolerated today's treatment well and reported feeling better afterward. She is to return on Wednesday.

Signature: _____

William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Wednesday, May 17, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports that her lower back symptoms have greatly improved since her last visit, but the neck and mid back pain is the same.

OBJECTIVE: On palpation, spasm was found in the middle trapezius bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has not changed significantly. On digital palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the quadratus lumborum bilaterally. On evaluation today, it was noted that the muscle spasm has decreased by approximately 10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: The current treatment program appears to be effective and as long as Ms. Yarger continues to respond, I will not change it. Manipulation consisted of maneuvers to C3, C7, T1, T5, T10 and L2 on the right. Furthermore, maneuvers were applied to C5, T3, T8, L1, L3, L4 and L5 on the left. Modalities performed to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes was applied to the neck. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return on Friday.

Friday, May 19, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

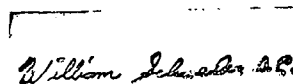
Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports that the problem is worse today.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has increased by approximately 10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable. The patient had an exacerbation of her condition from the high humidity.

PLAN: I plan to continue with the current program at this time. Manipulation consisted of maneuvers to C3, C7, T1, T5, T10, L2 and the right ilium on the right. Additional manipulation consisted of maneuvers to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes was applied to the neck. She tolerated today's treatment well and reported feeling better afterward. Her next visit is on Monday.



Signature:

William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Monday, May 22, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: She states that she is feeling better since her last visit.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has decreased 5-10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: I will continue without change in the treatment program while progress continues to be seen. If progress ceases, I will reevaluate and treat accordingly. Manipulation consisted of maneuvers to C3, C7, T1, T5, T10, L2 and the right ilium on the right. Additionally, maneuvers were applied to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes was applied to the neck. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return on Wednesday.

Wednesday, May 24, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports feeling no significant difference in her symptoms since her last visit.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has not changed significantly.

ASSESSMENT: The diagnosis remains the same. The patient's condition is slightly improving.

PLAN: I will continue with the same treatment program for the time being. Manipulation consisted of maneuvers to C3, C7, T1, T5, T9, L2 and the right ilium on the right. Further manipulation consisted of maneuvers to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Modalities performed to the lower back consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes was applied to the neck. Today's treatment was tolerated well and afterward, she reported feeling better. Her next visit is on Friday.

Signature: _____

William Schroeder D.C.

William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Friday, May 26, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Since the last treatment in our office, she describes that there has been less symptoms.

OBJECTIVE: On digital palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On evaluation today, it was noted that the muscle spasm has decreased 5%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: I plan to continue with the same treatment program so long as Ms. Yarger continues to respond. If response slows or stops, I will reevaluate. Manipulation consisted of maneuvers to C5, C7, T3, T6, L1, L3 and the right ilium on the right. Additional manipulation consisted of maneuvers to T5, T8, L2, L4, L5 and the sacrum on the left. Modalities performed to the lower back consisted of low range interferential EMS set to patient tolerance for 15 minutes and Myofascial Release for 5 minutes. Due to getting an injection, Ultrasound was not applied to her neck. She tolerated today's treatment well and reported feeling better afterward. She is to return three times next week.

Tuesday, May 30, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: She reports that she has felt better since the last treatment.

OBJECTIVE: On digital palpation, spasm was noticed in the middle trapezius bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has not changed significantly. On palpation, spasm was found in the inferior trapezius bilaterally, the latissimus bilaterally and the quadratus lumborum bilaterally. On evaluation today, it was noted that the muscle spasm has decreased by approximately 10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: I will continue with the current treatment program so long as consistent progress is seen. Manipulation consisted of maneuvers to C2, C7, T1, T5, T10, L2 and the right ilium on the right. Additionally, maneuvers were applied to C3, C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return two more times this week.

Signature:



William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Thursday, June 1, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: She reports that she is feeling better since the last visit.

OBJECTIVE: On palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has decreased by approximately 5-10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: I will maintain the current treatment regimen so long as progress remains constant. If her progress slows or stalls, I will reevaluate to determine further options. Manipulation consisted of maneuvers to C3, C7, T1, T5, T10, L2 and the right ilium on the right. Further manipulation consisted of maneuvers to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Modalities used today on the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return on Friday.

Monday, June 5, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports that the problem is worse today.

OBJECTIVE: On palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has increased 10-15%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable. The patient had an exacerbation of her condition from the high humidity and the cold and rainy weather.

PLAN: I plan to continue with the current program at this time. Manipulation consisted of maneuvers to C3, C6, T1, T8, L2 and the right ilium on the right. Additional manipulation consisted of maneuvers to C5, T3, T10, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes. She tolerated today's treatment well and afterward she stated that she was feeling better.

Signature: _____

William Schroeder D.C.

William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Thursday, June 8, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger describes that there is no significant change in her symptoms since her last visit.

OBJECTIVE: On palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has not changed significantly.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable.

PLAN: I will continue with the same treatment program for the time being. Manipulation consisted of maneuvers to C3, C7, T1, T5, T10, L2 and the right ilium on the right. Additionally, maneuvers were applied to C5, T3, T8, L1, L3, L4, L5 and the sacrum on the left. Today, modalities applied to the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes. She tolerated today's treatment well and reported feeling better afterward. She is to return three times next week.

Monday, June 19, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports that the problem is worse today.

OBJECTIVE: On palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has increased 10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable. The patient had an exacerbation of her condition from long period of time since her last treatment due to having no transportation.

PLAN: I plan to continue with the current program at this time. Manipulation consisted of maneuvers to C3, C7, T5, T10, L3 and the right ilium on the right. Furthermore, maneuvers were applied to C5, T3, T8, L1, L5 and the sacrum on the left. Modalities performed to the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm2 for 15 minutes. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return two more times this week.

Signature:



William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Monday, June 26, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: She reports that her symptoms are less pronounced today.

OBJECTIVE: On palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has decreased approximately by 5-10%.

ASSESSMENT: The diagnosis remains the same. The patient's condition is improving.

PLAN: The current treatment program appears to be effective and as long as Ms. Yarger continues to respond, I will not change it. Manipulation consisted of maneuvers to C4, C7, T1, T8, L2 and the sacrum on the right. Additional manipulation consisted of maneuvers to C5, T3, T10, L1, L3 and L5 on the left. Modalities performed to the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes. Today's treatment was tolerated well and afterward, she reported feeling better. Her next visit is to be on Thursday. She will call later to schedule an exact time.

Monday, July 17, 2000

Re-Evaluation

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports that the problem is worse today.

OBJECTIVE: On palpation, spasm was evident in the inferior trapezius bilaterally, the latissimus bilaterally and the middle trapezius bilaterally. On further digital palpation, spasm was evident in the quadratus lumborum bilaterally, the sternocleidomastoid bilaterally and the superior trapezius bilaterally. On physical examination today, it was noted that the muscle spasm has increased 10%. Straight leg raise was positive on the left. Kemp's test was positive on the left. Cervical distraction increased the symptoms. Foraminal compression was found to be positive bilaterally. The right C8 dermatome was found to be hypoesthetic via pinprick. On active testing in the cervical region, flexion was measured at approximately 50% of normal, extension was measured at approximately 16% of normal, right lateral flexion was measured at approximately 22% of normal, left lateral flexion was measured at approximately 22% of normal, right rotation was measured at approximately 18% of normal and left rotation was measured at approximately 18% of normal. On active testing in the lumbar region, true flexion was measured at approximately 33% of normal, extension was measured at approximately 40% of normal, right lateral flexion was measured at approximately 60% of normal, left lateral flexion was measured at approximately 60% of normal, right rotation was measured at approximately 66% of normal and left rotation was measured at approximately 66% of normal.

ASSESSMENT: The diagnosis remains the same. The patient's condition is stable. The patient had an exacerbation of her condition from missing treatment the last three weeks due to the lack of transportation and health problems.

PLAN: I plan to continue with the current program at this time. Manipulation consisted of maneuvers to C2, C6, T1, T5, L1 and L3 on the right. Further manipulation consisted of maneuvers to C3, C5, T3, T8, L2, L4, L5, the left ilium and the sacrum on the left. Modalities used today on the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes. She tolerated today's treatment well and afterward she stated that she was feeling better. She is to return two more times this week.

Signature:



William Schroeder, D.C.

PATIENT: YARGTR01 - Yarger, Tracy J.

Thursday, July 20, 2000

Routine Office Visit

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

SUBJECTIVE: Ms. Yarger reports that her symptoms have improved since her last visit. On this visit, Ms. Yarger stated that she was experiencing moderate bilateral lower neck symptoms of a generally achy but occasionally sharp nature. These symptoms did not radiate. She was also experiencing thoraco-lumbar pain. She was also experiencing lower back pain. She stated that today her symptoms were an 8 on a zero to ten scale.

OBJECTIVE: There is a decrease in her objective findings. On manual palpation, moderate to severe spasm and tenderness were evident in the cervico-thoracic region bilaterally and the lumbo-sacral region bilaterally. On physical examination today, it was noted that the muscle spasm in the lower back has decreased slightly and that the tenderness in the neck has decreased slightly.

ASSESSMENT: Her progress is consistent with expectations.

PLAN: I will continue with the current treatment program so long as consistent progress is seen. Manipulation consisted of maneuvers to C2, C6, T1, T5, L1 and L3 on the right. Further manipulation consisted of maneuvers to C3, C5, T3, T8, L2, L4, L5, the left ilium and the sacrum on the left. Modalities used today on the area of chief complaint consisted of traction for 5 minutes, low range interferential EMS set to patient tolerance for 15 minutes, continuous ultrasound at 1.0 w/cm² for 15 minutes. She tolerated today's treatment well and reported feeling better afterward. She is to return three times next week.

Monday, July 24, 2000

Missed Appointment

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

She missed today's appointment because of a personal emergency. The appointment has been rescheduled for 7/26/00.

Thursday, July 27, 2000

Missed Appointment

Seen By: William Schroeder, D.C.

Chief Complaint - Motor Vehicle Accident

The patient called the office and left a message that she was discontinuing care due to constant migraines caused by pain radiating from the neck. Tracy is to be released from care at this time. I will treat her PRN if she wishes to return.

Signature: _____

William Schroeder, D.C.

William Schroeder, D.C.

WELCOME

PATIENT INFORMATION

Date 5-02-00
Patient TRACY JOAN YARGER
Address RR #1, Box 677
HOUTZDALE, PA. 16651
City State Zip
Sex: ☐ M ☒ F Age 34 Birthdate 06/03/65
☐ Single ☐ Married ☐ Widowed ☐ Separated ☒ Divorced
Patient SS# 187-52-6682
Occupation Disability
Employer _____
Employer Address _____
Employer Phone _____
Spouse's Name _____
Birthdate _____ SS# _____
Occupation _____
Spouse's Employer _____
Whom may we thank for referring you? Dr. Lucas

INSURANCE

Who is responsible for this account? Auto INS.
Relationship to Patient SELF
Insurance Co. Allstate
Group # 098766396
Is patient covered by additional insurance? ☐ Yes ☐ No
Subscriber's Name _____
Birthdate _____ SS# _____
Relationship to Patient _____
Insurance Co. _____
Group # _____

ASSIGNMENT AND RELEASE

I, the undersigned certify that I (or my dependent) have insurance coverage with Allstate and assign directly to Dr. Schroeder all insurance benefits, if any, otherwise payable to me for services rendered. I understand that I am financially responsible for all charges whether or not paid by insurance. I hereby authorize the doctor to release all information necessary to secure the payment of benefits. I authorize the use of this signature on all insurance submissions.

Tracy J. Yarger
Responsible Party Signature

Relationship Self

Date 05/02/00

PHONE NUMBERS

Home 814-378-8154 MESSAGE 814-592-0330 EXT _____

Best time and place to reach you _____

IN CASE OF EMERGENCY, CONTACT:

Name Tom McGlynn Relationship Father

Home Phone 814-378-8154

Work Phone 814-378-7614 EXT _____

ACCIDENT INFORMATION

Is condition due to an accident? ☒ Yes ☐ No Date _____

Type of accident ☒ Auto ☐ Work ☐ Home ☐ Other

To whom have you made a report of your accident? _____

☒ Auto Insurance ☐ Employer ☐ Worker Comp. ☒ Other

Attorney Name (if applicable) Tim Cole

PATIENT CONDITION

Reason for Visit PAIN, MIDBACK, lower, upper mid. BACK

When did your symptoms appear? 4/8/00

Is this condition getting progressively worse? ☒ Yes ☐ No ☐ Unknown

Mark an X on the picture where you continue to have pain, numbness, or tingling.

Rate the severity of your pain on a scale from 1 (least pain) to 10 (severe pain) 9

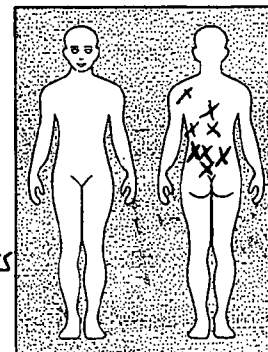
Type of pain: ☒ Sharp ☐ Dull ☒ Throbbing ☐ Numbness ☒ Aching
☒ Shooting ☒ Burning ☒ Tingling ☐ Cramps ☒ Stiffness ☐ Swelling ☐ Other

How often do you have this pain? CONSTANTLY - Pain is more severe at times

Is it constant or does it come and go? constant

Does it interfere with your ☐ Work ☒ Sleep ☒ Daily Routine ☒ Recreation

Activities or movements that are painful to perform ☒ Sitting ☒ Standing ☐ Walking ☒ Bending ☒ Lying Down



PERSONAL INJURY QUESTIONNAIRE

Name TRACY J. YARGER Phone (914) 378-8154
 Address Rt 1 Box 119 City Hawthorne State PA Zip 16651
 Age 34 Birthdate 06/03/65 Sex F SS# 187-52-6682
 Employer's Name N/A Employer's Address _____
 Your Insurance Co. Allstate

Policy# 6941512532 Agent's Name CARL OGDEN

Name on Policy (if other than self) _____

Policy# _____ Responsible Party's Name _____

Address _____ City _____ State _____ Zip _____

Policy Holder's Name _____ Policy# _____

ATTORNEY

Name Tim Cole Phone (412) 391-0800

Address 2100 LAW & FINANCE BUILDING City Pittsburgh State PA Zip 15219
429 4TH AVE

Were there any witnesses? Yes ☒ No ☐ Name(s) AMANDA COOPER PASSENGER
BRIAN YARGER (CHILDREN IN REAR)
DUSTIN YARGER

NATURE OF ACCIDENT

1. Date of Accident 4-8-00 Time of Day 3:13pm
2. were you: Driver ☒ Passenger ☐ Front Seat ☐ Back Seat ☐
3. Number of people in your vehicle? 4 Were you wearing seat belts? yes
4. What direction were you headed? North ☐ East ☐ South ☐ West ☐
5. What street were you on? Advanced Auto James Parking Lot
6. What direction was other vehicle headed? North ☐ East ☐ South ☐ West ☐
7. What street were they on? BACKING OUT OF A PARKING SPACE
8. Were you struck from: Behind ☐ Front ☐ Left Side ☒ Right Side ☐
9. Approximate speed of your car 0 mph; other car N/A mph Moving in Quick Reverse without applying
10. Were you knocked unconscious? Yes ☐ No ☒ If yes, for how long? Breaks

11. Were police notified? Yes ☐ No ☒

12. In your own words, please describe accident: RAINING, 3:13pm. ON 4/8/00, I
Left Advanced Auto Parts parking Lot Heading Towards McDonald
And road with my Headlights on when I observed car coming
at me with reverse lights on I stopped completely and
she hit Left Door, fender area of my car pushing my
vehicle to right on wet road approximately 4-5 feet

13. Did you have any physical complaints BEFORE THE ACCIDENT?

Yes ☒ No ☐ If yes, please describe in detail:

NECK PAIN, tight hip, paralysis type symptoms PAIN
radiation throughout Legs & Arms

*THIS IS A New different PAIN LOCATION TYPE

14. Please describe how you felt:

DURING the accident: *Worked up, SCARED, happened too fast*
TO EXPLAIN

IMMEDIATELY AFTER the accident: *Worked up, PANIC, Staved up,*
but thought would go away.

LATER THAT DAY: *Very Sore*

THE NEXT DAY: *Extremely Sore, painful*

15. What are your PRESENT complaints and symptoms?

PAIN, 1

16. Do you have any congenital (from Birth) factors which relate to this problem? Yes ☐ No ☒ If yes, please Describe:

17. Do you have any previous illnesses which relate to this case? Yes ☐ No ☒ If yes, please describe: _____

18. Have you ever been involved in an accident before? Yes ☒ No ☐ If yes, please describe, including date(s) and type(s) of accidents, as well as injury(ies) received. *11/30/88 - Auto Accident - rear ended, neck surgery*
6/96 ATV ACCIDENT Broken clavicles, ribs

19. Where were you taken after the accident? *HOME*

20. Have you been treated by another doctor since the accident? Yes ☒ No ☐
If yes, please list doctor's name and address: *Dr. Kornel Lucas*

What type of treatment did you receive? _____

21. Since this injury occurred, are your symptoms: Improving ☐ Getting Worse ☒ Same ☐

22. CHECK SYMPTOMS YOU HAVE NOTICED SINCE ACCIDENT:

☐ Headache	☒ Irritability	☐ Numbness in Toes	☐ Face Flushed
☐ Neck Pain	☐ Chest Pain	☐ Shortness of Breath	☐ Buzzing in Ears
☐ Neck Stiff	☐ Dizziness	☐ Fatigue	☐ Loss of Balance
☒ Sleeping Problems	☐ Fever	☐ Depression	☐ Fainting
☒ Back Pain	☐ Head is Too Heavy	☐ Lights Bother Eyes	☐ Loss of Smell
☐ Nervousness	☐ Pain in Arms	☐ Loss of Memory	☐ Loss of Taste
☒ Tension	☐ Pain in Legs	☐ Ears Ring	☐ Diarrhea
☐ Feet Cold	☐ Hands Cold	☐ Stomach Upset	☐ Constipation
☐ Cold Sweats	☐ Other (Describe) _____		

23. Have you lost time from work as a result of this accident? Yes ☐ No ☐

If yes, please complete this question.

Last Day Worked: _____

Type of Employment: _____

Present Salary: _____

Are you being compensated for time lost from work? Yes ☐ No ☐

If yes, please state type of compensation you are receiving:

24. Do you notice any activity restrictions as a result of this injury?

Yes ☒ No ☐ If yes, please describe, in detail:

*Very Hard to Lay down or sleep,
WALK, SIT.*

25. Other pertinent information:

05/02/00
DATE

Tracy J. Zenger
PATIENT SIGNATURE

Spine

KEY: + = Positive - = Negative L = Left R = Right B = Bilateral N = Non-specific

L	Seated SLR	+	-	L	R	B	N	C	Distraction	+	-	L	R	B	N
U	Supine SLR	+	-	L	R	B	N	E	Foraminal Compression	+	-	L	R	B	N
M	Kemp's	+	-	L	R	B	N	R	Shoulder Compression	+	-	L	R	B	N
B	FABERE	+	-	L	R	B	N	V	Spurling's	+	-	L	R	B	N
A	Valsalva's	+	-	L	R	B	N	M	George's	+	-	L	R	B	N
R	Soto-Half's	+	-	L	R	B	N	I	Wright's	+	-	L	R	B	N
	Braggard's	+	-	L	R	B	N	S	Adson's	+	-	L	R	B	N
	Derefield's	+	-	L	R	B	N	C	Rhomberg's	+	-	L	R	B	N
	Minor's	+	-	L	R	B	N		Hoover's	+	-	L	R	B	N
	Thompson Sacral	+	-	L	R	B	N		Bum's	+	-	L	R	B	N
	Other Tests														

		Left		Right				Left		Right	
		C5	E/N 1 ↓	E/N 1 ↓	L4	E/N 1 ↓	E/N 1 ↓			E/N 1 ↓	E/N 1 ↓
		C6	E/N 1 ↓	E/N 1 ↓	L5	E/N 1 ↓	E/N 1 ↓			E/N 1 ↓	E/N 1 ↓
		C7	E/N 1 ↓	E/N 1 ↓	S1	E/N 1 ↓	E/N 1 ↓			E/N 1 ↓	E/N 1 ↓
		C8	E/N 1 ↓	E/N 1 ↓	E/N = essentially normal						
		T1	E/N 1 ↓	E/N 1 ↓	↑ = hyperesthetic ↓ = hypoesthetic						
		Left		Right				Left		Right	
		Hamstrings	0 1 2 3 4 5	0 1 2 3 4 5	Deltoid	0 1 2 3 4 5	0 1 2 3 4 5				
		Quadriceps	0 1 2 3 4 5	0 1 2 3 4 5	Biceps	0 1 2 3 4 5	0 1 2 3 4 5				
		EHL	0 1 2 3 4 5	0 1 2 3 4 5	Triceps	0 1 2 3 4 5	0 1 2 3 4 5				
		Eversion	0 1 2 3 4 5	0 1 2 3 4 5	Wrist Extension	0 1 2 3 4 5	0 1 2 3 4 5				
		Inversion	0 1 2 3 4 5	0 1 2 3 4 5	Wrist Flexion	0 1 2 3 4 5	0 1 2 3 4 5				
						Finger Adduction	0 1 2 3 4 5	0 1 2 3 4 5			
						Finger Abduction	0 1 2 3 4 5	0 1 2 3 4 5			
		Left		Right				Left		Right	
		Achilles	0 1 2 3 4	0 1 2 3 4	Brachial	0 1 2 3 4	0 1 2 3 4				
		Patellar	0 1 2 3 4	0 1 2 3 4	Radial	0 1 2 3 4	0 1 2 3 4				
		Biceps	0 1 2 3 4	0 1 2 3 4	Femoral	0 1 2 3 4	0 1 2 3 4				
		Triceps	0 1 2 3 4	0 1 2 3 4	Popliteal	0 1 2 3 4	0 1 2 3 4				
		Brachioradialis	0 1 2 3 4	0 1 2 3 4	Dorsalis Pedis	0 1 2 3 4	0 1 2 3 4				

Extremities

Miscellaneous				Shoulder				Knee			
Phalen's	+	-	L R B	Yergason's	+	-	L R B	Ant. Drawer	+	-	L R B
Tinel's	+	-	L R B	Impingement	+	-	L R B	Post. Drawer	+	-	L R B
Finkelstein's	+	-	L R B	Sup. Scratch	+	-	L R B	Pivot Shift	+	-	L R B
Mill's	+	-	L R B	Inf. Scratch	+	-	L R B	Patellar Comp.	+	-	L R B
Reverse Mill's	+	-	L R B	Apley's Comp.	+	-	L R B	Lachman's	+	-	L R B
FABERE	+	-	L R B	Apley's Dist.	+	-	L R B	Homan's	+	-	L R B
Ely's	+	-	L R B	Adson's	+	-	L R B	McMurray's	+	-	L R B

Miscellaneous

P Head: High L R = Shoulders: High L R = Pelvis: High L R = Adam's Test: L R =
 O A-P Head Pos: ☐ Normal ☐ Anterior ☐ Posterior A-P Pelvic Pos: ☐ Normal ☐ Anterior ☐ Posterior
 S ☐ Mildly ☐ Moderately ☐ Severely antalgic to the ☐ Left ☐ Right ☐ Anterior ☐ Left Ant. ☐ Right Ant.

worse in low back
 headaches



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PHYSICAL MEDICINE & REHABILITATION
(814) 946-2100 Fax 946-2031

Patient: Tracy Yarger
Physician: Dr. Kornel Lukacs
Diagnosis: Low Back Pain
Date: September 27, 2000

Patient is a 35 year old female referred to physical therapy by Dr. Lukacs with complaint of low back pain.

Subjective: Patient reports that she has been having low back pain over the last couple of months. Reports that most of her back pain stems from a motor vehicle accident April 8 of this year. Patient states that last night she had an MRI. She states a medical history of back pain as well as neck pain. She states that she has a surgical history of disc surgery in the cervical region as well as 2 cesarean sections. Her medical history includes heart murmur and mitral valve. She takes medicine for her heart as well as muscle relaxors and anxiety. At this time she reports that she has 5/5 pain and will throb and shoot to the left lower extremity. Her goals is to have decreased pain and return to normal functions.

Observation: Patient to clinic with antalgic gait. Patients posture shows shifting to the right. With repetitive testing patient complains of increased pain with rotation to the left as well as side bending to the left. Patient reports that pain will shoot down the left lower extremity. Patient complains of pain with compression on the sacrum region as well as distraction of the left lower extremity. Patient is reporting decreased pain with compression placed on the sacrum with extension of the low back. Her reflexes are decreased to the quads on the left side compared to the right. Patient is able to toe and heel walk but is having trouble standing on one foot, the left secondary to the pain and discomfort. Pain also noted today with straight leg raise test on the left side. Spasms noted in the lumbar region.

Functional Assessment: Patient at this time presents with disc involvement possibility in the L-4, L-5, S-1 distribution with special testing. Patient does have a fair rehab potential.

Plan: At this point I addressed patient using a lumbar support. Patient reported relief with this. I will refer patient to Carol Miller P.T. for aquatics therapy for aerobic activity, strengthening and flexibility and gait training.

Goals and plan of care will be written by Carol Miller.

Guidelines for Discontinuation of Services:

1. Treatment objectives attained.
2. Patient no longer measurably benefiting from services.
3. Patient experiencing an adverse reaction from treatment.

Kenneth Kozminski, P.T.

lmw

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this _____ day of _____, 2002, Plaintiff is
DIRECTED to provide to Defendant her cervical spine MRI film(s) of November 3, 1998 within
20 days of the date of this Order. In the event Plaintiff fails to comply with the Court's directive
as set forth herein, upon appropriate motion, Plaintiff may be subject to sanctions including but
not limited to costs, attorney's fees, and a dismissal of her claims.

BY THE COURT:

J.

CA

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

TRACY YARGER,

No. 00-1322-C.D.

Plaintiff,

v.

CINDY NADVIT,

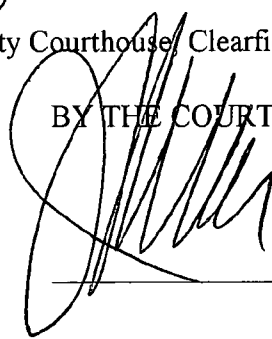
Defendant.

RULE TO SHOW CAUSE

AND NOW, this 16th day of May, 2002, Plaintiff is
requested to show cause within 20 days why Defendant's Motion to Compel Production of
Plaintiff's Cervical MRI Films dated November 3, 1998, should not be granted.

Rule returnable the 21st day of June, 2002, at 3:00 P.m.
in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



J.

FILED

MAY 16 2002

William A. Shaw
Prothonotary

3:30

FILED
013:48-~~48~~
MAY 16 2002
acc
Atty General
Clem-Hart

William A. Shaw
Prothonotary

WAS

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
CERTIFICATE of SERVICE

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

MAY 21 2002

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

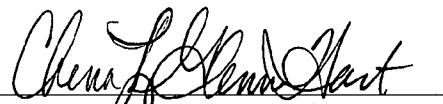
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Rule to Show Cause with regard to Defendant's Motion to Compel Plaintiff's Production of Cervical MRI Films dated November 3, 1998 in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 20th of May, 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By:



James M. Horne, Esquire

I. D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

FILED_{no}cc

MAY 21 2002

William A. Shaw
Prothonotary

18

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

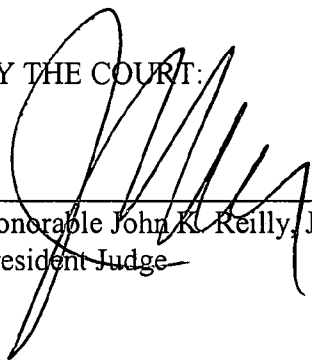
No. 00-1322-C.D.

:
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ORDER

AND NOW, this 20th day of July, 2002, the Court having been advised that Plaintiff has produced the Cervical MRI films dated November 3, 1998, which were the subject of a Motion to Compel previously filed on behalf of the Defendant, the said Motion to Compel Production of Plaintiff's Cervical MRI films dated November 3, 1998 is hereby DISMISSED as moot.

BY THE COURT:



Honorable John K. Reilly, Jr.
President Judge

FILED

JUL 30 2002

William A. Shaw
Prothonotary

FILED

012:23 190

JUL 30 2002

YCC to James Nonne

ES

William A. Shaw
Prothonotary

WILLIAM A. SHAW
PROTHONOTARY

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
CERTIFICATE of SERVICE

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

AUG 02 2002

William A. Shaw
Prothonotary

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the issued Order dismissing Defendant's Motion to Compel Plaintiff's Production of Cervical MRI Films dated November 3, 1998 in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 1st of August, 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____



James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

m/10:43 ~~84~~
AUG 02 2002

no cc

William A. Shaw
Prothonotary

ci
[Signature]

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

: TYPE OF PLEADING:

: **Certificate of Service**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

FILED

AUG 13 2002

m111501NOC
William A. Shaw
Prothonetary

[Handwritten signature]

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

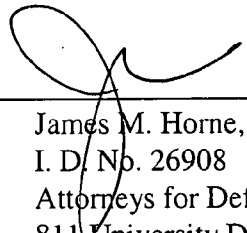
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery directed to Karl Green, M.D., S. Lee Miller, M.D., K. Michael Hughes, D.O., and Robert Rundorff, M.D., in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 12 day of August, 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:
CERTIFICATE of SERVICE

TYPE OF CASE: CIVIL
FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624

FILED

AUG 14 2002
m/2.23mce
William A. Shaw
Prothonotary

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's First Set of Requests for Admission with Corresponding Interrogatories and Requests for Production of Documents for Answer by Plaintiff in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 13th of August, 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire

I. D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Attorneys for Defendant

811 University Drive

State College, PA 16801

(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

TYPE OF PLEADING:

**Certificate Prerequisite /
Certificate of Service**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:

DEFENDANT

COUNSEL OF RECORD FOR
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

I.D. NO. 26908

McQUAIDE, BLASKO, SCHWARTZ,

FLEMING & FAULKNER, INC.

811 University Drive

State College, PA 16801

PH# (814) 238-4926

FAX#(814) 238-9624

FILED

SEP 04 2002

m/1:14/NOCC

William A. Shaw
Prothonotary

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ES

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

TRACY YARGER, : No. 00-1322-C.D.
: :
Plaintiff, : :
: :
v. : :
: :
CINDY NADVIT, : :
: :
Defendant. : :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the notice of intent has been received,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: September 3, 2002

By: 

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that which is attached to this notice.

You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

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

Date: August 12, 2002

By: _____

James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: Karl Green, M.D.

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

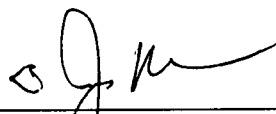
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas to Produce Documents and Things for Discovery directed to Karl Green, M.D., S. Lee Miller, M.D., K. Michael Hughes, D.O., and Robert Rundorff, M.D., in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 3 day of September, 2002, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____



James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

: TYPE OF PLEADING:

: **Certificate of Service**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX#(814) 238-9624

FILED

FEB 20 2003

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery directed to Centre Community Hospital, in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 19th day of February, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

M 11:34 AM
FEB 20 2003

William A. Shaw
Prothonotary

NO
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get

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:

:
: **Certificate of Service**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

MAR 03 2003

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery directed to Geisinger Medical Group – Moshannon Valley, Geisinger Medical Center, Clearfield Hospital and Ralph A. Cardamone, M.D., in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 26th day of February, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: **CERTIFICATE of READINESS**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

MAR 12 2003

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

CERTIFICATE OF READINESS

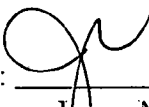
The undersigned hereby certifies:

1. This matter has been at issue more than twenty (20) days.
2. All pre-trial discovery is completed.
3. There are no pending pre-trial motions.
4. This case is not subject to compulsory arbitration or has been appealed therefrom.
5. This matter is to be heard by a jury.

Respectfully submitted,

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

Dated: March 11, 2003

By: 

James M. Horne, Esquire
ID. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate of Readiness in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 11th of March, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____
James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

NOCC

03/11/11 ~~84~~
MAR 12 2003

copy to C/A

[Signature]

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: **Prerequisite to Service of Subpoenas w/**
: **Certificate of Service**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

MAR 13 2003

William A. Shaw
Prothonotary

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

TRACY YARGER, : No. 00-1322-C.D.
 :
 :
 Plaintiff, :
 :
 :
 v. :
 :
 :
 CINDY NADVIT, :
 :
 :
 Defendant. :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

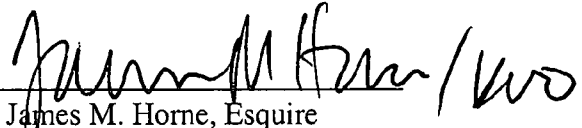
As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoena has been received,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: March 12, 2003

By: _____


James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

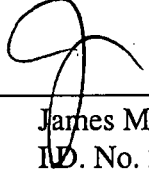
: No. 00-1322-C.D.
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**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that which is attached to this notice.
You have twenty (20) days from the date listed below in which to file of record and serve upon
the undersigned an objection to the subpoena. If no objection is made, the subpoena may be
served.

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

Date: February 19, 2003

By: 

James M. Horne, Esquire
ID. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Centre Community Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____, 2003

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

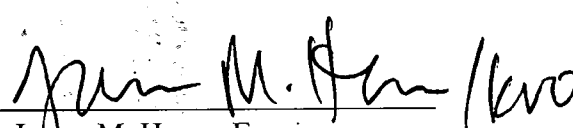
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 12th day of March, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

ND
cc

M 10:44 AM
MAR 13 2003

William A. Shaw
Prothonotary

[Handwritten signature]
KES

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.
:
: TYPE OF PLEADING:
: **Prerequisite to Service of Subpoenas w/**
: **Certificate of Service**
:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
:
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

MAR 21 2003

William A. Shaw
Prothonotary

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) no objection to the subpoenas has been received,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: March 20, 2003

By: 
James M. Horne, Esquire
I.D. No. 26908
Attorney for Defendant
811 University Drive
State College, PA 16801-6699
(814) 238-4926

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that which is attached to this notice.

You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

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

Date: February 26, 2003

By: _____

James M. Horne, Esquire

I.D. No. 26908

Attorney for Defendant

811 University Drive

State College, PA 16801-6699

(814) 238-4926



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Geisinger Medical Group – Moshannon Valley*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____, 2003



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Geisinger Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____, 2003

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER, : No. 00-1322-C.D.
Plaintiff, :
v. :
CINDY NADVIT, :
Defendant. :

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Clearfield Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: a true and correct copy of any and all medical records and any and all MRI films for a cervical spine x-ray taken on 2/18/94, in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____, 2003



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

No. 00-1322-C.D.

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Ralph A. Cardamone, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to Tracy J. Yarger, SS#187-52-6682, Date of Birth: 6/3/65.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: _____, 2003

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

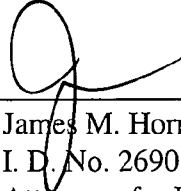
TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. First Class Mail, postage prepaid, on this 20th day of March, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 
James M. Horne, Esquire
I. D. No. 26908
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

FILED

MAR 11 11:09 AM
MAR 21 2003

William A. Shaw
Prothonotary

cc
KB

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

TRACY YARGER

:

-vs-

:

No. 00 – 1322 – CD

CINDY NADVIT

:

PRE-TRIAL ORDER

NOW, this 10th day of April, 2003, following pre-trial conference in the above-captioned matter, it is the ORDER of this Court that jury selection shall be had on Tuesday, April 29, 2003, at 10:00 a.m. with trial by jury scheduled for Tuesday, September 2, 2003, through Thursday, September 4, 2003, commencing at 9:00 a.m. each day.

By the Court,

President Judge

FILED

APR 11 2003

William A. Shaw
Prothonotary

FILED

0/9:38 ~~84~~
APR 11 2003

1cc Amy Cole

1cc Amy Horne

William A. Shaw
Prothonotary

WAS

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

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

**MOTION FOR LEAVE TO FILE THE
REPORT OF STEVEN
TRANTAFYLLOU, M.D. DATED
APRIL 30, 2003 AS A SUPPLEMENT
TO THE PLAINTIFF'S PRE-TRIAL
STATEMENT**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

FILED

JUN 04 2003

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,	:	
	:	
Plaintiff,	:	No. 00-1322 C.D.
	:	
	:	
vs.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

MOTION FOR LEAVE TO FILE THE REPORT OF
STEVEN TRIANTAFYLLOU, M.D. DATED APRIL 30, 2003
AS A SUPPLEMENT TO THE PLAINTIFF'S PRE-TRIAL STATEMENT

The plaintiff by her attorneys moves the court for an order granting leave of court for the plaintiff to file the report of Steven J. Triantafyllou, M.D. dated April 30, 2003 as a supplement to the Plaintiff's Pre-Trial Statement. In support thereof the following is shown:

1. This is an action requesting money damages as compensation for injuries suffered by the plaintiff as a result of a rear end motor vehicle accident. The case is scheduled for trial commencing September 2, 2003.

2. One of the plaintiff's treating physicians is Steven J. Triantafyllou, M.D. who performed an anterior cervical discectomy and fusion on the plaintiff two weeks after the accident occurred. On April 3, 2003 plaintiff's counsel sent to defendant's counsel a notice of Dr. Triantafyllou's deposition scheduled for June 12, 2003.

3. Plaintiff's original and supplemental Pre-Trial Statements were filed within one week of the Pre-Trial Conference that was held April 10, 2003.

4. Several reports from Dr. Triantafyllou were attached to the Plaintiff's Pre-Trial Statement, including a report dated November 10, 1998. That report states, in part: "Thank you for allowing me to see your patient, Tracy Yarger. As you know she was involved in a motor vehicle accident on 10/30/98. As a result she sustained an extremely large disc herniation at the C5-6 level with associated cervical myelopathy." A copy of the full report is attached hereto as exhibit "A" with the quoted portion highlighted.

5. The defendant's Pre-Trial Statement announced that the case would be defended on the issue of causation. The following statement appears on page 2 of the defendant's Pre-Trial Statement:

Plaintiff now claims that this minor accident led her to develop a herniated disc in her neck for which she underwent surgery. Discovery has shown that in fact Plaintiff had extensive and long standing neck complaints which pre-dated the incident at issue by many years. Discovery confirms that Plaintiff's neck complaints began at least by 1993, and continued up to the time of the accident at issue. In addition, Plaintiff was in the years before the automobile incident of October 30, 1998, involved in a number of other accidents and incidents that injured her neck, including an ATV accident and multiple incidents of domestic violence. It is clear that there is no relationship between the minor accident at issue and Plaintiff's herniated disc, and also clear that Plaintiff in fact was not injured in the subject accident.

6. In support of the causation defense the defendant attached to her Pre-Trial Statement a list of exhibits which included the following records:

- a. Susan Harchak records, pre 11-2-98 (item D-9)
- b. Susan Harchak records, post 11-2-98 (item D-10)
- c. Conemaugh Memorial Medical Center 7-8-96 (item D-20)
- d. Philipsburg Hospital e.r. 11-19-96 to 11-20-96 (item D-13)
- e. Philipsburg Hospital e.r. 4-6-97 (item D-14)
- f. Philipsburg Hospital e.r., 10-30-98 (item D-15)

7. The records listed in the defendant's MRI were listed as exhibits for the obvious purpose of using them to cross examine the plaintiff's treating physician on the issue of causation and for the basis of the direct examination of the defendant's expert on the issue of causation.

8. In addition to the records listed by the defendant in her Pre-Trial Statement, the following records were included in the exhibits listed in the Plaintiff's Pre-Trial Statement:

- a. MRI films of the cervical spine taken 11-3-98
- b. Report of the MRI of the cervical spine taken 11-3-98
- c. MRI films of plaintiff's cervical spine taken 7-8-96

9. On May 9, 2003 plaintiff's counsel received a report from Dr. Triantafyllou dated April 30, 2003. Dr. Triantafyllou's report of April 30, 2003 states that he reviewed certain records listed therein and that it is his opinion that the accident of October 30, 1998 caused what was at best a small disc protrusion at C5-6 to become a massive disc herniation with significant spinal cord compression. A copy of the report is attached hereto as exhibit "B." This report differs from the report of November 10, 1998 only in that the more recent report states that the plaintiff's injury was an aggravation of a previously existing condition rather than an entirely new injury.

10. The report was immediately mailed to the court administrator as a Second Supplemental Pre-Trial Statement and a copy was immediately sent to the defendant's attorney. Copies of the forwarding letters are attached hereto as exhibits "C" and "D." The report was not attached to the original Pre-Trial statement as it did not exist at that time.

11. On June 2, 2003 plaintiff's counsel received a letter from defendant's counsel stating that defendant's counsel would object to Dr. Triantafyllou's testimony (scheduled for June 12, 2003) as described in the report of April 30, 2003 on the basis that the filing of the report was untimely. A copy of letter referring to the objections is attached as exhibit "E"; a copy of plaintiff's counsel's reply is attached as exhibit "F."

12. The filing of the Plaintiff's Second Supplemental Pre-Trial Statement was not in violation of local rule 212.4(f) as the Second Supplemental Pre-Trial Statement did not add a new witness or list a new exhibit.

13. If the filing of the Plaintiff's Supplemental Pre-Trial Statement were in violation of local rule 212.4(f), there is no prejudice to the defendant, as Dr. Triantafyllou's report of November 10, 1998 stating his opinion about causation was supplied to defense counsel with documents that were produced in this litigation on June 27, 2001, and it was attached to the Plaintiff's original Pre-Trial Statement. The same report was sent to the defendant's insurer in May 1999. Dr. Triantafyllou's report of April 30, 2003 actually favors the defendant because it refers to the fact that a defect at C5-6 existed prior to the accident. The change in the defect at C5-6 following the subject rear end automobile accident is discussed in detail by the defendant's expert witness Richard Moser, Jr. M.D. Dr. Moser's report states :

The earliest cervical spine MR scan from 7/8/96 demonstrated a mild abnormality at the C5-C6 disc level. The next available MR scan from 11/3/98 demonstrated a considerably more prominent mass at the C5-C6 level than was noted previously and, shortly thereafter (on 11/13/98), the patient underwent cervical discectomy and anterior spinal fusion as treatment for the anatomical abnormality at the C5-C6 level.

Dr. Moser's report also shows that the records he reviewed were the same as those reviewed by Dr. Triantafyllou when he wrote his report of April 30, 2003. A copy of Dr. Moser's report is attached hereto as exhibit "G."

WHEREFORE the plaintiff requests that the court exercise its discretion and enter an order that the filing of the Plaintiff's Second Supplemental Pre-Trial Statement was not in violation of local rule 212.4(f) or, in the alternative, an order granting leave to the plaintiff to file

the Second Supplemental Pre-Trial Statement *nunc pro tunc* so that its filing on or about May 10, 2003 is considered timely as to the testimony of Dr. Triantafyllou that is scheduled for June 12, 2003.

STOKES LURIE COLE & HENS-GRECO, P.C.

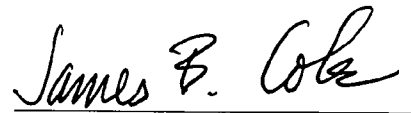
By James B. Cole

James B. Cole

Attorneys for Plaintiff

VERIFICATION

I verify that the averments of fact made in this Motion are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.


James B. Cole



A



Patient Name: Tracy J. Yarger
DOB: 06/03/65

Acct. #: 003285400011

11/10/1998 STEVEN J. TRIANTAFYLLOU, M.D.
ENCNTR LEVEL IV (NEW)

Thank you for allowing me to see your patient, Tracy Yarger. As you know she was involved in a motor vehicle accident on 10/30/98. As a result, she sustained an extremely large disc herniation at the C5-6 level with associated cervical myelopathy. She is indicated for an anterior cervical discectomy and fusion. This was scheduled for 11/13/98.

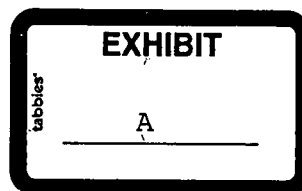
I will keep abreast of her progress.

A copy of my full consultation is below.

CHIEF COMPLAINT: Headaches, neck pain, bilateral arm pain, bilateral leg pain, unsteady gait.

HISTORY: Tracy Yarger is a 33-year-old, right hand dominant white female who was involved in a motor vehicle accident on 10/30/98. This occurred at 7:45 a.m. She was the restrained driver of a car that was stopped at a red light and apparently was rear-ended by another car. Her glasses broke. She hit her head on the steering wheel. She experienced neck pain, back pain, headache, as well as arm and leg pain at the time of the impact. She felt like electric current and jabbing sensations radiating into both arms and legs. She was taken to Phillipsburg Emergency Room. Of note, the patient states her oldest son was in the car in the front seat as a passenger and apparently sustained a knee injury. The patient denies any prior history of similar problems. The patient has been seen by Dr. Harchak, who has been treating Tracy with physical therapy, only to the cervicothoracic region without any manipulation because of the patient's symptomatology.

The patient's current symptoms are as follows. She has headaches which are constant and severe. She reports numbness on the left side of her face. She reports blurred vision and seeing "floaters". She feels as though her head is going to explode. She reports some numbness, pain, aching in the throat area and has difficulty swallowing. She reports "a lump in my throat". She reports bilateral arm symptoms, worse on the right than the left. In addition to pain she reports a "knot" sensation as well as a feeling of pressure and a feeling of exploding. She also experiences bilateral leg symptoms as well as low back pain and mid back pain. The mid back she reports as probably being a spasm. She reports low back pain with radiation to the right hip. She feels the right hip is out of place. Again, the right leg is affected more than the left leg. She reports numbness, tingling and pins and needles sensation in the upper and lower extremities. She describes difficulty with ambulation and feels her gait is unsteady and tends



Patient Name: Tracy J. Yarger
DOB: 06/03/65

Acct. #: 003285400011

11/10/1998 STEVEN J. TRIANTAFYLLOU, M.D.
ENCNTR LEVEL IV (NEW)

-CONTINUED-

to fall or lean toward the left side. The patient denies any bowel or bladder dysfunction or systemic symptoms. She did report some vaginal bleeding early on after the accident.

She completed an Oswestry Disability Questionnaire form which she scored an 84, which puts her in a severe subjective disability rating. She reports that pain killers gave her very little relief from pain. She states she needs some help, but manages most of her personal care. She also knows that she cannot lift or carry anything at all and pain prevents her from walking more than 1/4 mile. Pain prevents her from sitting more than 1/2 hour or standing for more than 10 minutes. She also reported that pain prevents her from sleeping at all. She also reported that because of the pain she has no social life and that pain prevents her from having any sex life at all. She also reports that pain prevents her from travelling, except to the doctor and hospital.

Her current symptoms are aggravated with weather changes as well as coughing, sneezing, bending, and twisting. Prolonged sitting and walking also aggravates her symptoms. Car riding also aggravates her symptoms. Lying down seems to help somewhat as do the analgesics. Again, she denies any prior history of similar problems. She rates her pain on the average day between 8 and 9. The lowest it gets is a 7 and the highest it gets is a 9. This is on a scale of 1 to 10 with 10 being severe and 1 being mild.

Diagnostic studies have included x-rays and MRI scan.

REVIEW OF SYSTEMS: Refer to Health Questionnaire dated 11/9/98.

PAST MEDICAL HISTORY: Refer to Health Questionnaire dated 11/9/98.

FAMILY HISTORY: Refer to Health Questionnaire dated 11/9/98.

SOCIAL HISTORY: Refer to Health Questionnaire dated 11/9/98.

PHYSICAL EXAMINATION:

Height - 5'4"
Weight - 143#

The patient is a well developed, well nourished female with no obvious deformities, normal body habitus and appropriate grooming in no acute distress.

CIRCULATORY: Shows good pulses in both the upper and lower extremities.

SKIN: Examination of the upper and lower extremities shows no

Patient Name: Tracy J. Yarger
DOB: 06/03/65

Acct. #: 003285400011

11/10/1998 STEVEN J. TRIANTAFYLLOU, M.D.
ENCNTR LEVEL IV (NEW)

-CONTINUED-

evidence of rashes. There are no cafe au lait spots or hairy nevi on the back.

MUSCULOSKELETAL:

On examination her gait is unsteady. She is tilting to the left side. Heel walking and toe walking are unsteady.

Examination of the cervical spine shows tenderness in the midline and paraspinal area. Range of motion is limited in all planes. Flexion is 30 degrees instead of the normal 75 degrees; extension is 30 degrees instead of the normal 70 degrees; bending is 20 degrees to the right and 30 degrees to the left instead of the normal 45 degrees. Paraspinal muscle spasm is noted in the cervical spine.

Examination of the thoracic spine shows generalized tenderness in the midline and paraspinal area.

Examination of the lumbar spine shows generalized tenderness in the midline and paraspinal area. Range of motion is limited in all planes. Flexion is 30 degrees instead of the normal 70 degrees; extension is 40 degrees instead of the normal 45 degrees; bending is 20 degrees in either direction instead of the normal 30 degrees. Paraspinal muscle spasm is noted in the lumbar spine.

Neurologic exam shows her to be alert and oriented x3. There is decreased sensation in the right upper and lower extremity. Dysesthesias are also reported in the right upper extremity. Reflexes are 1+ and equal in the biceps and brachial radialis. Triceps are 2+ and equal. Reflexes are 2+ and equal in the lower extremities. There is some hyper-reflexia in the lower extremities versus the upper extremities. No clonus is noted. No definite upper motor neural signs are noted such as hyper-reflexia or clonus or Babinski. Motor strength is 5/5 in all muscle groups except for decreased grip strength bilaterally as well as biceps weakness on the right side which is 4/5 instead of the normal 5/5.

DIAGNOSTIC TESTS: of the cervical spine done on 4/6/97, show no acute fractures. Disc heights are relatively well-maintained.

X-rays of the cervical spine done on 10/30/98, show her to be tilting to the right. There is some loss of cervical lordosis, indicative of paraspinal muscle spasm. Some narrowing of the C5-6 disc space is noted. No fractures are noted.

X-rays of the lumbar spine done in our office today (2 views) show some tilting to the left and loss of lumbar lordosis. No acute fractures are noted.

Patient Name: Tracy J. Yarger
DOB: 06/03/65

Acct. #: 003285400011

11/10/1998 STEVEN J. TRIANTAFYLLOU, M.D.
ENCNTR LEVEL IV (NEW)

-CONTINUED-

MRI of the cervical spine shows a huge right C5-6 HNP with significant spinal canal compromise as well as spinal cord compression. Some narrowing of the C5-6 disc space is noted.

DIAGNOSIS: 1. C5-6 HNP
2. Cervical radiculopathy
3. Neck pain
4. Back pain
5. Cephalgia

PLAN: The diagnosis and treatment options were discussed with the patient. Given the large disc herniation as well as associated cervical myelopathy, she is indicated for an anterior cervical discectomy and fusion. What is involved with the surgery was discussed with the patient in depth. An H&P was done. An informed consent was obtained. I recommended surgery on 11/11/98, but she had to go home and make arrangements for her children and arrangements were made for 11/13/98.

Because of the back pain and leg pain, an MRI of the lumbar spine will be obtained to rule-out any disc injury in the lumbar spine.

SJT/lbd



B



Brian L. Bixler, MD
Vincent Butera, MD
David L. Cohen, MD, FACS
Michael B. Furman, MD, FAAPMR
Steven K. Groff, MD
Dennis M. Grolman, MD
Douglas J. Holmann, MD
Michael A. Klein, MD
Michael K. Kuo, MD
Michael J. Moritz, MD
K. Nicholas Pandelidis, MD
Michael J. Sicuranza, MD
Suzette J. Song, MD
Steven J. Triantafyllou, MD
Peter J. VanGiesen, MD, MBA
Christine M. Villoch, MD
Brian S. Koons, PA-C



April 30, 2003

Stokes Lurie Cole & Hens-Greco
Attn: James Cole, Esq.
2100 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1593

Re: Tracy J Yarger
301 Sylvan Circle
Tyrone, PA 16686

Dear Mr. Cole:

This is in response to your letter dated 4/2/03, regarding review of records as well as diagnostic studies on Tracy Yarger, as well as review of my records and treatment of Tracy Yarger. The following records were reviewed: records of Susan Harchak, D.C., 12/10/93 to 11/6/98; MRI report dated 2/18/94; discharge summary Conemaugh Hospital 7/8/96; MRI report dated 7/8/96; Philipsburgh Hospital 11/19/96, 11/20/96; Philipsburgh Hospital 4/6/97; Philipsburgh Hospital records 10/30/98; MRI report of 11/3/98 and the actual MRI scans of the cervical spine dated 7/8/96 and 11/3/98; and my own records.

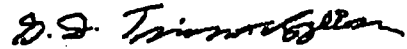
Based on this review, it is my opinion, within a reasonable degree of medical certainty, that the motor vehicle accident of 10/30/98, was a substantial causal factor for Tracy Yarger's need for surgery performed on 11/13/98. This consisted of an anterior cervical discectomy and fusion at the C5-6 level. The MRI scan of her cervical spine dated 11/3/98, showed a massive disc herniation at the C5-6 level with significant cord compression. Her previous MRI scan at best showed a small disc protrusion without any spinal cord compression. There was a drastic change in the appearance of the disc at the C5-6 level after the motor vehicle accident of 10/30/98. It is further my opinion that the patient's persistent intractable neck and arm symptoms are causally related to the motor vehicle accident of 10/30/98. The disc herniation that she had as noted above, was massive, and caused significant cord compression and permanent nerve damage.

EXHIBIT

B

I hope this provides you with the needed information. If I can elaborate on any of the above, or if I can be of any further assistance, please don't hesitate to get in contact with me.

Sincerely,

A handwritten signature in cursive script, appearing to read "S.J. Triantafyllou".

STEVEN J. TRIANTAFYLLOU, M.D.
SJT/lbd

c

LAW OFFICES

STOKES LURIE COLE & HENS-GRECO, P.C.

JAMES B. COLE
SAM R. HENS-GRECO
KATHRYN M. HENS-GRECO

2100 LAW AND FINANCE BUILDING
429 FOURTH AVENUE
PITTSBURGH, PA 15219-1593

Of Counsel
HERBERT M. LURIE

TELEPHONE: (412) 391-0800

FAX: (412) 391-2183

May 9, 2003

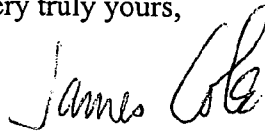
David S. Meholick
Court Administrator of Clearfield County
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA. 16830

RE: Tracy Yarger v. Cindy Nadvit
No. 00-1322 CD

Dear Mr. Meholick:

Enclosed for filing in the above captioned matter is the Plaintiff's Second Supplemental Pre-Trial Statement.

Very truly yours,



James B. Cole

JBC/ad
Enclosure
cc: James M. Horne, Esquire

EXHIBIT

C

D

LAW OFFICES

STOKES LURIE COLE & HENS-GRECO, P.C.

JAMES B. COLE
SAM R. HENS-GRECO
KATHRYN M. HENS-GRECO

2100 LAW AND FINANCE BUILDING
429 FOURTH AVENUE
PITTSBURGH, PA 15219-1593

Of Counsel
HERBERT M. LURIE

TELEPHONE: (412) 391-0800

FAX: (412) 391-2183

May 9, 2003

James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

RE: Tracy Yarger vs. Cindy Nadvit
No. 00-1322 CD

Dear Mr. Horne:

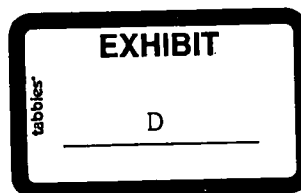
Enclosed is a copy of the Plaintiff's Second Supplemental Pre-Trial Statement. The original is being mailed to the Court Administrator of Clearfield County today.

Very truly yours,



James B. Cole

JBC/ad
Enclosure



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620
www.mcquaideblasko.com

May 30, 2003

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219-1593

Re: Yarger v. Nadvit, No. 00-1322-CD

Dear Mr. Cole:

This acknowledges the "second" supplemental pre-trial statement filed by you in this matter, which contains a new expert report from Dr. Triantafyllou. This report goes far beyond anything previously provided in this matter. In particular, it contains new opinions based upon information not previously reviewed or commented on by this expert. The Clearfield County rules are clear that this report is not timely, and that it may not be used absent compliance with the procedure specified in the applicable Clearfield County rules. Accordingly, we will be objecting to any testimony at Dr. Triantafyllou's deposition which is based on this new report.

In addition, in order to protect my client's interests in this case, we will be exploring having our expert review and comment on this report, as well as possibly retaining a new expert to address these new opinions from Dr. Triantafyllou.

Very truly yours,

McQUAIDE BLASKO

By:

James M. Horne

JMH/sap

cc: G. Hugh Givens, Claim Specialist (#38-J107-189)

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

State College Office: John W. Blasko Thomas E. Schwartz R. Mark Faulkner
Paul J. Tomczuk Janine C. Gismondi John
Wayne L. Mowery, Jr. Ashley Humes
Hershey Office: Grant H. Fleming Maureen A. Gallagher Charles Epp
Hollidaysburg Office: Thomas M. Reese

John G. Love (

EXHIBIT

E

James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Pamela A. Ruest Katherine V. Oliver Katherine M. Allen
John H. Taylor Livinia N. Jones Cristin R. Barnes
Brian

Delbert J. McQuaide (1936-1997)

LAW OFFICES

STOKES LURIE COLE & HENS-GRECO, P.C.

JAMES B. COLE
SAM R. HENS-GRECO
KATHRYN M. HENS-GRECO

2100 LAW AND FINANCE BUILDING
429 FOURTH AVENUE
PITTSBURGH, PA 15219-1593

Of Counsel
HERBERT M. LURIE

TELEPHONE: (412) 391-0800

FAX: (412) 391-2183

June 2, 2003

By fax and US Mail

James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

RE: Tracy Yarger vs. Cindy Nadvit
No. 00-1322 CD

Dear Mr. Horne:

I have received your letter of May 30, 2003. I assume that you are referring to local rule 212.4 (f). I do not believe that the filing of the supplemental report is untimely, as the Second Supplemental Pre-Trial does not list any new witness or list any new exhibit. The report actually favors the defendant as it acknowledges that a small disc protrusion was detected on an MRI that was taken before the accident. In case I may have misinterpreted the rule I will proceed to request leave of court to file the report.

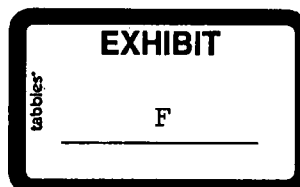
I do not object to your obtaining an additional report from your expert or from another expert.

Very truly yours,



James B. Cole

JBC/ad
Enclosure



October 2, 2002

James M. Horne
McQuaide Blasko
Attorneys at Law
811 University Drive
State College, Pennsylvania
16801

Dear Mr. Horne,

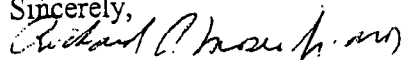
I have had the opportunity to carefully review five separate cervical spine MR scans (on Tracy Yarger) that were obtained between July 1996 and August 2001. As is my customary practice, the scans were reviewed both before and after I reviewed the medical records related to Ms. Yarger. These records included documents related to visits/admissions at Altoona Hospital, Conemaugh Memorial Hospital, JC Blair Memorial Hospital, Philipsburg Hospital, Tyrone Hospital and York Hospital, as well as treatment/operative notes from Dr. J. Davidson, Dr. Y. Kao, KDV Orthopedics, Philipsburg Chiropractic and Schroeder Chiropractic.

The earliest cervical spine MR scan from 7/8/96 demonstrated a mild abnormality at the C5-C6 disc level. The next available MR scan from 11/3/98 demonstrated a considerably more prominent mass at the C5-C6 level than was noted previously and, shortly thereafter (on 11/13/98), the patient underwent cervical discectomy and anterior spinal fusion as treatment for the anatomical abnormality at the C5-C6 level.

With a very high level of medical certainty, it can be stated that the radiologic abnormality at the C5-C6 level on the cervical spine MR scan on 11/3/98 is age-indeterminate. This means that the change at the C5-C6 level occurred at some time between the previous cervical spine MR scan on 7/8/96 and the subsequent scan on 11/3/98. Furthermore, the change could have occurred gradually. Therefore, any attempt to better localize the time when these changes were occurring must take into consideration all available history and any subjective complaints by Ms. Yarger. The history and complaints should include reference to cervical spine trauma of any nature, including incidents that at the time of occurrence might have been perceived as relatively minor trauma.

Thank you for the opportunity to review this material. If further questions remain, please feel free to contact me at your convenience.

Sincerely,


Richard P. Moser, Jr., M.D., FACR
690 Olde Ventura Farm Road
Hummelstown, Pennsylvania
17036

EXHIBIT

G

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

:
:
:
:
:
:
:
:
:
:

No. 00-1322 C.D.

ORDER

AND NOW this _____ day of _____, 2003 upon
motion of the plaintiff it is hereby ordered that the filing of the Plaintiff's Second Supplemental
Pre-Trial Statement was not in violation of local rule 212.4(f).

BY THE COURT,

_____, J

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

No. 00-1322 C.D.

VS.

CINDY NADVIT,

Defendant.

ORDER

AND NOW, this _____ day of _____, upon motion of the plaintiff it is hereby ordered that leave is hereby granted to the plaintiff to file the report of Dr. Steven Triantafyllou and that such filing will be considered timely *nunc pro tunc* as to the deposition testimony of Dr. Triantafyllou scheduled for June 12, 2003.

BY THE COURT

_____, J

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Motion was served upon counsel for defendant by fax and by first class mail, postage prepaid, this 3rd day of June, 2003.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiffs

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

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

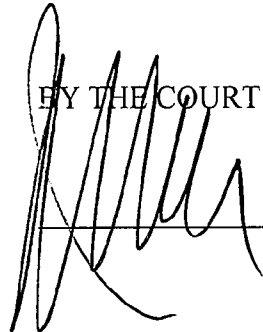
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No. 00-1322 C.D.

ORDER

AND NOW, this 5th day of June, 2003 it is hereby Ordered that argument on the Plaintiff's Motion For Leave to File The Report of Steven Triantafyllou Dated April 30, 2003 as A Supplement to The Plaintiff's Pre-Trial Statement is scheduled for June 9, 2003 at 10:00 A.M. in Courtroom number 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

 _____, J

FILED

JUN 03 2003

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: **ANSWER TO PLAINTIFF'S MOTION**
: **FOR LEAVE TO FILE EXPERT REPORT**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUN 06 2003

0/4:00 PM

William A. Shaw
Prothonotary/Clerk of Courts

no cert copy

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

**DEFENDANT'S ANSWER TO PLAINTIFF'S MOTION FOR LEAVE TO FILE THE
REPORT OF STEVEN TRIANTAFYLLOU, M.D. DATED APRIL 30, 2003, AS A
SUPPLEMENTAL TO PLAINTIFF'S PRE-TRIAL STATEMENT**

1. It is admitted that this is an action wherein Plaintiff claims that she was injured and suffered damages as the result of a motor vehicle accident. It is denied, however, that Plaintiff in fact sustained any such damages, or was otherwise injured in the accident at issue. It is further averred that the accident at issue took place on October 30, 1998, that this action was initiated on October 26, 2000, and that the matter has therefore been pending for over two and one-half years.

2. The allegations of paragraph 2 are admitted, however, it is denied that the mere fact that Dr. Triantafyllou performed surgery two weeks after the accident at issue implies anything regarding a causal relationship between the minor accident of October 30, 1998 and the resultant surgery. To the contrary, Plaintiff has a long history of traumatic accidents and assaults predating the automobile accident at issue and in fact testified under oath in another civil lawsuit just days before the October 30, 1998 accident that she was experiencing classic symptoms of a

herniated cervical disc. Plaintiff had further been diagnosed with a herniated disc at the level wherein surgery was performed long before the automobile accident at issue in this matter.

3. Denied. Plaintiff filed a pre-trial memorandum on or about April 1, 2003 and a supplemental pre-trial memorandum on or about April 2, 2003. On or about May 9, 2003, almost one month after the pre-trial conference had been held, Plaintiff belatedly filed a "Second Supplemental Pre-Trial Statement" containing a completely new and previously unproduced report from Dr. Triantafyllou. It is this completely new report to which Defendant had indicated its objection absent Plaintiff's compliance with the applicable rules of the Court of Common Pleas of Clearfield County.

4. Admitted. It is further averred, however, that prior to the Second Supplemental Pre-Trial Statement it is evident that Dr. Triantafyllou had never reviewed any of Plaintiff's pre-existing medical records, was completely unaware of her history of numerous traumatic accidents and assaults, and had never expressed any opinion on causation other than on the basis of Plaintiff's misrepresentation that all of her symptoms had begun subsequent to the accident of October 30, 1998. Defendant's trial strategy and decisions as to the nature of expert defense testimony were made in reliance on the lack of any opinion from Dr. Triantafyllou which reflected an analysis of Plaintiff's pre-existing medical and accident history.

5. Admitted. It is further averred, however, that Plaintiff has long been aware of Defendant's position in this regard and yet took no action until after the pre-trial conference to seek a report from Dr. Triantafyllou with regard to the impact of these pre-existing conditions on his opinion as to causation.

6. Admitted. As set forth in response to ¶ 5, however, Plaintiff has long known about the existence of these records and the Defendant's position on the issue of causation.

Plaintiff provides no explanation as to why she delayed until after the pre-trial conference to seek an opinion which takes these factors into account. Plaintiff further provides no explanation as to why she failed to object to the listing of this case for trial or why she failed to raise at the time of the pre-trial conference the fact that she would be seeking new expert reports on the critical issue of causation.

7. As phrased, ¶ 7 makes no sense and Defendant is therefore incapable of responding to this allegation.

8. Admitted.

9. It is admitted only that one month after the pre-trial conference was held, and many months after Plaintiff was well aware of the Defendant's position regarding causation, Plaintiff belatedly secured a completely new and previously unproduced report from Dr. Triantafyllou. This report, being in writing, will speak for itself. It is completely untrue, however, that this report differs only in some small way from the reports previously provided by Plaintiff. To the contrary, for the first time Plaintiff seeks to take the position that the accident of October 30, 1998, caused an aggravation of a pre-existing condition as opposed to being the direct cause of Plaintiff's condition. For the first time, Plaintiff also provides a report wherein Dr. Triantafyllou expresses a causation opinion after reviewing not only his own records, but also additional (albeit extremely incomplete) information regarding Plaintiff's pre-existing medical condition. Finally, this report for the first time provides opinions as to the degree of nerve damage allegedly suffered by Plaintiff and the permanency of said damage.

10. Admitted, however, these allegations do not provide any insight as to why, other than for the purpose of prejudicing Defendant, Plaintiff intentionally delayed until after the pre-

trial conference to secure a report on critical trial issues when the existence of those issues has been known to Plaintiff throughout the lengthy time that this matter has been pending.

11. Admitted. It is further averred that Defendant was under no obligation to advise the Plaintiff in advance of the objection, but could simply have waited until the time of the deposition to make the objection. Unlike Plaintiff, however, Defendant chooses not to conduct trial by ambush but rather raised the issue well in advance of the scheduled deposition.

12. Denied. The intent of the rule is clearly to avoid trial by ambush, and to require that all sides provide full and complete expert reports by the time of the pre-trial conference. It would frustrate the clear meaning and intent of the rule if a party could provide incomplete reports at the time of the pre-trial conference, and then after the trial has been scheduled and a jury selected provide "supplemental" reports that introduce entirely new theories of recovery and provide opinions based on key facts not previously addressed by the expert.

13. Denied. Prior to the new report from Dr. Triantafyllou, Defendant had been misled into believing that his opinion as to causation would be based solely on his records and the claim by Plaintiff that her symptoms all began with the accident of October 30, 1998. Defendant relied on that representation in her decision with regard to the type of defense expert to be used and the nature and extent of the defense expert testimony. Defendant is potentially significantly prejudiced if Plaintiff is permitted to present completely new expert opinions not previously disclosed.

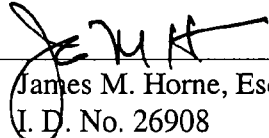
WHEREFORE, Defendant requests that Plaintiff not be permitted to solicit opinions on direct examination of Dr. Triantafyllou as set forth in the report attached to Plaintiff's Second Supplemental Pre-Trial Statement. In the alternative, Defendant requests that she be granted leave of Court to submit supplemental reports from its retained expert witness and/or to provide a report from an additional expert to more fully respond to the new report of Dr. Triantafyllou.

Respectfully submitted,

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

Dated: June 6, 2003

By: _____


James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

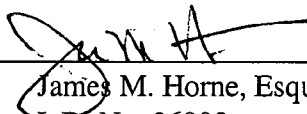
TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer To Plaintiff's Motion For Leave To File The Report Of Steven Triantafyllou, M.D. Dated April 30, 2003, As A Supplemental To Plaintiff's Pre-Trial Statement in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 6th of June, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 
James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

CA

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

TRACY YARGER

:

VS.

: NO. 00-1322-CD

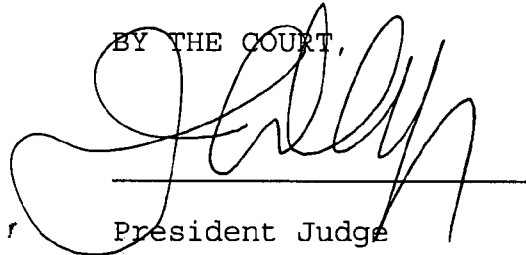
CINDY NADVIT

:

O R D E R

NOW this 9th day of June, 2003, following argument into Plaintiff's Motion for Leave to File Supplemental Expert Report, it is the ORDER of this Court that said Motion be and is hereby granted preserving in the Defendant the right to file any expert report in opposition thereto at any time prior to trial.

BY THE COURT,



President Judge

FILED

JUN 09 2003

William A. Shaw
Prothonotary

FILED

012:36:01
JUN 09 2003

1 CC Atty Cole

1 CC Atty Horne

[Signature]

William A. Shaw
Prothonotary

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

JUN 24 2003

William A. Shaw
Prothonotary

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Taking VideoTaped Deposition of Richard P. Moser, M.D. in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 23rd day of June, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____

James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

M 11:51 AM
JUN 24 2003

William A. Shaw
Prothonotary

WAS

*NO
CC*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

MOTION IN LIMINE

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

JURY TRIAL DEMANDED

FILED

AUG 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

TRACY YARGER,
:
:
Plaintiff, : No. 00-1322 C.D.
:
:
:
vs. :
:
:
CINDY NADVIT, :
:
:
Defendant. :

The plaintiff moves the Court for an Order in Limine instructing defense counsel to refrain from making any direct or indirect reference whatsoever in the presence of the jury, by counsel or through witnesses, to the matters hereinafter specified.

1. This is an action requesting money damages for injuries suffered by the plaintiff as a result of a motor vehicle accident that happened October 30, 1998.

2. The plaintiff suffered injuries in an ATV accident that occurred in June 1996, and she also suffered injuries in an automobile accident that occurred in April 2000. Both incidents were the subject of personal injury claims and lawsuits. Although evidence of the injuries themselves may be relevant to the present case, the fact that claims were asserted or that suits were filed is irrelevant to any issues in the present case, or, if relevant the prejudicial effect of such evidence outweighs its probative value. The evidence should be excluded pursuant to Pa. R. E. 402 or 403.

Plaintiff's Criminal Record

3. In June 1998 the plaintiff entered pleas of guilty to charges of simple assault, recklessly endangering another person and terroristic threats arising out of an incident involving her husband. Evidence of conviction of those charges is irrelevant to any issues in the present case, or, if relevant, the prejudicial effect of such evidence outweighs its probative value. The charges to which the pleas were entered are not offenses involving dishonesty or false statement. The evidence should be excluded pursuant to Pa. R. E. 402 or 403 and it is not admissible under Pa. R. E. 609.

4. In August 1998 the plaintiff entered pleas of guilty to charges of corruption of minors, defiant trespass, and conspiracy to commit defiant trespass. Evidence of conviction of those charges is irrelevant to any issues in the present case, or, if relevant, the prejudicial effect of such evidence outweighs its probative value. The charges to which the pleas were entered are not offenses involving dishonesty or false statement. The evidence should be excluded pursuant to Pa. R. E. 402 or 403 and it is not admissible under Pa. R. E. 609.

5. In August 1998 the plaintiff entered a plea of guilty to a charges of hindering apprehension, flight to avoid apprehension and conspiracy to commit flight to avoid apprehension. Evidence of conviction of those charges is irrelevant to any issues in the present case, or, if relevant, the prejudicial effect of such evidence outweighs its probative value. The charges to which the pleas were entered are not offenses involving dishonesty or false statement. The evidence should be excluded pursuant to Pa. R. E. 402 or 403 and it is not admissible under Pa. R. E. 609.

Investigation of One of the Plaintiff's Treating Physicians

6. Defendant's counsel has informed plaintiff's counsel that an investigation is being conducted into possible Medicare or other fraud on the part of one of the plaintiff's treating physicians, Kornel Lukas, M.D. Such evidence is irrelevant to any issues in the present case. The evidence should be excluded pursuant to Pa. R. E. 402 or 403.

Conclusion

Reference to or evidence of any of the matters contained in this motion would be prejudicial to the plaintiff, and an ordinary objection during trial even if sustained with proper instructions to the jury would not remove the prejudicial effect of such evidence or reference

WHEREFORE, the plaintiff requests that an order be entered prohibiting evidence of reference to any of the matters specified in this motion.

STOKES LURIE COLE & HENS-GREGO, P.C.

By



James B. Cole

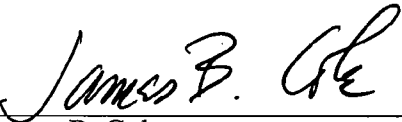
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Motion In Limine was served upon the counsel for defendant by fax and first class mail, postage prepaid, this 13th day of August, 2003.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: 
James B. Cole
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

No. 00-1322 C.D.

VS.

CINDY NADVIT,

Defendant.

ORDER OF COURT

AND NOW, this _____ day of _____, 2003 upon motion of _____
the of the plaintiff, it is hereby ORDERED that defendant and her counsel shall make no
reference to or offer evidence of the following matters in the presence of the jury:

1. That the plaintiff has filed other personal injury claims and lawsuits;
2. That the plaintiff pled guilty and was convicted of charges of simple assault, recklessly endangering another person, terroristic threats, corruption of minors, defiant trespass, conspiracy to commit defiant trespass, hindering apprehension, flight to avoid apprehension and conspiracy to commit flight to avoid apprehension;
3. That Kornel Lukacs M.D. may be the subject of a fraud investigation.

BY THE COURT,

_____, J.

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.
:
: TYPE OF PLEADING:
: **Response to Plaintiff's Motion in Limine**
:
:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
:
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

AUG 22 2003

ny 12:10/2

William A. Shaw

Prothonotary/Clerk of Courts

no case law
8/24

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION IN LIMINE

Plaintiff's Other Personal Injury Claims

1. Admitted, however, Defendant has denied, and continues to deny, that Plaintiff sustained any injuries in the incident of October 30, 1998, or that Plaintiff is entitled to the recovery of any money damages in the instant action.

2. Admitted in part and denied in part. It is admitted that Plaintiff sustained multiple injuries in an ATV accident that occurred in June 1996, including but not limited to injuries to her neck and cervical spine region. It is also admitted that Plaintiff claims to have sustained additional injuries, including injuries to her back, in an automobile accident that occurred in April 2000. It is admitted that Plaintiff initiated an action against the Suzuki Motor Corporation as a result of the accident of June 1996, which action Defendant understands was resolved by way of an allegedly confidential settlement agreement. It is admitted that Plaintiff has initiated a personal injury action from the April 2000 accident against Megan Srock, which action remains pending in Clearfield County to No. 02-520-C.D. (A copy of the Complaint filed in that action is attached as Exhibit "A").

The balance of the allegations of paragraph 2 are denied. With respect to the action against Suzuki for the ATV accident, Defendant does not intend to directly introduce evidence that Plaintiff initiated a lawsuit. However, Defendant does intend to utilize statements made under oath by Plaintiff in a deposition and in answers to interrogatories from the ATV case with regard to the injuries she claimed to have sustained in the ATV accident, as well as the symptoms she was experiencing from those injuries. Indeed, Defendant has already utilized those statements in cross examination of Plaintiff's treating doctors without objection from Plaintiff. Thus, as a practical matter the jury will undoubtedly be aware of the fact that Plaintiff initiated a lawsuit stemming from the ATV accident.

With respect to the lawsuit from the April 2000 accident, Defendant is clearly entitled to reference that lawsuit owing to attempts by Plaintiff to infer in this case that she was not injured in the April 2000 accident. For example, at the deposition of Dr. Lukacs, one of Plaintiff's treating doctors, Dr. Lukacs attempted to testify that the accident of April 2000 was a minor incident that really did not contribute to Plaintiff's ongoing medical treatment. Defendant properly cross-examined this physician regarding the claims made by Plaintiff in her lawsuit against Megan Srock with respect to the nature and extent of the injuries she allegedly incurred in that accident. Defendant is entitled in this action to argue that some or all of Plaintiff's ongoing pain and suffering, disability, loss of life's pleasures, and so on, are attributable to the injuries sustained in the April 2000 accident. State simply, Plaintiff cannot have it both ways. She cannot file a lawsuit as a result of the April 2000 accident and claim serious and permanent injuries, while at the same time arguing in this case that she was not injured in the accident of April 2000. Such action by Plaintiff amounts to an attempt on her part to intentionally mislead the jury and perpetrate a fraud upon the Court.

In summary, Defendant does not intend to directly refer to the ATV lawsuit, and to that extent does not oppose the Plaintiff's motion. Defendant does intend to refer to the injuries received by Plaintiff in the ATV accident, and further intends to refer to statements made by Plaintiff under oath in her deposition and answers to interrogatories in the ATV case. With regard to the April 2000 accident, Defendant believes that evidence of the injuries sustained by Plaintiff in that accident, as well as the claims made by Plaintiff in her lawsuit with respect to the nature and extent of her injuries, are admissible in this matter. Under Pa.R.Evid. 402 this evidence is relevant to the damages recoverable by Plaintiff with respect to pain and suffering, loss of life's pleasures, disability, and related matters. Any prejudice to Plaintiff is outweighed by this evidence's probative value, and further this evidence is necessary in order to prevent Plaintiff from providing misleading testimony to the jury. Finally, evidence of the lawsuit and the claims made therein is admissible to impeach the credibility of Plaintiff.

Plaintiff's Criminal Record

3. It is admitted that on June 4, 1998, Plaintiff entered an open guilty plea to charges of simple assault, recklessly endangering another person and terroristic threats arising out of an incident wherein she waived a loaded 9mm handgun at her husband and threatened to blow his head off. Defendant admits that evidence of said offenses would not be admissible under Pa.R.Evid. 609, and at this time does not intend to introduce evidence of said offenses. However, Defendant reserves the right to offer evidence of these offenses should Plaintiff open the door to such evidence.

4. It is admitted that in August 1998 Plaintiff entered pleas of guilty to charges of corruption of minors, defiant trespass and conspiracy to commit defiant trespass, arising out of an incident wherein Plaintiff unlawfully entered another's premises and encouraged two minors

accompanying her to remove two ATV's from said premises. It is denied that evidence of the offense of defiant trespass is not admissible under Pa.R.Evid. 609. To the contrary, evidence of that offense is admissible for impeachment purposes pursuant to Commonwealth v. Walker, 384 Pa.Super. 562, 559 A.2d 579 (1989). (A copy of that decision is attached as Exhibit "B"). At this time, Defendant does not intend to offer evidence of the other offenses. However, Defendant reserves the right to offer evidence of these offenses should Plaintiff open the door to such evidence.

5. Defendant admits that evidence of the offense of hindering apprehension is not admissible under Pa.R.Evid. 609. Defendant denies, however, that evidence of the offense of flight to avoid apprehension is not admissible under Pa.R.Evid. 609. To the contrary, Plaintiff's underlying conduct in that offense included the making of false statements to police, and is therefore admissible pursuant to the rationale of Commonwealth v. Harris, 442 Pa.Super. 116, 658 A.2d 811 (1995). (See, Opinion attached as Exhibit "C" and Criminal Information attached as Exhibit "D"). At this time, Defendant does not intend to offer evidence of the other offenses. However, Defendant reserves the right to offer evidence of the offense should Plaintiff open the door to such evidence.

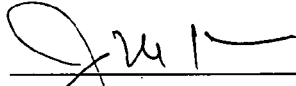
Investigation of One of the Plaintiff's Treating Physicians

6. Defendant does not intend to introduce evidence relating to an investigation into the conduct of Dr. Kornel Lukacs, and therefore does not oppose the relief requested in this portion of Plaintiff's Motion in Limine.

Respectfully submitted,

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

Dated: August 21, 2003

By: 

James M. Horne, Esquire

I. D. No. 26908

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

VS.

MEGAN SROCK,

Defendant.

No. 02-520-CD

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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 right 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.

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830
telephone: (814) 765-2641

231-8219

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

MEGAN SROCK,

Defendant.

No. 02-520-CD

"TRIED TO BEEP
HORN"COMPLAINT

- D.K. 1. The plaintiff resides at 301 Sylvan Circle, Tyrone, Blair County, Pennsylvania.
- A 2. The defendant resides at RR#2 Box 46, Ginter, Clearfield County, Pennsylvania.
- A 3. The events complained of happened on April 8, 2000 in Philipsburg, Pennsylvania.
4. At that time and place the plaintiff was operating her motor vehicle in the Ames parking lot when the defendant negligently backed her vehicle out of a parking space and collided with the plaintiff's vehicle on the drivers side, thereby injuring the plaintiff.

5. The injuries and damages suffered by the plaintiff were the direct and proximate result of the negligence of the defendant in the following respects:

- (a) in operating her vehicle at an excessive rate of speed under the circumstances;
- (b) in failing to keep and maintain a proper and adequate lookout;
- (c) in failing to keep and maintain her vehicle under proper and adequate control;

- (d) in failing to yield the right of way to the said plaintiff's vehicle which was entitled thereto under the circumstances;
- (e) in failing to stop, slow or turn the said defendant's vehicle aside when the defendant knew or by the exercise of reasonable care should have known that if the said vehicle were permitted to proceed a collision would result;
- (f) in operating the said defendant's vehicle into collision with the said automobile of the plaintiff;
- (g) in failing to properly observe and heed the traffic conditions then and there existing;
- (h) in accelerating the said defendant's vehicle under the circumstances.

6. As a direct and proximate result of the negligence of the defendant the plaintiff suffered strain, sprain, injury and damage to the muscles, ligaments and tissues of the thoracic and lumbar spine.

7. As a direct and proximate result of the negligence of the defendant the plaintiff has been damaged as follows:

- (a) she has incurred and may in the future incur medical expense for the treatment of her injuries;
- (b) she has suffered and may in the future suffer pain, inconvenience, mental distress and loss of enjoyment of life.

WHEREFORE, the plaintiff demands judgment against the defendant for an amount in excess of the arbitration limits of this court.

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

JURY TRIAL DEMANDED

VERIFICATION

I verify that the averments of fact made in this Complaint are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.


Tracy Yarger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Complaint was served upon the counsel for defendant by first class mail, postage prepaid, this 14th day of August, 2002

TO: Michael B. Magee, Esquire
Evey, Routch, Black, Dorezas, Magee & Levine, LLP
401-03 Allegheny Street
P.O. Box 415
Hollidaysburg, PA. 16648-0415

STOKES LURIE COLE & HENS-GRECO, P.C.

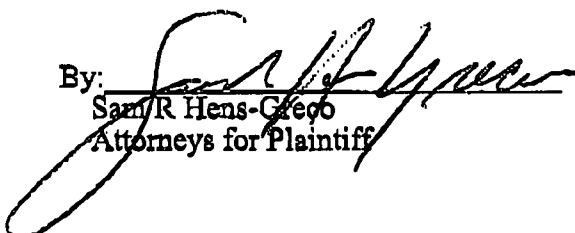
By: 
Sam R Hens-Greco
Attorneys for Plaintiff

EXHIBIT B

*579 559 A.2d 579

384 Pa.Super. 562

Superior Court of Pennsylvania.

COMMONWEALTH of Pennsylvania

v.

Michael D. WALKER, Appellant.

174 Harris. 1988

Submitted Oct. 31, 1988.

Filed May 30, 1989.

Defendant was convicted of rape, involuntary deviate sexual intercourse, indecent assault, recklessly endangering another person, unlawful restraint, and simple assault, in the Court of Common Pleas, Centre County, Criminal Division, No. 1987-569, Grine, J., and defendant appealed. The Superior Court, No. 174 Harrisburg 1988, Hoffman, J., held that: (1) defendant was not entitled to question complainant concerning her prior sexual conduct; (2) evidence that complainant was on probation and parole, had been arrested and charged with disorderly conduct one week before defendant's trial, was admissible as supporting inference that complainant was biased; (3) trial court should have allowed defendant to impeach complainant with her prior conviction for criminal trespass; and (4) trial court's errors in limiting defendant's cross-examination of complainant were not harmless.

Vacated and remanded.

Cercone, J., concurred in result.

Montemuro, J., filed dissenting opinion.

West Headnotes

[1] Rape ⚡40(2)

321 ----

321III Prosecution

321III(B) Evidence

321k37 Admissibility

321k40 Character and Habits of Female

321k40(2) Previous Acts of Incontinence in General.

Pursuant to rape shield law, rape defendant could not question complainant concerning her prior sexual conduct, despite defendant's allegation that evidence was offered not to attack complainant's chastity, but to explain presence of objective signs of sexual

intercourse. (Per Hoffman, J., with one Judge concurring in result.) 18 Pa.C.S.A. § 3104.

[2] Witnesses ⚡367(1)

410 ----

410IV Credibility and Impeachment

410IV(C) Interest and Bias of Witness

410k367 Interest in Event of Witness Not Party to Record

410k367(1) In General.

Evidence that complainant was on probation and parole, and that as conditions thereof complainant was required to refrain from using alcohol and drugs, was admissible in rape trial as supporting inference that complainant was biased; complainant may have testified for Commonwealth and hoped that she could avoid action to revoke her probation or parole for consuming beers and taking pills on night of alleged rape. (Per Hoffman, J., with one Judge concurring in result.).

[3] Witnesses ⚡367(1)

410 ----

410IV Credibility and Impeachment

410IV(C) Interest and Bias of Witness

410k367 Interest in Event of Witness Not Party to Record

410k367(1) In General.

Evidence that complainant, who was on probation and parole, had been arrested and charged with disorderly conduct one week before rape defendant's trial, was admissible as supporting inference that complainant was biased, as complainant may have testified in hope that she could curry favor with Commonwealth with regard to both pending charge and probation violation charge. (Per Hoffman, J., with one Judge concurring in result.).

[4] Witnesses ⚡345(1)

410 ----

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k345 Accusation or Conviction of Crime

410k345(1) In General.

If witness' prior conviction is more than ten years old, it may be admitted only if court determines that value of evidence substantially outweighs its prejudicial effect. (Per Hoffman, J., with one Judge concurring in result.).

[5] Trespass ⚡76

386 ----

386III Criminal Responsibility

386k76 Nature and Elements of Offenses in General.

Crime of criminal trespass involves either entering or remaining in a place, while knowing that one is not licensed or privileged to do so. (Per Hoffman, J., with one Judge concurring in result.) 18 Pa.C.S.A. § 3503.

[6] Witnesses 345(2)

410 ----

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k345 Accusation or Conviction of Crime

410k345(2) Particular Offenses.

Criminal trespass is offense in nature of crimen falsi, and thus trial court should have allowed rape defendant to impeach complainant with her prior conviction for criminal trespass. (Per Hoffman, J., with one Judge concurring in result.) 18 Pa.C.S.A. § 3503.

[7] Criminal Law 1170.5(1)

110 ----

110XXIV Review

110XXIV(Q) Harmless and Reversible Error

110k1170.5 Witnesses

110k1170.5(1) Rulings in General.

(Formerly 110k11701/2(1))

Limiting rape defendant's cross-examination of complainant regarding that she was on probation and parole, there were other charges pending against her, and she had previously been convicted for criminal trespass, was not harmless error, as complainant was sole Commonwealth witness who could testify as to circumstances of alleged rape. (Per Hoffman, J., with one Judge concurring in result.).

*580 [384 Pa.Super. 564] Deborah T. Lux, Asst. Public Defender, Bellefonte, for appellant.

[384 Pa.Super. 565] M. Eileen Tucker, Asst. Dist. Atty., Bellefonte, for Com.

Before MONTEMURO, HOFFMAN and CERCONI, JJ.

HOFFMAN, Judge.

This appeal is from the judgment of sentence for rape, involuntary deviate sexual intercourse, indecent assault, recklessly endangering another

person, unlawful restraint, and simple assault. Appellant raises a number of issues concerning the trial court's limiting his cross-examination of the complainant. Specifically, appellant contends that the trial court erred in refusing to allow him to (1) question the complainant concerning her prior sexual conduct; (2) question the complainant with regard to the fact that (a) she was on probation and parole and (b) there were other charges pending against her; and (3) impeach the complainant's credibility based on her prior conviction for criminal trespass. For the reasons that follow, we vacate the judgment of sentence and remand for a new trial.

On August 24, 1987, a jury found appellant guilty of the above-referenced *581 charges. Post verdict motions were timely filed and denied, and, on February 9, 1988, appellant was sentenced to concurrent five-to-fifteen-year terms of imprisonment for rape and involuntary deviate sexual intercourse. The court determined that the remaining charges merged for sentencing purposes. Appellant's motion to modify sentence was timely filed and denied, and this appeal followed.

[1] Appellant asserts nine claims of error, but because of our disposition of this appeal, we address only his claims regarding the court's restricting his cross-examination of the complainant. (FN1) Appellant first argues that the trial [384 Pa.Super. 566] court erred in refusing to allow him to question the complainant concerning her prior sexual conduct. Appellant claims that Pennsylvania's Rape Shield Law, *see* 18 Pa.C.S.A. § 3104, does not bar the admission of this evidence because it was offered not to attack the complainant's chastity but to explain the presence of objective signs of sexual intercourse. (FN2) After carefully reviewing the record and appellant's brief, we conclude that the trial court has properly disposed of this contention in its opinion. Accordingly, we affirm the disposition of this issue on the basis of that opinion.

Appellant next argues that the trial court erred in refusing to allow him to question the complainant with regard to the fact that (1) she was on probation and parole and (2) there were charges pending against her at the time of trial. Appellant maintains that this evidence was admissible to show the complainant's potential bias. In *Commonwealth v. Evans*, 511 Pa. 214, 512 A.2d 626 (1986), our Supreme Court articulated the standard to be applied when a criminal defendant seeks to cross-examine a

prosecution witness about his or her criminal record in order to show motive or bias. The Court held that:

whenever a prosecution witness may be biased in favor of the prosecution because of outstanding criminal charges or because of any non-final criminal disposition against him within the same jurisdiction, that possible bias, in fairness, must be made known to the jury. Even if the prosecutor has made no promises, either on the present case or on other pending criminal matters, the witness may hope for favorable treatment from the prosecutor if the witness presently testifies in a way that is helpful to the prosecution. And if that possibility exists, the jury should know about it.

[384 Pa.Super. 567] The jury may choose to believe the witness even after it learns of actual promises made or possible promises of leniency which may be made in the future, but the defendant, under the right guaranteed in the Pennsylvania Constitution to confront witnesses against him, must have the opportunity at least to raise some doubt in the mind of the jury as to whether the prosecution witness is biased. It is not for the court to determine whether the cross-examination for bias would affect the jury's determination of the case.

Id. at 224-25, 512 A.2d at 631-32 (footnote omitted). See also *Commonwealth v. Cauto*, 369 Pa.Super. 381, 387-88, 535 A.2d 602, 605 (1987). The possibility of motive or bias, of course, must be more than mere speculation. *Commonwealth v. Gay*, 369 Pa.Super. 340, 343, 535 A.2d 189, 190 (1988). "There must be a logical connection between the facts to be proven and the inference to be drawn from the facts." *Id.* (citations omitted).

[2][3] After carefully reviewing the record, we agree with appellant that the evidence that he sought to introduce would have supported an inference that the complainant *582 was biased. First, we note that, as a condition of the complainant's probation and parole, she was required to refrain from using alcohol and drugs. At trial, however, the complainant admitted that she had consumed twelve or thirteen beers and had taken pills on the night of the alleged rape. N.T. August 21, 1987, at 65, 67, 71-75. The complainant's actions were in direct violation of her probation and parole. Based on these facts, the complainant may have testified for

the Commonwealth in the hope that she could avoid an action to revoke her probation or parole. Similarly, the fact that charges were pending against the complainant would support an inference that she was biased. The complainant had been arrested and charged with disorderly conduct one week before appellant's trial. As a result of that arrest, she was also charged with violating her probation and parole. Based on these facts, the complainant may have testified in the hope that she could curry [384 Pa.Super. 568] favor with the Commonwealth with regard to both the pending charge, and the probation violation charge. In summary, because the proffered evidence was relevant to establishing that the complainant may have been biased, we must conclude that the trial court erred in refusing to allow the evidence. See *Commonwealth v. Evans, supra*; *Commonwealth v. Cauto, supra*; *Commonwealth v. Gay, supra*.

[4] Appellant also argues that the trial court erred in refusing to allow him to impeach the complainant's credibility based on her prior conviction for criminal trespass. Appellant maintains that this conviction was admissible because criminal trespass involves an element of deceit. We agree. It is settled that a witness may be impeached on the basis of past convictions, as long as the convictions involve crimes of dishonesty or false statement (*crimen falsi*), and the date of conviction or the last day of confinement is within ten years of the trial date. See *Commonwealth v. Randall*, 515 Pa. 410, 412, 528 A.2d 1326, 1329 (1987); see also *Commonwealth v. Yost*, 478 Pa. 327, 334-35, 386 A.2d 956, 960 (1978). (FN3)

[5][6] The complainant's criminal trespass conviction occurred on January 12, 1986; thus, the question we must determine is whether this offense is in the nature of *crimen falsi*. Although our research has revealed no Pennsylvania case which has decided this issue, (FN4) we have no difficulty in resolving the question. The crime of criminal trespass involves either entering or remaining in a place, while knowing that one is not licensed or privileged to do so. See [384 Pa.Super. 569] 18 Pa.C.S.A. § 3503. (FN5) Because the offense involves the commission of an act that the offender knows he or she is not licensed or privileged to do, it *583 reflects adversely on the offender's honesty. Moreover, we note that criminal trespass is similar to burglary, see 18 Pa.C.S.A. § 3502, (FN6) which this Commonwealth has long

recognized as a crime that involves dishonesty. See *Commonwealth v. Amos*, 445 Pa. 297, 306 & n. 3, 284 A.2d 748, 752 & n. 3 (1971); see also *Commonwealth v. Nenninger*, 359 Pa.Super. 444, 519 A.2d 433 (1986). Accordingly, we conclude that criminal trespass is an offense in the nature of *crimen falsi*, and thus the trial court should have allowed appellant to impeach the complainant with her 1986 conviction. See *Commonwealth v. Randall*, *supra*.

[384 Pa.Super. 570] [7] Finally, we note that the court's errors in limiting appellant's cross-examination of the complainant clearly were not harmless. The complainant was the sole Commonwealth witness who could testify as to the circumstances of the alleged rape. Because the complainant's testimony was the crucial link in the proof of appellant's act, the accuracy and truthfulness of her testimony were critical elements in the Commonwealth's case. In these circumstances, we cannot conclude that it was harmless to disallow evidence suggesting that the complainant was biased, or that she was not a credible witness. (FN7) See *Commonwealth v. Gay*, 369 Pa.Super. at 344-45, 535 A.2d at 191; see also *Commonwealth v. Evans*, *supra*; *Commonwealth v. Cauto*, *supra*. Accordingly, this case must be remanded for a new trial.

For the foregoing reasons, we vacate the judgment of sentence and remand for a new trial.

Vacated and remanded. Jurisdiction relinquished.

CERCONE, J., concurs in the result of the opinion by HOFFMAN, J.

MONTEMURO, J., files a dissenting opinion.

MONTEMURO, Judge, dissenting.

Although I concur in the ultimate result reached by the majority in this case, i.e., the grant of a new trial, I dissent with regard to the determination of the second issue.

I agree with the legal principles cited by the majority concerning the appellant's right, when cross-examining a prosecution witness, to admit evidence of bias. However, I disagree with the majority's conclusion that the evidence which the appellant seeks to admit supports the inference of [

384 Pa.Super. 571] bias on the part of the victim. It is the majority's position that the victim may have testified for the Commonwealth in the hope that she could avoid an action to revoke her probation/parole. (FN1) If this were the classic bias situation in which an individual, who is facing criminal prosecution, offers to testify against a criminal defendant, whom the Commonwealth is prosecuting in order to gain favorable treatment or in the hopes of receiving favorable treatment, I would have no trouble finding an inference of bias. However, the facts of the instant case clearly distinguish it from the classic bias situation in two distinct ways. First, the prosecution witness in the instant case is the victim. Unlike a third party prosecution witness, whose sole reason for testifying is the lure of favorable *584. treatment from the Commonwealth on pending charges, the victim is an interested party. She was the target of the crime. Furthermore, she has the power to initiate or preclude charges from being brought against the appellant. This is an important difference. If the complainant wanted to insure that her probation/parole would not be revoked, all she had to do was not report the rape. The sole reason the violation surfaces is because she reported the rape. If anything, the evidence of the complainant's probation/parole violation strengthens the complainant's testimony. Here is a woman who immediately after being raped reports it even though she knows that she has violated her probation/parole and the violation will be exposed once the rape is reported. I fail to see how the violation of her probation/parole creates bias. In order to bring this case within the outer reaches of a true bias situation, the facts would have to be altered so as to reflect a report of the rape after the probation/parole violation is discovered. Unlike the classic biased prosecution witness, the victim under the unaltered facts of the instant case receives no benefit at the time she reports the crime, for her misconduct has yet to be discovered. This [384 Pa.Super. 572] brings me to the second point I wish to make. Unlike the third party prosecution witness, whose illegal conduct has placed him in his predicament, the victim's conduct in the instant case is a technical violation. Such technical violations are handled by the Board of Probation and Parole. Since such matters are dealt with by the Board of Probation and Parole, the Commonwealth is not in a position to promise leniency. Therefore, the motivation to report the rape to the police and to testify for the Commonwealth, which is necessary to support the

inference of bias, does not arise from the hope that favorable treatment will be extended by the District Attorney's Office, because the District Attorney's Office has no ultimate control over the decisions of the Probation and Parole Board. For these reasons, I would affirm the trial court's actions in denying the admission of this evidence.

Likewise, I disagree with the majority's position that the victim may have testified for the Commonwealth in the hope that she could curry favor with the Commonwealth with regard to the pending disorderly conduct charge. The flaw in this supposition becomes apparent when the events are placed in their proper time frame. The rape occurred on June 2, 1987 and was immediately reported by the victim. Two weeks later, the victim testified against the appellant at his preliminary hearing. A week before the trial, the victim was charged with disorderly conduct. In that the victim's trial testimony did not substantially differ from that which she gave at the preliminary hearing, I fail to see how the disorderly conduct charge creates bias. For surely the disorderly conduct charge comes too late in time to influence the victim's preliminary hearing testimony. Therefore, I would affirm the action of the trial court in denying the admission of this evidence. Neither the parole violation evidence, nor the disorderly conduct evidence, supports an inference of bias such as to warrant the grant of a new trial.

For these reasons, I would vacate the sentence and remand for retrial. However, unlike the majority, I would [384 Pa.Super. 573] hold that the evidence of the victim's probation violation and disorderly conduct charge is inadmissible.

(FN1.) Appellant's other claims are that the trial court erred in (1) admitting into evidence a towel seized from his car; (2) admitting into evidence photographs of the complainant's facial injuries; (3) denying his motion for a mistrial after a Commonwealth witness spoke with jurors during a recess; (4) denying his challenge to the constitutionality of the Rape Shield Law; (5) denying his challenge to the constitutionality of 18 Pa.C.S.A. § 3106 (concerning testimony of complainants); and (6) imposing an excessive sentence.

(FN2.) We note that, prior to trial, appellant filed a written motion and offer of proof concerning this evidence, as is required by the Rape Shield Law.

See 18 Pa.C.S.A. § 3104.

(FN3.) If the conviction is more than ten years old, it may be admitted only if the court determines that the value of the evidence substantially outweighs its prejudicial effect. *Commonwealth v. Randall*, *supra*.

(FN4.) We note that, in his dissenting opinion in *Commonwealth v. Cobb*, 258 Pa.Super. 91, 392 A.2d 698 (1978), Judge VAN DER VOORT stated the view that criminal trespass convictions which involve either entry by "subterfuge" or "surreptitious" entry "clearly impl[y] dishonest conduct" and should be admissible for impeachment purposes. *Id.* at 96-96, 392 A.2d at 701 (VAN DER VOORT, J., joined by PRICE, J., dissenting).

(FN5.) Section 3503 provides in relevant part:

§ 3503. Criminal trespass

(a) Buildings and occupied structures.--

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he:

(i) enters, gains entry by subterfuge or surreptitiously remains in any building or occupied structure or separately secured or occupied portion thereof; or

(ii) breaks into any building or occupied structure or separately secured or occupied portion thereof.

* * *

(b) Defiant trespasser.--

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(i) actual communication to the actor; or

(ii) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(iii) fencing or other enclosure manifestly designed to exclude intruders.

* * *

Id.

(FN6.) Section 3502 provides in relevant part:

§ 3502. Burglary

(a) Offense defined.--A person is guilty of burglary if he enters a building or occupied structure, or separately secured or occupied portion thereof, with intent to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter.

* * *

Id.

*584_ (FN7.) We note also that this evidence would be particularly important to appellant's defense because he had introduced independent evidence that called into question the complainant's credibility. For example, the barmaid who served both appellant and the complainant on the night in question testified that, immediately after leaving the bar with appellant, the complainant "came back into the bar and whispered in my ear that if anything went wrong, that she was going to holler rape." N.T. August 24, 1987, at 6.

(FN1.) The record is unclear whether the complainant was facing revocation of her parole, probation, or both. In any event, the basis of the revocation was the fact that she had been drinking on the night of the rape.

KEYCITE

CITATION:
1988)

Com. v. Walker, 384 Pa.Super. 562, 559 A.2d 579 (Pa.Super., May 30, 1989) (NO. 174 HARRISBURG

History

=>

- 1 **Com. v. Walker, 384 Pa.Super. 562, 559 A.2d 579 (Pa.Super. May 30, 1989)**
(NO. 174 HARRISBURG 1988)

KEYCITE

CITATION:
1988)

Com. v. Walker, 384 Pa.Super. 562, 559 A.2d 579 (Pa.Super., May 30, 1989) (NO. 174 HARRISBURG

Citing References

Positive Cases (U.S.A.)

** Cited

- 1 Com. v. Harris, 658 A.2d 811, 812 (Pa.Super. 1995)
- 2 Com. v. Buksa, 655 A.2d 576, 581 (Pa.Super. 1995)
- 3 Raymond Michael DaCosta, Jr. v. American Environmental Products Company, 1994 WL 1251211, *1251211 (Pa.Com.Pl. 1994)

* Mentioned

- 4 Com. v. Kilgore, 650 A.2d 462, 466 (Pa.Super. 1994)

Secondary Sources (U.S.A.)

- 5 1 West's Pennsylvania Practice s 609-1, Impeachment by Evidence of Prior Convictions Generally (2002)
- 6 11 West's Pennsylvania Practice s 12:7, Particular Matters Affecting Credibility (2003)
- 7 11 West's Pennsylvania Practice s 16:1, Right to Cross-Examine Witnesses (2003)
- 8 11 West's Pennsylvania Practice s 16:12, Impeachment by Proof of Prior Conviction (2003)
- 9 11 West's Pennsylvania Practice s 29:23, Evidence of Other Crimes (2003)
- 10 Am. Jur. 2d Trespass s 177, GENERALLY (2003)
- 11 Am. Jur. 2d Trespass s 181, KNOWLEDGE (2003)
- 12 Am. Jur. 2d Trespass s 187, UNAUTHORIZED ENTRY (2003)
- 13 Am. Jur. 2d Trespass s 189, UNLAWFUL REMAINING (2003)

EXHIBIT C

*811 658 A.2d 811

442 Pa.Super. 116

Superior Court of Pennsylvania.

COMMONWEALTH of Pennsylvania, Appellee

v.

Robert James HARRIS, Appellant.

Submitted Feb. 13, 1995.

Filed May 9, 1995.

Defendant was convicted in the Court of Common Pleas of Allegheny County, Criminal Division, No. 9205065, McGregor, J., of aggravated assault. Defendant appealed. The Superior Court, No. 00706 Pittsburgh 1994, Popovich, J., held that: (1) evidence of defendant's prior conviction for hindering apprehension could not be used to impeach his credibility, and (2) erroneous ruling which prevented defendant from taking the stand was reversible error.

Reversed and remanded.

West Headnotes

[1] Witnesses ⚡345(1)

410 ----

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k345 Accusation or Conviction of Crime

410k345(1) In General.

Evidence of prior convictions can be introduced for purpose of impeaching credibility of witness if conviction was for offense involving dishonesty or false statements.

[2] Witnesses ⚡337(12)

410 ----

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k334 Witnesses Who May Be Impeached as to Character

410k337 Accused as Witness in Criminal Prosecution

410k337(5) Former Accusation or Conviction of Crime

410k337(12) Relationship to Honesty; Crimen Falsi.

Defendant's prior conviction for hindering apprehension by warning a friend of his, who police were seeking to apprehend, that police were coming did not fall within ambit of crimen falsi and,

accordingly, could not be used to impeach defendant if he elected to take stand. 18 Pa.C.S.A. § 5105(a)(4)

[3] Witnesses ⚡337(12)

410 ----

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k334 Witnesses Who May Be Impeached as to Character

410k337 Accused as Witness in Criminal Prosecution

410k337(5) Former Accusation or Conviction of Crime

410k337(12) Relationship to Honesty; Crimen Falsi.

Elemental aspects of offense and conduct engaged in by defendant, which forms basis of anticipated impeachable offense, are to be scrutinized in concert to assess crimen falsi nature of offense.

[4] Criminal Law ⚡1170.5(1)

110 ----

110XXIV Review

110XXIV(Q) Harmless and Reversible Error

110k1170.5 Witnesses

110k1170.5(1) Rulings in General.

(Formerly 110k11701/2(1))

Erroneous ruling that evidence of defendant's prior conviction for hindering apprehension could be used to impeach defendant if he took stand, was prejudicial error in prosecution for aggravated assault where identification of defendant as a participant in assault was essential issue, only witness to testify for the Commonwealth as to events on evening in question was victim so credibility of victim and defendant would have been a key issue for jury to resolve, and ruling kept defendant off stand to give his version of what occurred on evening in question. 18 Pa.C.S.A. § 5105(a)(4).

[5] Criminal Law ⚡359

110 ----

110XVII Evidence

110XVII(D) Facts in Issue and Relevance

110k359 Incriminating Others.

Proof of facts showing commission of the crime by someone else is admissible.

[442 Pa.Super. 118] Shelley Stark, Public Defender, Pittsburgh, for appellant.

Scott A. Bradley, Asst. Dist. Atty., Pittsburgh, for

the Com., appellee.

Before McEWEN, POPOVICH and CERCONE, JJ.

POPOVICH, Judge:

This case concerns the appeal of the judgment of sentence (5-10 years imprisonment) for aggravated assault by the appellant, Robert James Harris. We reverse.

Viewing the evidence in a light most favorable to the verdict-winner, and drawing all reasonable inferences therefrom, the record reveals that at approximately 9:30-10:00 p.m. on the 10th of January, 1992, Donald Morris had exited his home in search of his 13-year-old daughter. As Mr. Morris walked along Cornwall Avenue, he was approached by an unidentified male and propositioned to purchase crack cocaine. Mr. Morris declined the offer, but before he could leave the area he observed the appellant, at a distance of 5-7 feet, with a screwdriver in hand. Morris accelerated his pace, and, as he recalled:

Mr. Harris grabbed my right sleeve[, but before doing so Harris asked: "Where is the money?" Then,] ... six to nine unidentified black males were running up the street towards us. I proceeded to deal with Mr. Harris swinging him around and I was jumped by [sic] the back.

N.T. 29, 39. The victim was assaulted a second time as he lifted himself from the *812 pavement. Also, the appellant grabbed the victim's face and swung at it with his fist but missed. The two stood one foot apart during this encounter.

With regard to the question of identification, Mr. Morris stated that, during the assault, he:

[442 Pa.Super. 119] ... touched th[e appellant's] head. His head was platted all up in plats. [The victim] rubbed th[e appellant's] head. [He] kn[e]w it was Mr. Haris. That's what was in front of [the victim] when he lifted [the victim's] head up from the ground and tried to sucker punch [the victim].

Id. at 33. (Emphasis added). Additionally, during the course of the assault, the victim had \$80 stolen from his person, his jaw was broken (and wired for 6 months) and his ribs were fractured.

Thereafter, the police were notified of the assault and the victim selected the appellant out of a photo-array as one of his assailants. The appellant was charged with Robbery, Aggravated Assault and Criminal Conspiracy. Following a jury trial, the appellant was found guilty of Aggravated Assault and sentenced. This appeal ensued and raises two issues for our review.

The first issue posed is whether the trial court erred in ruling that the appellant could be impeached with a prior conviction for Hindering Apprehension if he testified.

[1] In this jurisdiction, "evidence of prior convictions can be introduced for the purpose of impeaching the credibility of a witness if the conviction was for an offense involving dishonesty or false statements...." *Commonwealth v. Randall*, 515 Pa. 410, 528 A.2d 1326, 1329 (1987). This "rule of evidence is founded upon common sense and logic. If a defendant offers himself as a person worthy of belief, the jury has the right to know what kind of man he is--to aid in assessing his credibility. His previous record is admissible for this purpose just the same as testimony of prior reputation for veracity as evidence for the jury's consideration." *Commonwealth v. Butler*, 405 Pa. 36, 47, 173 A.2d 468 (1961).

However, it is not always apparent which crimes fall within the ambit of *crimen falsi*. See *Commonwealth v. Jackson*, 526 Pa. 294, 585 A.2d 1001 (1991) (robbery); *Commonwealth v. Walker*, 384 Pa.Super. 562, 559 A.2d 579 (1989) (criminal trespass); *Commonwealth v. Gordon*, 355 Pa.Super. 25, 512 A.2d 1191 (1986) (burglary); *Commonwealth v. Gallagher*, 341 Pa.Super. 152, 491 A.2d 196 (1985) (possession of instrument of crime and sexual offenses charged would permit impeachment for impersonating public officials and theft of services); *Commonwealth v. Jones*, 250 Pa.Super. 98, 378 A.2d 471 (1977) (aggravated robbery is a crime involving serious moral turpitude and indicates propensity for dishonesty on defendant's part); see also *Commonwealth v. Weiss*, 530 Pa. 1, 606 A.2d 439, 442 n. 5 (1992) (unauthorized use of credit card conviction admissible to impeach credibility as a crime of dishonesty or false statement), and contrast with *Commonwealth v. Levene*, 492 Pa. 287, 424 A.2d 865 (1980) (reversible error to impeach defendant by prior arrests for alcohol related conduct); *Commonwealth v. Kilgore*, 437 Pa.Super. 491, 650 A.2d 462 (1994) (record was not complete to assess the appellant's claim that trial

court erred in prohibiting impeachment of prosecution witness with introduction of conviction for arson); *Commonwealth v. Correa*, 423 Pa.Super. 57, 620 A.2d 497 (1993) (arrest and conviction for possession of a controlled substance was not evidence of *crimen falsi* to impeach the appellant's character witness, but it was admissible to show witness' bias against police and that a bench warrant had been issued for his arrest); *Commonwealth v. Bowman*, 400 Pa.Super. 525, 583 A.2d 1239 (1990) (suspension of driver's license not *crimen falsi*); *Commonwealth v. Thomas*, 346 Pa.Super. 11, 498 A.2d 1345 (1985) (convictions for prostitution not admissible as *crimen falsi* for impeachment purposes); *Commonwealth v. Phillips*, 272 Pa.Super. 16, 414 A.2d 646 (1979) (error to allow evidence of theft conviction to impeach defendant where record failed to establish that theft accomplished by deceit); *Commonwealth v. Reidenbaugh*, 266 Pa.Super. 315, 404 A.2d 697 (1978) (prior conviction for fornication and corrupting the morals of minor could not be used to impeach defendant); *813 *Commonwealth v. Benefiel*, 254 Pa.Super. 248, 385 A.2d 1003 (1978) (rape is not *crimen falsi* for impeachment use); *Commonwealth v. Moore*, 246 Pa.Super. 163, 369 A.2d 862 (1977) (statutory rape cannot be used to impeach).

[2] It is the contention of the Commonwealth that because Hindering Apprehension "is placed in the Crimes Code in [442 Pa.Super. 120] Chapter 51, entitled "Obstructing Governmental Operations[.]" ... it would have been proper impeachment under *Commonwealth v. Randall*. Thus, the trial court's ruling was correct and appellant is not entitled to a new trial." Commonwealth's Brief at 5. We disagree and take exception to the trial court's ruling under the particular facts of this case.

[3] We begin with Justice Zappala's Concurring Opinion in *Commonwealth v. Williams*, 524 Pa. 404, 573 A.2d 536, 540 (1990) which cautioned that:

... determining what crimes involve *crimen falsi* based solely upon the statutory title of the offense or the Clerk of Courts' verification that a defendant was convicted of a crime does not place that even in proper perspective in terms of meaningfulness and as an aid to the trier of fact. *Commonwealth v. Strong*, 522 Pa. 445, 468, 563 A.2d 479, 490 (1989, Zappala, dissenting).

To the preceding caveat, we would add that the elemental aspects of the offense *and* the conduct engaged in by a defendant, which forms the basis of

the anticipated impeachable offense, are to be scrutinized in concert to assess the *crimen falsi* nature of the offense.

Instantly, it is true that the statutory posture of Hindering Apprehension appears under Chapter 51's legend: "Obstructing Governmental Operations." However, so does Resisting Arrest (at 18 Pa.C.S.A. § 5104), which the *Williams* Court held did not involve dishonesty or false statements. More specifically, *Williams* held that it was error for the trial court to allow the prosecution to impeach the defendant on cross-examination with the disclosure of such offense to the jury.

Likewise, we do not attribute a *crimen falsi* status to a Hindering Apprehension conviction under Subparagraph (4) of Section 5105(a), which reads:

A person commits an offense [of Hindering Apprehension] if, with intent to hinder the apprehension, prosecution, conviction or punishment of another for crime, he:

(1) ...

(2) ...

[442 Pa.Super. 122] (3) ...

(4) warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law enforcement; or

(5) ...[(FN1)]

Act of December 6, 1972, P.L. 1482, No. 334, § 1; 18 Pa.C.S.A. § 5105.

We refer to Subparagraph (4) of Section 5105(a) because of the trial court's acknowledgement that the appellant pleaded guilty to "warn[ing] a friend of his[,] who the police were seeking to apprehend, of the police coming." The trial court took the position that a conviction for such conduct rose to the level of *crimen falsi* usable as an impeachment tool should the appellant elect to take the stand. We disagree.

If Resisting Arrest, which admittedly involves interaction between a defendant and the police, was held by the Supreme Court in *Williams* not to reflect upon one's propensity to lie, how more attenuated is the appellant's behavior here with no evidence of

interaction with police in advising a friend of an impending arrest to escape apprehension.

It is evident from a reading of Subparagraphs (1)-(3) and (5) of Section 5105(a), had the appellant engaged in some form of "concealment," *814 "disguise," or providing the authorities with "false" information, he was guilty of *crimen falsi* behavior triggering the prosecution's entitlement under *Randall*, supra, 515 Pa. 410, 528 A.2d 1326, to impeach the witness guilty of such misconduct. Instantly, however, we are not advised of any false statements attributable to the appellant regarding the whereabouts of the at-large friend, nor do we equate dishonesty with his failure to volunteer the location of the [442 Pa.Super. 123] wanted man. The trial court's reference to such (in)action as indicative of *crimen falsi* behavior rings hollow.

The trial court admitted that it is what the appellant should have done (*inform police* of friend's location) and not what he did do (*told friend* of police's search for whereabouts) that rendered him open to impeachment. See N.T. 82-83. This perverts the purpose of *Randall*, supra, 515 Pa. 410, 528 A.2d 1326, in penalizing inaction instead of *mens rea* behavior designed to thwart police business, the latter being *actus reus* and more consistent with conduct reflective of dishonesty and false statement.

[4] Accordingly, in light of the preceding, we hold that the trial court erred in exposing the appellant to impeachment had he taken the stand for his conviction for Hindering Apprehension under Subparagraph (4) of Section 5105(a). However, our inquiry is not at an end. We must determine whether the erroneous ruling, which kept the appellant off the stand to give his version of what occurred on the evening in question, was harmless error.

In the seminal case of *Commonwealth v. Story*, 476 Pa. 391, 406, 383 A.2d 155, 162 (1978), the Court held that "an error can be harmless only if the appellate court is convinced beyond a reasonable doubt that the error is harmless." The burden of proof is upon the Commonwealth to establish, beyond a reasonable doubt, that an error is harmless. *Id.* "[A]n error cannot be held harmless unless the appellate court determines that the error could not have contributed to the verdict." *Id.* at 409, 383 A.2d at 164. The Commonwealth's burden will be met if the prejudice from the erroneously admitted evidence is *de minimus*; the erroneously admitted evidence is merely cumulative of other properly admitted evidence; it is substantially similar in kind and

incriminating details to other indisputable, independently obtained, and properly admitted evidence; or if the Commonwealth's evidence of guilt is overwhelming and, by comparison, the prejudice of error is insignificant. *Id.* at 408-416, 383 A.2d at 164-168. Accord *Commonwealth v. Fornicoia*, 437 Pa.Super. 552, 650 A.2d 891, 893 (1994).

[442 Pa.Super. 124] The central issue in this case was the identification of the appellant as a participant in the assault of Mr. Morris. On this point, the victim placed the appellant at the scene and testified that there was contact between the two during the assault, even that the appellant lifted the victim's face after the first of two attacks and swung a fist at the victim's face before missing its mark.

Even though the appellant did not testify, his counsel stipulated to the presence of the accused at the scene. Thus, it was through Ms. Danielle Bradley's testimony that the appellant's "presence but no participation" defense surfaced. (FN2) In particular, she stated that the victim approached the appellant, pulled a "silver" object and grabbed the appellant by his jacket. The two then fell against a fence. Once this occurred, Demar Daniels, Anthony Griffin, Alan White, Michael Richards and Ronnelle Moses came to the appellant's aid and began to strike the victim. Yet, the witness testified that she never saw the appellant "hit or kick" the victim.

Additionally, Ms. Bradley identified Griffin and White as the culprits responsible for removing \$80 from the victim's person, and Richards was named as remaining at the site after the group assault and punching the victim "every time he would get up."

Under the *Story* standard, we do not find that the trial court's error in ruling impeachment permissible was *de minimus* or the prejudice flowing therefrom harmless as a result of Ms. Bradley's testimony. This was *815 a case where the only witness to testify for the Commonwealth, as to the events on the evening in question, was the victim. (FN3) Thus, Mr. Morris was the crucial prosecution witness because he was the victim of the crime. Therefore, the credibility of the victim and the appellant (had the latter testified) would have been a key issue [442 Pa.Super. 125] for the jury to resolve: The appellant's version (of presence-but-noninvolvement) differs markedly from the victim's account of (group assault with the appellant participating in) the incident. (FN4) Cf. *Commonwealth v. Smith*, 442 Pa. 265, 275 A.2d 98, 100 (1971) (where victim identified the defendant as assailant and two witnesses placed him in the victim's

home on day of crime, failure of counsel to seek continuance to produce witness to buttress the appellant's alibi defense was ineffectiveness of counsel because "a witness to corroborate the appellant's alibi would have been the single most important possible addition to appellant's defense."); *Commonwealth v. Charleston*, 251 Pa.Super. 311, 380 A.2d 795, 798 (1977) (where conviction based almost exclusively upon the credibility of the complaining witness, alibi witness' testimony "may have cast a shadow on [the victim's] truthfulness" rendering counsel ineffective for failing to produce said alibi witness).

[442 Pa.Super. 126] It also appears that the jury did not find the victim's version to be wholly plausible, as the appellant was acquitted of all offenses except for the charge of aggravated assault. Further, the victim's testimony suggested that he was unable to identify the appellant as ever striking him during the incident. See note 4, *supra*.

[5] It is well-established that proof of facts showing the commission of the crime by someone else is admissible. *Commonwealth v. Loomis*, 270 Pa. 254, 113 A. 428, 431 (1921). However, viewed in the context of the victim-only testifying as to the accused's involvement in the commission of a crime, the decision of the appellant not to testify (because of exposure to impeachment on a Hindering Apprehension conviction) weakened his defense of presence-but-non-involvement in the assault. In other words, the jury was foreclosed from considering the appellant's account of the events, which constituted the testimony of a known witness who might be capable of casting a shadow upon the Commonwealth's witness' truthfulness in a case where virtually the only issue is the credibility of the Commonwealth's witness versus that of the defendant. See *Commonwealth v. Twiggs*, 460 Pa. 105, 331 A.2d 440, 443 (1975).

Therefore, evidence of the appellant's testimony (as to presence-but-non-involvement) "may well have persuaded the jury to reject *816. completely the victim's testimony and acquit [the] appellant." (FN5) *Commonwealth v. Davis*, 438 Pa.Super. 425, 652 A.2d 885, 889 (1995). However, the appellant opted not to testify and avoided his credibility being challenged with the trial court's impeachment ruling. We find, under the particular circumstances of this case, "[t]he ruling thus denied [the appellant] his right to present relevant, material and competent evidence from which the jury might have inferred he was not involved in the [Morris assault]." *Commonwealth v.*

Boyle, 470 Pa. 343, 368 A.2d 661, 669-670 (1977).

[442 Pa.Super. 127] Accordingly, the appellant has demonstrated sufficiently that the exclusion of his proposed testimony was prejudicial and not *de minimus*. See *Story*, *supra*; *Davis*, *supra*. Every defendant should be availed the opportunity to give his/her version of events to deflect an accuser's finger-of-guilt. This was thwarted here by the trial court's evidentiary ruling. To remedy the matter, we reverse the judgment of sentence and remand for a new trial. (FN6)

Judgment of sentence reversed, case remanded for a new trial, and jurisdiction is relinquished.

(FN1.) For the sake of completeness, the deleted portions of Section 5105(a) provide:

- (1) harbors or conceals the other;
- (2) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape;
- (3) conceals or destroys evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence;
- (4) ...
- (5) volunteers false information to a law enforcement officer.

(FN2.) The appellant received a self-defense and coming to the defense of others instruction from the trial court. N.T. 239.

(FN3.) This is so despite the fact that the victim testified that he believed a neighbor came to his aid by telling his assailants: "don't hit him". N.T. 71. No such neighbor/witness appeared at trial.

(FN4.) Yet, a review of the record paints a picture of a victim unable to identify the appellant as ever striking him during the assault; to-wit:

[Counsel for appellant:]

Q And you are saying all of a sudden they jumped on you and started beating you?

[Appellant:]

A Yes. I was struck first, knocked off balance

and the rest of the beatings came on top of that.

Q Well, how do you know how many guys it was?

A I can't say actually how many it was. I seen what was coming and they were all over me.

Q Okay. Can you say how many of them had plats in their hair?

A No, Ma'am. I didn't look at them, you know, individually. It was a group, about that many and it was just us on the street.

Q Okay; and you really can't say whether any of those hits were by Mr. Harris; isn't that true?

A No, Ma'am. I was beaten down, couldn't identify no one. They were all there saying--Did you think he was just going to stop and walk away?

Q No. I'm just asking you what you observed.

A I couldn't identify him.

Q Okay. In other words, you were already

semiconscious when you think that incident happened?

A That incident going on; yes; it was coming to me. I wasn't spinning anymore with dizziness.

Q Before that, you have no idea if Mr. Harris hit you or anything?

A No. I couldn't identify him. * * *

N.T. 71, 77 (Emphasis added).

(FN5.) Having examined the trial testimony against the backdrop of the appellant's proposed account of what occurred, we conclude that his testimony would not have been merely cumulative in nature. See *Story*, supra; *Charleston*, supra.

(FN6.) Our ruling upon the appellant's initial issue granting reversal and remand for a new trial dispenses with the need to address his second appellate claim assigning the trial court with error in interrupting counsel's closing argument and in failing to give a jury instruction to correct an allegedly negative impression caused by the interruption.

KEYCITE

CITATION:

Com. v. Harris, 442 Pa.Super. 116, 658 A.2d 811 (Pa.Super., May 09, 1995) (NO. 00706PITTS1994)

History

=>

1 **Com. v. Harris, 442 Pa.Super. 116, 658 A.2d 811 (Pa.Super. May 09, 1995)**
(NO. 00706PITTS1994)

EXHIBIT D

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CRIMINAL DIVISION)

COMMONWEALTH OF PENNSYLVANIA

V.

TRACY J. YARGER

NO. 97-866-CRA

EIPG

I N F O R M A T I O N

The District Attorney of Clearfield County by this information charges that on (or about) December 6, 1997, in said County of Clearfield, Pennsylvania, Tracy J. Yarger, DID conspire with another person or persons to commit a crime, namely Fight to Avoid Apprehension, Trial or Punishment, and with the intent or promoting or facilitating its commission by agreeing with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime;

A N D

DID, willfully conceal herself or moves within or outside the Commonwealth with the intent to avoid apprehension, trial or punishment. TO WIT: On or about the above mentioned date, while in Bradford Township, Clearfield County, Pennsylvania, the actor did conspire with another to conceal her whereabouts and did intentionally and willfully conceal herself from the Pennsylvania State Police while they were trying to serve a felony warrant for her arrest. Upon being notified by the police that they had a felony warrant for her arrest, the actor did tell the Pennsylvania State Police that she would turn herself in, but the actor failed to do so.

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

TRACY YARGER, : No. 00-1322-C.D.
 :
 :
 Plaintiff, :
 :
 :
 v. :
 :
 :
 CINDY NADVIT, :
 :
 :
 Defendant. :

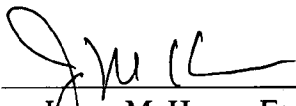
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Response to Plaintiff's Motion in Limine in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 21st day of August, 2003, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: _____


James M. Horne, Esquire
I. D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

TRACY YARGER

:

-vs-

:

No. 00 – 1322 – CD

CINDY NADVIT

:

ORDER

NOW, this 25th day of August, 2003, upon consideration of Plaintiff's Motion in Limine, and argument thereon, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that defense shall not examine or cross-examine any witness or introduce any evidence bearing on the subjects of said Motion without first advising the Court and opposing counsel of its intention to do so.

By the Court,

President Judge

FILED

AUG 25 2003

William A. Shaw
Prothonotary

FILED

01:38 PM 1cc atty Cole

1cc atty Hume

AUG 25, 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

TRACY YARGER

:

-vs-

:

No. 00 – 1322 – CD

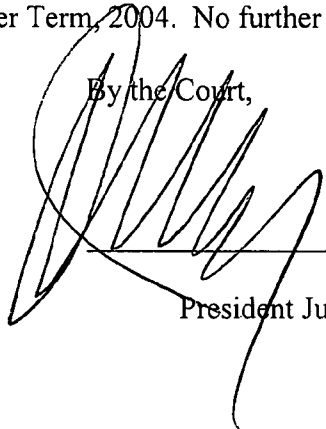
CINDY NADVIT

:

ORDER

NOW, this 25th day of September, 2003, upon oral motion of counsel the trial in this matter which had been scheduled for September, 2, 2003, has been continued to the next term of Civil Court which is the Winter Term, 2004. No further continuances will be granted.

By the Court,



President Judge

FILED

SEP 25 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED

1 CC Atty Cole

8/3:45 ~~201~~

1 CC Atty Horne

SEP 25 2003

William A. Shaw

Prothonotary/Clerk of Courts

27

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

TRACY YARGER

NO. 00-1322-CD

V.

CINDY NADVIT

ORDER

AND NOW, this 23rd day of January, 2004, following Pre-Trial Conference, it is
the ORDER of this Court:

1. Motions shall be filed by and no later than thirty (30) days prior to trial.
2. That the parties shall submit any proposed Points for Charge to the Court no later than thirty (30) days prior to trial.
3. That the video transcript and/or video tape shall be provided to the Court by and no later than thirty (30) days prior to trial.
4. Jury Selection in this matter is scheduled for 9:00 A.M. on January 29, 2004, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.
5. Jury Trial in this matter is scheduled for March 29, 30 and 31 at 9:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, Pennsylvania.
6. The parties shall mark all Exhibits for trial in advance of trial to speed introduction of Exhibits.

BY THE COURT,

FILED

JAN 26 2004

William A. Shaw
Prothonotary/Clerk of Courts


PAUL E. CHERRY,
JUDGE

FILED
JAN 26 2004
U.S. DISTRICT COURT
SOUTHERD DISTRICT OF NEW YORK
100 NASSAU ST.
NEW YORK, N.Y. 10038
CLERK OF COURT
JAMES A. BROWN
100 NASSAU ST.
NEW YORK, N.Y. 10038
CLERK OF COURT

8/11:225D
JAN 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

12/1/21

CA

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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: **Defendant's Position with Respect to**
: **Deposition Objections of Plaintiff's**
: **Medical Witnesses**

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

FEB 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

DEFENDANT'S POSITION WITH RESPECT TO DEPOSITION
OBJECTIONS OF PLAINTIFF'S MEDICAL WITNESSES

A. Dr. Korneal Lukacs:

- (1) N.T. 15 – Defendant withdraws this objection, since Plaintiff's counsel re-phrased the question;
- (2) N.T. 16 – Defendant withdraws this objection since the witness completed his response, thereby curing the objection;
- (3) N.T. 22 – Defendant withdraws this objection;
- (4) N.T. 23 – Defendant withdraws this objection, since Plaintiff's counsel re-phrased the question;
- (5) N.T. 27 – Defendant requests that lines 10-19 not be read, since Plaintiff's counsel re-stated the question to cure the inappropriate response;
- (6) N.T. 94 – Defendant withdraws this objection, since Plaintiff's counsel rephrased the question;
- (7) N.T. 95 – Defendant requests that lines 10-24 not be read, since the witness agreed the question was not properly phrased; and,
- (8) N.T. 99 – Defendant requests a ruling on this objection; Defendant relies upon the reasons stated on N.T. 99.

B. Dr. Steven Triantafyllou:

- (1) N.T. 29 – Defendant withdraws this objection, since Plaintiff’s counsel clarified the question;
- (2) N.T. 33-34 – Defendant withdraws the objections on these two pages;
- (3) N.T. 36 – Defendant withdraws the first objection on this page, as the question was rephrased; and,
- (4) N.T. 36 – Defendant requests a ruling on the last two objections on this page, for the reasons set forth at N.T. 36.

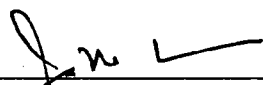
C. Dr. Susan Harchak:

- (1) N.T. 18-19 – Defendant requests that this objection and Plaintiff’s counsel’s response clarifying the question be read to the jury;
- (2) N.T. 21 – Defendant requests a ruling for the reasons set forth at N.T. 21;
- (3) N.T. 22 – Defendant withdraws this objection;
- (4) N.T. 24, 25 – Defendant requests a ruling on these two objections for the reasons set forth at N.T. 25 and 25;
- (5) N.T. 28 – Defendant withdraws this objection; and,
- (6) N.T. 30, 31 – Defendant requests a ruling on these two objections for the reasons set forth at N.T. 30 and 31.

Respectfully submitted,

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

Dated: February 5, 2004

By: 

James M. Horne, Esquire

I. D. No. 26908

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Attorneys for Defendant

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

TRACY YARGER,	:	No. 00-1322-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 5th day of February, 2004, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
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(412) 391-0800

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

By: _____

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Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

**PLAINTIFF'S POSITION WITH
RESPECT TO DEPOSITION
OBJECTIONS OF
MEDICAL WITNESSES**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
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JURY TRIAL DEMANDED

FILED

FEB 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

:
:
:
:
:
:
:
:
:
:

No. 00-1322 C.D.

PLAINTIFF'S POSITION WITH RESPECT TO DEPOSITION
OBJECTIONS OF MEDICAL WITNESSES

A. Dr. Korneal Lukacs:

Page 33	–	Objection withdrawn
Page 36	–	A ruling is requested on the two objections that appear on this page
Page 38	–	Withdrawn
Page 39	–	Withdrawn
Pages 45, 46	–	A ruling is requested on these objections
Page 54	–	A ruling is requested on this objection
Pages 80, 81	–	Withdrawn

B. Dr. Steven Triantafyllou

Page 43 – Withdrawn

Page 48 – Withdrawn

C. Dr. Susan Harchak

Page 43 – Plaintiff requests that the question not be read to the jury as it was withdrawn

Page 49 – Withdrawn

Page 59 – The objection is withdrawn. Plaintiff requests that the objection and counsel's response not be read to the jury.

D. Dr. Richard Moser

Page 47 – Withdrawn

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Plaintiff's Position With Respect to Deposition Objections of Medical Witnesses was served upon the counsel for defendant by first class mail, postage prepaid, this 24th day of February, 2004.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

CA

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

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

**PLAINTIFF'S SECOND
MOTION IN LIMINE**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

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HENS-GRECO, P.C.
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JURY TRIAL DEMANDED

FILED

FEB 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

TRACY YARGER,	:	
	:	
Plaintiff,	:	No. 00-1322 C.D.
	:	
vs.	:	
	:	
CINDY NADVIT,	:	
	:	
Defendant.	:	

PLAINTIFF'S SECOND MOTION IN LIMINE

1. This motor vehicle accident case was originally scheduled for trial on September 2, 2003.
2. Just prior to the previous trial date plaintiff's counsel discovered that contrary to the allegations of paragraph 8 of the complaint, the plaintiff was under a limited tort option at the time of the accident, not a full tort option.
3. Upon this discovery counsel and the trial judge agreed that the case should be continued to give the parties time to assess the effect of the limited tort option on the damage aspects of the case.
4. The defendant may seek to offer evidence before the jury regarding the fact that when she filed her complaint the plaintiff incorrectly alleged that she had chosen the full tort option when in fact she had chosen the limited tort option.
5. Evidence regarding the plaintiff's choice of a tort option in the plaintiff's insurance policy is inadmissible under the decision of the Pennsylvania Supreme Court in *Price v. Guy*, 558 Pa. 82, 735 A.2d 668 (1999). A copy of that opinion is attached to this motion.

6. Evidence of the plaintiff's incorrect statement in the complaint concerning the tort option will inevitably raise and lead to the jury's consideration and speculation about matters that the Supreme Court has ruled should not be presented to the jury.

WHEREFORE, the plaintiff requests that an order be entered prohibiting evidence of or reference to the matter specified in this motion.

STOKES LURIE COLE & HENS-GRECO, P.C.

By James B. Cole
James B. Cole
Attorneys for Plaintiff

that Officer Kopecki possessed the reasonable suspicion necessary to justify a pat-down of Appellant-Hall. Under *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), an investigatory stop is justified only if the "police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot. . . ." 392 U.S. at 30, 88 S.Ct. 1868. If, during the course of a valid investigatory stop, the officer observes conduct on the part of the suspect which leads him to reasonably believe that the suspect may be armed and dangerous, the officer may conduct a pat-down of the suspect's outer garments for weapons. *Commonwealth v. Melendez*, 544 Pa. 323, 676 A.2d 226, 228 n. 5 (1996); *Commonwealth v. Berrios*, 437 Pa. 338, 263 A.2d 342, 343 (1970); *Terry*, 392 U.S. at 27, 88 S.Ct. 1868.

Based on my reading of the facts of this case, I cannot agree that Officer Kopecki had the requisite reasonable suspicion to conduct an investigatory detention of Hall. The exchange of an unidentified item in a "high crime area," coupled with Hall's nervous behavior and flight in response to the appearance of Officer Kopecki, provides no reasonable basis to believe that Hall might have been engaged in the illegal sale of narcotics. See *Commonwealth v. Cook*, — Pa. —, 735 A.2d 673, 679-80 (1999) (Dissenting Opinion of Zappala, J.).

Moreover, even assuming *arguendo* that the investigatory stop was justified, the record is devoid of any evidence indicating that Officer Kopecki had reason to believe Hall was armed and dangerous. The fact that "Hall's subsequent flight forced Officer Kopecki to confront Hall alone, in an alley, approximately forty feet away from his partner" (Majority Op. at 660), states a reason why the officer might be justifiably concerned if Hall was armed. However it supplies no articulable reasons to believe that Hall was armed and dangerous.

Despite my disagreement on these points, I join the holding in *Hall* that where there is reasonable suspicion to believe that criminal activity may be afoot and a limited pat-down for the search of weapons is supported by a reasonable belief that the suspect is armed and dangerous, "*Terry* simply does not allow an officer to conduct a search in an attempt to validate a belief that the suspect is carrying non-threatening contraband." (Majority Op. at 661). Further, I join the holding in *Commonwealth v. E.M.*, that under the plain feel doctrine adopted in *Minnesota v. Dickerson*, 508 U.S. 366, 113 S.Ct. 2130, 124 L.Ed.2d 334 (1993), the evidence seized from E.M. must be suppressed because the incriminating nature of the contraband was not immediately apparent. (Majority Op. at 662-65).



Deborah L. PRICE and Harry
F. Price, Appellants,

v.

Anthony B. GUY and Thomas
R. Stine, Appellees.

Supreme Court of Pennsylvania.

Argued Nov. 17, 1998.

Decided July 23, 1999.

Motorist brought civil action in tort to recover noneconomic damages allegedly suffered as result of automobile accident. The Court of Common Pleas, Centre County, Civil Division at No. 1994-1905, David E. Grine, J., denied motorist noneconomic damages, and she appealed. The Superior Court, No. 557 HBG 1996, 701 A.2d 790, affirmed, and allocatur was granted. The Supreme Court, 30 M.D. Appeal Docket 1998, Castille, J., held that it

was reversible error for trial court to instruct jury that motorist had no limited tort option under the Motor Vehicle Financial Responsibility Law (MVFRL) and that, by electing limited tort option, motorist received reduced insurance premiums and, in exchange for reduced premiums, she was precluded from recovering for losses unless she sustained a

Reversed and remanded.

Newman, J., filed concurring opinion.

1. Appeal and Error — 977.1

In reviewing trial court's decision for new trial, appellate court must determine whether trial court's decision was an error of commission or committed error. If error is reversible, it affected outcome of the case.

2. Trial — 295(1)

In reviewing claim regarding jury charge with respect to specific jury charge, appellate court must view charge in context of record to determine whether error was committed, and if error was committed, whether that error was prejudicial to complaining party.

3. Trial — 242, 253(1.1)

Error will be found where trial court was probably misled by where judge charged or where the charge contained an omission in the charge which constituted a fundamental error.

4. Appeal and Error — 1064.1 Insurance — 3579

In motorist's civil action to recover non-economic damages, reversible error for trial court to instruct jury that motorist had elected limited tort option under the Motor Vehicle Financial Responsibility Law (MVFRL) and that, by electing limited tort option, motorist received reduced insurance premiums and, in exchange for reduced premiums, she was generally precluded from

my disagreement on these join the holding in *Hall* that there is reasonable suspicion to believe criminal activity may be afoot. Justified pat-down for the search of a suspect is supported by a reasonable belief that the suspect is armed and dangerous simply does not allow an officer to conduct a search in an attempt to disprove a belief that the suspect is carrying or threatening contraband." (Majority opinion, 661). Further, I join the holding in *Commonwealth v. E.M.*, that under the doctrine adopted in *Minnesota v. Carter*, 508 U.S. 366, 113 S.Ct. 2130, 112d 334 (1993), the evidence in *E.M.* must be suppressed because the incriminating nature of the contraband was not immediately apparent. Op. at 662-65).



Deborah L. PRICE and Harry F. Price, Appellants,

v.

Anthony B. GUY and Thomas R. Stine, Appellees.

Supreme Court of Pennsylvania.

Argued Nov. 17, 1998.

Decided July 23, 1999.

Motorist brought civil action in tort to recover noneconomic damages allegedly as result of automobile accident. Trial Court of Common Pleas, Centre County Civil Division at No. 1994-1905, granted summary judgment for Grine, J., denied motorist non-economic damages, and she appealed. The Appellate Court, No. 557 HBG 1996, 701 Pa. 200, affirmed, and allocatur was granted by the Supreme Court, 30 M.D. App. 1998, Castille, J., held that it

was reversible error for trial court to instruct jury that motorist had elected the limited tort option under the Motor Vehicle Financial Responsibility Law (MVFRL) and that, by electing limited tort option, motorist received reduced insurance premiums and, in exchange for reduced premiums, she was generally precluded from recovering for noneconomic losses unless she sustained serious injury.

Reversed and remanded.

Newman, J., filed concurring opinion.

1. Appeal and Error ⇨977(5)

In reviewing trial court's denial of motion for new trial, appellate court determines whether trial court abused its discretion or committed error of law which affected outcome of the case.

2. Trial ⇨295(1)

In reviewing claim regarding error with respect to specific jury charge, appellate court must view charge in its entirety, taking into consideration all the evidence of record to determine whether error was committed, and if error was committed, appellate court must then determine whether that error was prejudicial to complaining party.

3. Trial ⇨242, 253(1.1)

Error will be found where the jury was probably misled by what the trial judge charged or where there was an omission in the charge which amounts to fundamental error.

4. Appeal and Error ⇨1064.1(7)

Insurance ⇨3579

In motorist's civil action in tort to recover non-economic damages, it was reversible error for trial court to instruct jury that motorist had elected the limited tort option under the Motor Vehicle Financial Responsibility Law (MVFRL) and that, by electing limited tort option, motorist received reduced insurance premiums and, in exchange for reduced premiums, she was generally precluded from recover-

ing for noneconomic losses unless she sustained serious injury. 75 Pa.C.S.A. § 1705(d).

5. Appeal and Error ⇨1060.6

Just as evidence of the fact that defendant carried insurance is prejudicial to defendant in a negligence case, evidence of fact that plaintiff selected a less expensive insurance option is prejudicial to plaintiff; in either case, there is risk that, in determining liability, jury will depart from the relevant standards and definitions on which they have been charged and, instead, consider fact of party's insurance coverage, or lack thereof, as relevant on the issue of liability.

6. Trial ⇨213

Purpose of jury instructions is to keep jurors focused on resolving factual disputes based on the governing law, rather than on their own ideas of how best to balance the equities.

Jeffrey W. Stover, Bellefonte, for Deborah & Harry Price.

Daniel McGee, State College, for Anthony Guy.

Before FLAHERTY, C.J., and ZAPPALA, CAPPY, CASTILLE, NIGRO, NEWMAN and SAYLOR, JJ.

OPINION OF THE COURT

CASTILLE, Justice.

This Court granted allocatur in order to determine whether, in a negligence action, a trial court may inform the jury that the plaintiffs elected the limited tort option in a motor vehicle insurance policy and that such election resulted in their paying lower premiums. For the reasons that follow, we find that the trial court committed an error of law in instructing the jury regarding this information, and that appellants suffered prejudice as a result of this error. Accordingly, we reverse the Superior

Court's affirmance of the trial court's judgment.

On July 29, 1992, appellant, Deborah L. Price, suffered soft tissue injury as well as a partially herniated disc, necessitating medical treatment for over a two-year period, as a result of a motor vehicle accident. Prior to the accident, appellant and her husband ("appellants") elected motor vehicle insurance coverage under the limited tort option of the Pennsylvania Motor Vehicle Financial Responsibility Law ("MVFRL"), 75 Pa.C.S. §§ 1701 *et seq.* By electing the limited tort option, appellants received reduced insurance premiums. In exchange for reduced premiums, appellants were generally precluded from recovering for non-economic losses¹ unless they sustained a "serious injury"² as a result of the accident. 75 Pa.C.S. § 1705(d).

Appellants brought a civil action in tort to recover non-economic damages allegedly suffered as a result of the automobile accident, including a loss of consortium claim filed on behalf of appellant Harry F. Price. During the closing jury charge, the trial court instructed the jury pursuant to *Pennsylvania Suggested Standard Jury Instruction* (Civil), 6.02D, pertaining to recovery of non-economic loss damages in cases where the plaintiff has suffered serious impairment of a body function.³ Prior to this instruction, the trial court, over appellants' objections, also instructed the jury as follows:

[Appellants] have admitted that they selected the limited tort option. I will now instruct you regarding that. When a person elects the limited tort option the cost of insurance premiums to be paid by the insured are reduced. However, that person in selecting the limited tort

option gives up their right to sue for non-economic loss such as pain and suffering except where the insured suffers a serious injury.

R.R. at 244a.

On March 30, 1996, following jury deliberations, appellants were denied all non-economic damages. Appellants filed post-trial motions seeking judgment n.o.v. or a new trial, which the trial court denied. Subsequently, on appeal to the Superior Court, appellants alleged that the trial court committed reversible error by instructing the jury that appellants had chosen the limited tort option resulting in lower insurance premium payments. The Superior Court rejected appellants' argument and affirmed the trial court. On March 31, 1998, this Court granted allocatur to determine whether the aforementioned jury instruction amounted to reversible error.

[1-3] In reviewing a trial court's denial of a motion for a new trial, we determine whether the trial court abused its discretion or committed an error of law which affected the outcome of the case. See *Vignoli v. Standard Motor Freight, Inc.*, 418 Pa. 214, 217, 210 A.2d 271, 272-73 (1965) (citations omitted). In reviewing a claim regarding error with respect to a specific jury charge, we must view the charge in its entirety, taking into consideration all the evidence of record to determine whether or not error was committed. *Lockhart v. List*, 542 Pa. 141, 147, 665 A.2d 1176, 1179 (1995). If we find that error was committed, we must then determine whether that error was prejudicial to the complaining party. *Id.* (citing *Reilly by Reilly v. SEPTA*, 507 Pa. 204, 489 A.2d 1291 (1985)). Error will be found where

the jury was probably misled, the trial judge charged or when the omission in the charge was a fundamental error. *Id.* (citing *Bonafiglia*, 403 Pa. 217, (1961); *Voitasefski v. Pitts Co.*, 363 Pa. 220, 69 A.2d 37

[4] Appellants argue that the court's reference to the limited tort option and to the correct insurance premium payment was misleading and prejudicial. The reference amounted to an error of law. For the reasons stated below, we agree.

The Superior Court maintained the general rule that in a negligence suit, evidence that a party carries liability insurance is inadmissible, with certain narrow exceptions, that it is prejudicial to the party and generally irrelevant to the issues in the case. See *Trimble v. A*, 408, 410, 197 A.2d 457, 458 (1964). However, the Superior Court determined that under the circumstances of this case, the rationale driving the aforementioned rule does not apply. The court concluded that appellants' election of the limited tort option was an issue in this matter. The Superior Court determined that the trial court's instruction that appellants elected the limited tort option resulting in lower premium payments was relevant, first, to explain to the jury why appellants had to carry the limited tort option, and second, to aid the jury in determining what level of damages were appropriate. We disagree with the Superior Court on both points.

1. The MVFRL defines a "non-economic loss" as "pain and suffering and other nonmonetary detriment." 75 Pa.C.S. § 1702.

2. The MVFRL defines a "serious injury" as "a personal injury resulting in death, serious impairment of body function or permanent serious disfigurement." 75 Pa.C.S. § 1702.

3. The portion of the instruction pertaining to recovery of non-economic loss damages and defining "serious impairment of body function" comported with the standards approved by this Court in *Washington v. Baxter*, 553 Pa. 434, 719 A.2d 733, 740 (1998).

4. Madame Justice Newman focused on the words "probably misled," but instead focused on whether the jury was "probably misled." However, the court's review for a faulty jury charge is not simply no way to determine whether the jury was, in fact, misled. A review

res up their right to sue for economic loss such as pain and suffering where the insured suffers injury.

On March 30, 1996, following jury deliberations, appellants were denied all non-economic damages. Appellants filed post-judgment motions seeking judgment n.o.v. or a new trial, which the trial court denied. On appeal, the Superior Court affirmed the trial court's judgment, finding no reversible error by the jury that appellants had chosen the limited tort option resulting in lower insurance premium payments. The court rejected appellants' arguments and affirmed the trial court. On March 29, 1998, this Court granted allocution to determine whether the aforementioned instruction amounted to reversible error.

In reviewing a trial court's denial of a new trial, we determine whether the trial court abused its discretion. We must find an error of law which affected the outcome of the case. See *Standard Motor Freight, Inc.*, 403 Pa. 217, 210 A.2d 271, 272-73 (1971) (citations omitted). In reviewing a trial court's error with respect to a jury charge, we must view the charge in its entirety, taking into consideration the evidence of record to determine whether or not error was committed.

In *List*, 542 Pa. 141, 147, 665 A.2d 100 (1995). If we find that error was committed, we must then determine whether the error was prejudicial to the defendant. *Id.* (citing *Reilly by Estate*, 507 Pa. 204, 489 A.2d 100 (1985)). Error will be found where

the instruction pertaining to non-economic loss damages and "serious impairment of body function" departed from the standards approved in *Washington v. Baxter*, 553 Pa. 100, 733 A.2d 733, 740 (1998).

the jury was probably misled⁴ by what the trial judge charged or where there was an omission in the charge which amounts to fundamental error. *Id.* (citing *Sweeny v. Bonafiglia*, 403 Pa. 217, 169 A.2d 292 (1961); *Voitasefski v. Pittsburgh Railways Co.*, 363 Pa. 220, 69 A.2d 370 (1949)).

[4] Appellants argue that the trial court's reference to the limited tort insurance option and to the corresponding lower insurance premium payment was irrelevant, misleading and prejudicial, and that the reference amounted to a reversible error of law. For the reasons expressed below, we agree.

The Superior Court correctly ascertained the general rule that, in a negligence suit, evidence that a defendant carries liability insurance is inadmissible, with certain narrow exceptions, due to the fact that it is prejudicial to the defendant and generally irrelevant to the real issues in the case. See *Trimble v. Merloe*, 413 Pa. 408, 410, 197 A.2d 457, 458 (1964). However, the Superior Court determined that, under the circumstances of this case, the rationale driving the aforementioned evidentiary rule does not apply because the court concluded that appellants' election of the limited tort option was relevant to issues in this matter. Specifically, the Superior Court determined that the fact that appellants elected the limited tort option resulting in lower premium payments was relevant, first, to explain to the jury why appellants had to carry the high burden of establishing that Deborah Price had suffered a "serious injury" before they could recover and, second, to aid in determining what level of damages were appropriate. We disagree with the Superior Court on both points.

4. Madame Justice Newman takes issue with the words "probably misled," and would focus instead on whether the jury was "palpably misled." However, the standard of review for a faulty jury charge must be expressed in terms of probabilities, as there is simply no way to determine whether a juror was, in fact, misled. A reviewing court has

First, the jury simply did not require an explanation of why appellants had to demonstrate the existence of a "serious injury" before they could recover non-economic damages. All that was required was a clear explanation of the criteria which the jury was permitted to consider in determining whether appellants had demonstrated the existence of a "serious injury." By delving into an explanation of why appellants shouldered their burden, the trial court brought facts to the jury's attention which were of no consequence to any issue in the case. The fact that appellants had declined to contract for the more expensive insurance option did not aid the jury at all in determining whether Deborah Price had suffered a "serious injury."

Second, the fact that appellants paid lower insurance premiums in exchange for limited tort coverage was wholly irrelevant on the issue of the amount of damages required to compensate appellants if the jury determined that they had suffered non-economic damages. The severity of the non-economic injuries suffered by a plaintiff and the corresponding level of damages simply bears no causal nexus whatsoever to the nature of the insurance option which that plaintiff selected.

[5] Moreover, the extraneous facts which were brought to the jury's attention in this matter were prejudicial to appellants. When the trial court informed the jury that appellants had "admitted" that they had voluntarily chosen the less expensive limited tort insurance option, the court risked imparting to the jury the notion that appellants' selection of the less expensive alternative was, in and of itself, a factor to be considered in determining whether appellants should be compensated for their non-economic injuries. Just as

no means to access a juror's actual thought processes to determine whether the juror "palpably" relied on the faulty jury charge in reaching a decision. Accordingly, we believe that the standard of review in this context is best articulated in terms of probabilities.

this Court views evidence of the fact that a defendant carried insurance as prejudicial to the defendant in a negligence case, we equally view evidence of the fact that a plaintiff selected a less expensive insurance option as prejudicial to the plaintiff. In either case, there is a risk that, in determining liability, the jury will depart from the relevant standards and definitions on which they have been charged and instead consider the fact of a party's insurance coverage, or lack thereof, as relevant on the issue of liability. Just as a jury is more likely to attach liability to a defendant covered by insurance who will not suffer financially from a plaintiff's verdict, so too is a jury less likely to award damages to a plaintiff who it views as having bargained away its right to non-economic damages in exchange for having obtained less expensive insurance coverage.

[6] The purpose of jury instructions is to keep jurors focused on resolving factual disputes based on the governing law rather than on their own ideas of how best to balance the equities. By allowing jurors to consider the extent to which parties have elected to insure themselves, trial courts afford jurors the opportunity to determine the issue of liability in accordance with their own notions of fairness, cost allocation, and risk management, rather than in accordance with the law on which they have been instructed.

Thus, we conclude that the trial court erred by informing the jury that appellants elected the limited tort option and that such election resulted in their paying lower premiums. On this record, we cannot conclude that this error did not affect the verdict. Consequently, we remand this matter for a new trial.

Justice NEWMAN files a concurring opinion.

NEWMAN, Justice, concurring.

I concur and write separately to emphasize our standard and scope of review

when reviewing a request for a new trial because of an error in a jury charge. In examining the instructions, we must determine "whether the trial court committed a clear abuse of discretion or error of law controlling the outcome of the case." *Stewart v. Motts*, 539 Pa. 596, 605, 654 A.2d 535, 540 (1995) (citing *Williams v. Philadelphia Transportation Company*, 415 Pa. 370, 374, 203 A.2d 665, 668 (1964)). Further, we have long held that an appellate court will not grant a new trial on the ground that a jury instruction is inadequate unless the error:

is such that the issues are not made clear to the jury or the jury was *palpably misled* by what the trial judge said or unless there is an omission in the charge which amounts to fundamental error.

Voitasefski v. Pittsburgh Railways Co., 363 Pa. 220, 226, 69 A.2d 370, 373 (1949) (emphasis added). See also *Von der Heide v. Commonwealth Department of Transportation*, 553 Pa. 120, 718 A.2d 286 (1998) (error if jury "palpably" misled); *Stewart v. Motts*, *supra*, (same). In deciding whether the instruction of the trial court was inadequate, I believe that the proper inquiry is not whether the jury was "probably" misled, as the majority states. Instead, the focus of our review is whether the jury was "palpably" misled. In other words, is the conclusion that the jury was misinformed readily apparent, obvious, or evident from the record? Further, our previous jurisprudence has placed the burden of establishing prejudice upon the party requesting a new trial. See, e.g., *Carter v. United States Steel Corporation*, 529 Pa. 409, 420, 604 A.2d 1010, 1016, *cert. denied*, 506 U.S. 864, 113 S.Ct. 186, 121 L.Ed.2d 130 (1992) (burden to show prejudice in order to grant new trial on moving party). Thus, I believe that it is improper to conclude that reversible error occurs whenever the appellate court is unable to discern whether prejudice has occurred, as suggested by the Majority Opinion. Instead,

prejudice to the movant is readily discernable and there is a reasonable likelihood of a different outcome of the case.

With this standard in mind, the instructions of the trial court, taken in light of the attention of the jury to the instructions of the Plaintiff's attorney, and reasonably, the verdict in this matter is the conclusion of the trial court. The inclusion of insurance coverage is as prejudicial to a plaintiff as to a defendant. Consequently, the prohibition against the defendant's insurance coverage, as set forth for example in 413 Pa. 408, 410, 197 A.2d 1010, 1016, is equally applicable to both sides of the plaintiff's insurance coverage. Accordingly, the instruction was reversible error.



COMMONWEALTH Appellate

v.

Gregory Spencer Co.

Supreme Court of

Argued Nov.

Decided July

Defendant moved for judgment of acquittal that was abandoned by the trial court. The Commonwealth Pleas, Dauphin County, Nos. 3055 and 3056, Joseph H. Kleinfelter, Defendant appealed. The Commonwealth Pleas, No. 248 Harrisburg 1998, Defendant filed petition for writ of habeas corpus. The Supreme Court

viewing a request for a new trial of an error in a jury charge. In the instructions, we must determine whether the trial court committed a use of discretion or error of law giving the outcome of the case." *Motts*, 539 Pa. 596, 605, 654 A.2d 540 (1995) (citing *Williams v. Pennsylvania Transportation Company*, 70, 374, 203 A.2d 665, 668 (1964)). We have long held that an appellate court will not grant a new trial on the basis that a jury instruction is inadequate to correct the error:

that the issues are not made known to the jury or the jury was palpably misled by what the trial judge said and that there is an omission in the instruction which amounts to fundamental

error. *See, e.g., Pittsburgh Railways Co.*, 220, 226, 69 A.2d 370, 373 (1949) (error added). *See also Von der Heide v. Commonwealth Department of Transportation*, 553 Pa. 120, 718 A.2d 286 (1998) (jury "palpably" misled); *Stewart v. Commonwealth*, *supra*, (same). In deciding whether the instruction of the trial court was erroneous, I believe that the proper focus is not whether the jury was "probable," as the majority states. Instead, the focus of our review is whether the instruction was "palpably" misled. In other words, the conclusion that the jury was misled is readily apparent, obvious, or clear from the record? Further, our jurisprudence has placed the burden of establishing prejudice upon the party requesting a new trial. *See, e.g., Carter v. States Steel Corporation*, 529 Pa. 604 A.2d 1010, 1016, cert. denied, 504 U.S. 864, 113 S.Ct. 186, 121 L.Ed.2d 1022 (1992) (burden to show prejudice in granting new trial on moving party). We believe that it is improper to conclude that a reversible error occurs whenever an appellate court is unable to discern whether prejudice has occurred, as suggested by the Majority Opinion. Instead,

prejudice to the moving party must be readily discernable and there must be a reasonable likelihood that it affected the outcome of the case.

With this standard in mind, I find that the instructions of the court directing the attention of the jury to the insurance options of the Plaintiff palpably misled the jury, and reasonably could have affected the verdict in this matter. I agree with the conclusion of the Majority that the inclusion of insurance issues into the case is as prejudicial to a plaintiff as it is to a defendant. Consequently, the general prohibition against the infusion of a defendant's insurance coverage into a case, as set forth for example in *Trimble v. Merloe*, 413 Pa. 408, 410, 197 A.2d 457, 458 (1964), is equally applicable to the direct reference of the plaintiff's insurance matters. Accordingly, the instruction of the trial court was reversible error.



COMMONWEALTH of Pennsylvania,
Appellee,

v.

Gregory Spencer COOK, Appellant.

Supreme Court of Pennsylvania.

Argued Nov. 19, 1998.

Decided July 23, 1999.

Defendant moved to suppress evidence that was abandoned during his flight from police officers. The Court of Common Pleas, Dauphin County, Criminal Division, Nos. 3055 and 3055(a) C.D. 1995, Joseph H. Kleinfelter, J., denied motion. Defendant appealed. The Superior Court, No. 248 Harrisburg 1997, affirmed. Defendant filed petition for allowance of appeal. The Supreme Court, No. 98 M.D.

Appeal Docket 1998, Cappy, J., held that officers had reasonable suspicion that justified pursuit of fleeing suspect.

Saylor, J., filed concurring opinion.

Flaherty, C.J., and Castille, J., concurred in result.

Zappala, J., filed dissenting opinion.

1. Criminal Law §1158(4)

When reviewing rulings of a suppression court, appellate court must determine whether the record supports that court's factual findings.

2. Criminal Law §1158(4)

As long as the record supports the findings of the suppression court, appellate court is bound by those facts and may reverse only if the legal conclusions drawn therefrom are in error.

3. Arrest §63.5(4)

Under limited circumstances police are justified in investigating a situation, so long as the police officers reasonably believe that criminal activity is afoot. Const. Art. 1, § 8.

4. Arrest §63.5(4)

In order to demonstrate reasonable suspicion that justifies investigation of a situation, the police officer must be able to point to specific and articulable facts and reasonable inferences drawn from those facts in light of the officer's experience. Const. Art. 1, § 8.

5. Arrest §63.5(5)

Officers had reasonable suspicion that justified pursuit of fleeing suspect; past drug arrests had occurred in same area, officers observed attempted hand-off of unidentified object, suspect appeared nervous when officers made U-turn back toward group including suspect, and suspect fled as officers approached group. Const. Art. 1, § 8.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Plaintiff's Second Second Motion in Limine was served upon counsel for the defendant by fax and by first class mail, postage prepaid, this 26th day of February, 2004.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

No. 00-1322 C.D.

VS.

CINDY NADVIT,

Defendant.

ORDER OF COURT

AND NOW, this _____ day of _____, upon motion of the plaintiff, it is hereby ORDERED that in the presence of the jury the defendant or her counsel shall make no reference to or offer evidence that the plaintiff incorrectly stated the nature of her tort option in the complaint.

BY THE COURT,

_____, J.

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

TRACY YARGER

vs.

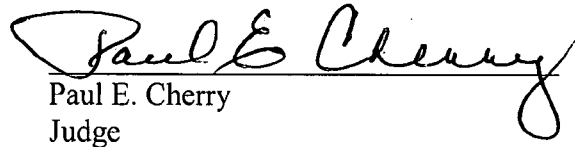
CINDY NADVIT

:
:
: No. 00-1322-CD
:
:

ORDER

NOW, this 2nd day of March, 2004, upon consideration of Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses, a Rule is hereby issued upon the Plaintiff to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 19 day of March, 2004, at 10:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Paul E. Cherry
Judge

FILED

MAR 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
MAR 02 2004

acc
Atty Horne
Memo re: Lula Service

William A. Shaw
Prothonotary/Clerk of Courts



CA

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

TRACY YARGER

vs.

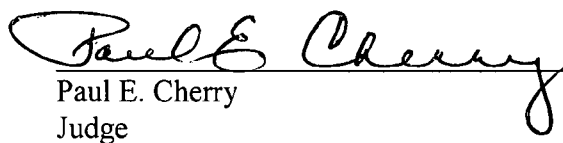
CINDY NADVIT

:
:
: No. 00-1322-CD
:
:

ORDER

NOW, this 2nd day of March, 2004, upon consideration of Plaintiff's Second Motion in Limine, a Rule is hereby issued upon the Defendant to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 19 day of March, 2004, at 10:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Paul E. Cherry
Judge

FILED

MAR 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

acc to Hfy Cole

~~MAR 11 2004~~

wd Rule memo

MAR 02 2004

William A. Shaw

Prothonotary/Clerk of Courts



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

TRACY YARGER,

Plaintiff,

v.

CINDY NADVIT,

Defendant.

: No. 00-1322-C.D.

:
: TYPE OF PLEADING:
: Affidavit of Service

:
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: DEFENDANT

:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: CHENA L. GLENN-HART, ESQ.
: I.D. NO. 82750
: McQUAIDE, BLASKO, SCHWARTZ,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

11:28 AM 2004

MAR 04 2004

William A. Shaw
Prothonotary

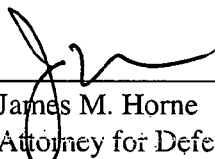
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

TRACY YARGER, : No. 00-1322-C.D.
:
Plaintiff, :
:
v. :
:
CINDY NADVIT, :
:
Defendant. :

AFFIDAVIT

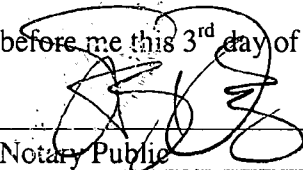
COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CENTRE)

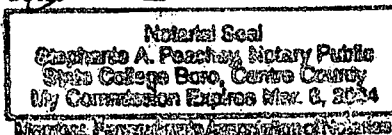
Before me, the undersigned authority, personally appeared Attorney James M. Horne, who deposes and says that he is counsel of record for Defendant, and as such is authorized to make this Affidavit on her behalf, and states that he served a true and correct of the Court's issued Order concerning Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses upon counsel for Plaintiff this 3rd day of March, 2004, at 12:04 o'clock P.m., via fax and U.S. First Class Mail, with a copy to David S. Meholick, Court Administrator via U.S. First Class Mail.


James M. Horne
Attorney for Defendant

Sworn to and subscribed

before me this 3rd day of March, 2004.


Notary Public
[SEAL]



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

TRACY YARGER

vs.

CINDY NADVIT

:
:
: No. 00-1322-CD
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:

RECEIVED

MAR 3 2004

MCQUAIDE BLASRO

ORDER

NOW, this 2nd day of March, 2004, upon consideration of Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses, a Rule is hereby issued upon the Plaintiff to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 19 day of March, 2004, at 10:00 A.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

/s/ Paul E. Cherry

Paul E. Cherry
Judge

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

MAR 02 2004

Attest.

William J. Cherry
Prothonotary/
Clerk of Courts

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

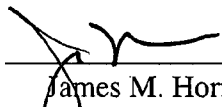
TRACY YARGER, : No. 00-1322-C.D.
 :
 :
 Plaintiff, :
 :
 :
 v. :
 :
 :
 CINDY NADVIT, :
 :
 :
 Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Affidavit of Service serving the Court's Order scheduling argument on Defendant's Position with Respect to Deposition Objections of Plaintiff's Medical Witnesses in the above-captioned matter was served via Fax and U.S. First Class Mail, postage prepaid, on this 3rd day of March, 2004, to the attorney/party of record:

James B. Cole, Esquire
Stokes, Lurie, Cole & Hens-Greco, P.C.
2100 Law & Finance Building
Pittsburgh, PA 15219
(412) 391-0800

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

By: 
James M. Horne, Esquire
I.D. No. 26908
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

M 10-28 BY W6CL

MAR 04 2004

William A. Shaw
Prothonotary

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional Offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620
www.mcquaideblasko.com

FACSIMILE TRANSMITTAL

To: James B. Cole, Esquire

Fax: **F 442 391 7183**

From: James M. Horne

Date: March 3, 2004

Client-Matter: 2100 n/c

No. of Pages:
(incl. cover) 6

In Re: Yarger v. Nadvit

Original will follow via U.S. Mail

*If you have not received all pages of this facsimile,
please call Stephanie A. Peachey at (814)238-4926 . Thank you.*

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

Message:

::ODMA\PCDOCS\DOCSLIB2\265395\4

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE MESSAGE CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE RECIPIENT. YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING OR DISTRIBUTION FOR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE CALL AND RETURN THE FACSIMILE MESSAGE TO US AT THE ADDRESS ABOVE VIA U.S. POSTAL SERVICE. THANK YOU.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

No. 00-1322 C.D.

**AFFIDAVIT OF SERVICE OF
RULE TO SHOW CAUSE**

Filed on behalf of:
Plaintiff

Counsel of Record for this
Party:

James B. Cole, Esquire
Pa. I.D. #15801

STOKES LURIE COLE &
HENS-GRECO, P.C.
Firm #012

2100 Law & Finance Building
Pittsburgh, PA. 15219

(412) 391-0800

JURY TRIAL DEMANDED

FILED

MAR 05 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

TRACY YARGER,

Plaintiff,

vs.

CINDY NADVIT,

Defendant.

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No. 00-1322 C.D.

AFFIDAVIT OF SERVICE OF
RULE TO SHOW CAUSE

The Rule to Show Cause regarding Plaintiff's Second Motion in Limine was served upon the following persons and in the following manner this 3rd day of March, 2004:

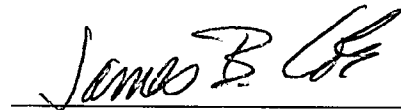
By fax and first class mail, postage prepaid, to:

James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

By first class mail, postage prepaid, to:

David S. Meholick, Court Administrator
Clearfield County Courthouse
P.O. Box 549
1 North Second Street
Clearfield, PA. 16830

I verify that the statements of fact made in this Affidavit of Service of Rule to Show Cause are true and correct and based upon my personal knowledge, information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 PA. C.S. Section 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "James B. Cole", written over a horizontal line.

James B. Cole
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within Affidavit of Service of Rule to Show Cause was served upon the counsel for the defendant by first class mail, postage prepaid, this 3rd day of March, 2004.

TO: James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA. 16801-6699

STOKES LURIE COLE & HENS-GRECO, P.C.

By: James B. Cole
James B. Cole
Attorneys for Plaintiff

FILED

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MAR 05 2004

[Signature]

William A. Shaw
Prothonotary

CP

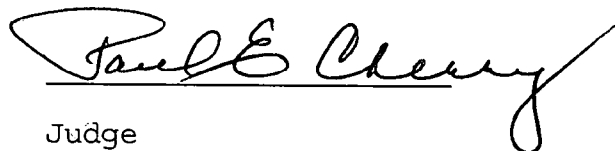
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

TRACY YARGER :
VS. : NO. 00-1322-CD
CINDY NADVIT :

O R D E R

NOW, this 19th day of March, 2004, upon
consideration of Plaintiff's Second Motion in Limine; upon
agreement of counsel, it is the ORDER of this Court that said
motion be and is hereby granted to the extent that the Defense
shall not examine Plaintiff as to the issue of full tort versus
limited tort.

BY THE COURT,


Judge

FILED

MAR 22 2004

William A. Shaw
Prothonotary

FILED

*D 11:54 AM sec atty Cole
see atty Norwood*

MAR 22 2004

KRP

William A. Shaw
Prothonotary

TRACY YARGER,
Plaintiff

v.

CINDY NADVIT,
Defendant

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

: NO. 00-1322-C.D.

: CIVIL ACTION - LAW

VERDICT SLIP

1. Was the negligence of the Defendant, Cindy Nadvit, a substantial factor in causing any injuries to the Plaintiff, Tracy Yarger?

Yes X No _____

INSTRUCTIONS:

- (a) *If your answer to Question No. 1 is "Yes", go to Question No. 2.*
- (b) *If your answer to Question No. 1 is "No" skip the balance of the questions and return to the Courtroom.*

FILED

01:45 PM
MAR 31 2004

William A. Shaw
Prothonotary/Clerk of Courts

2. As to those injuries you found causally related to the accident of October 30, 1998, did those injuries result in serious impairment of body functions?

Yes _____ No X

INSTRUCTIONS:

- (a) *If your answer to Question No. 2 is "Yes," go to Question N. 3.*
- (b) *If your answer to Question No. 2 is "No" skip the balance of the questions and return to the Courtroom.*

3. State the amount of damages, if any, sustained by Plaintiff Tracy Yarger.

\$ _____

Date: March 31, 2004

John Dickori
Jury Foreperson

INSTRUCTIONS: Return to Courtroom

COURT OF COMMON PLEAS, CLEARFIELD COUNTY
PENNSYLVANIA

CASE NO. 00-1322-CD

Date of Jury Selection: January 29, 2004

Presiding Judge: Honorable Paul E. Cherry

TRACY YARGER

Court Reporter: Cathy Provost

VS

Date of Trial: March 29 - 31, 2004

CINDY NADVIT

Date Trial Ended: Mar 31, 2004

MEMBERS OF THE JURY

FILED
01:45
MAR 31 2004

William A. Shaw
Prothonotary/Clerk of Courts

1. NATHAN KIMBERLING
2. JOHN SICKERI
3. LOIS SAXE
4. MICHELE ORHOWSKY
5. ROBERT SAUPP
6. PENNY MUTH
ALT #1 NANCY GORDON

7. SCOTT DOTTS
8. BARBARA KEPHART
9. ROBERT BLAKE
10. RICHARD NIKLAS
11. HEIDI HEITSENRETH
12. ELEANOR FENTON
ALT #2 THELMA FOLMAR

PLAINTIFF'S WITNESSES:

1. Tracy Yarger
2. Dr. Susan Hanchak D.C. (video)
3. Dr. Steven Triantafyllou (video)
4. Dr. Konrad Lukacs (video)
5. _____
6. _____

DEFENDANT'S WITNESSES:

1. Cindy Nadvut
2. Dr. Richard Rosen (video)
3. _____
4. _____
5. _____
6. _____

PLAINTIFF'S ATTY: James B. Cole, Esquire

DEFENDANT'S ATTY: James M. Horne, Esquire

ADDRESS TO JURY: PEC 9:04 am

ADDRESS TO JURY: 9:44 am

JUDGE'S ADDRESS TO JURY: PEC PROHADON 10:45 am

JURY OUT: 11:20 am JURY IN: 1:00 PM

VERDICT: Defense

FOREPERSON: _____

See attached