

00-1351-CD
GREGORY M., PARIS, Executor -vs- DUBOIS REGIONAL MEDICAL CENTER
WEST

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
Plaintiff,)
vs.)
DuBOIS REGIONAL MEDICAL) PRAECIPE FOR WRIT OF SUMMONS
CENTER WEST,) -IN CIVIL ACTION-
Defendant.) Filed on behalf of GREGORY W.
) PARIS, Executor of the Estate of
) ALGRID Z. PARIS, Deceased,
) PLAINTIFF
)
) Counsel of Record for this Party:
)
) WILLIAM S. SCHWEERS, JR., ESQUIRE
) PA I.D. #27625
)
) HARRINGTON SCHWEERS DATTILO
) & McCLELLAND, P.C.
) Firm #949
) 100 Ross Street
) Pittsburgh, PA 15219
)
) (412) 391-3477

FILED

NOV 02 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No.
Plaintiff,)
vs.)
DuBOIS REGIONAL MEDICAL)
CENTER WEST,)
Defendant.)

**PRAECIPE FOR WRIT OF SUMMONS
-IN CIVIL ACTION-**

TO: WILLIAM SHAW, PROTHONOTARY

Dear Sir:

Kindly issue writ of summons in Civil Action in the within-captioned action returnable
sec. leg. et sec. reg.

**Amount in controversy exceeds \$25,000.00
exclusive of interest and costs.**

A JURY TRIAL IS DEMANDED.

HARRINGTON SCHWEERS DATTILO &
McCLELLAND, P.C.

By:


William S. Schweers, Jr., Esquire
Attorney for Plaintiff

Date: 10/30/00

NOV 03 2000
SCHUBERT
William A. Schubert
Picardian
PO \$80.00

WT to Sheriff

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased

COPY

Plaintiff(s)

S U M M O N S
No: 00-1351-CD

vs.

DuBOIS REGIONAL MEDICAL CENTER WEST

Defendant(s)

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

Date November 2, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

William S. Schweers, Jr., Esquire
HARRINGTON, SCHWEERS, DATTILO
& McCLELLAND, P.C.
Firm #949
100 Ross Street
Pittsburgh, PA 15219

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10362

PARIS, GREGORY W., EXECUTOR OF ESTATE

00-1351-CD

VS.

DUBOIS REGIONAL MEDICAL CENTER WEST

PRAECIPE & SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 6, 2000 AT 1:50 PM EST SERVED THE WITHIN PRAECIPE & SUMMONS ON DUBOIS REGIONAL MEDICAL CENTER WEST, DEFENDANT AT EMPLOYMENT, 100 HOSPITAL AVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JUDITH J. STOTTISH, P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET

Return Costs

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

Sworn to Before Me This
9th Day Of November 2000
Clerk

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

So Answers,

Chester Hawkins
by *Marley Hupp*
Chester A. Hawkins
Sheriff

FILED

NOV 09 2000
William A. Shaw
Prothonotary

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased,

No. 00 - 1351 - CD

Plaintiff

ISSUE:
APPEARANCE

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

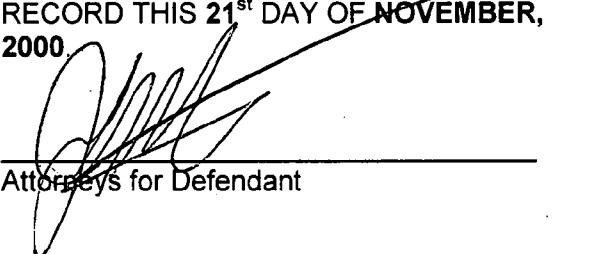
Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

Defendant

Attorney of Record for This Party:

John L. McIntyre, Esquire
PA I.D. #28015
PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 21st DAY OF NOVEMBER,
2000


Attorneys for Defendant

FILED

NOV 22 2000
11:30 AM
William A. Shaw
Prothonotary
Mo C/C


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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

Defendant

JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

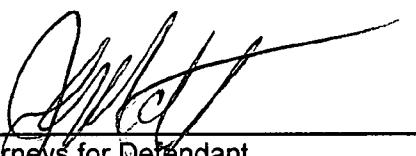
TO: PROTHONOTARY

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

REGIONAL MEDICAL CENTER WEST, in the above-captioned action.

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By


Attorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

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

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased,

No. 00 - 1351 - CD

Plaintiff

ISSUE:
PRAECIPE FOR RULE TO FILE
COMPLAINT

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

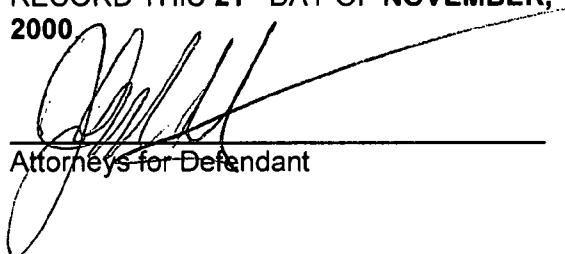
Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

Defendant

Attorney of Record for This Party:

John L. McIntyre, Esquire
PA I.D. #28015
PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 21st DAY OF NOVEMBER,
2000



Attorneys for Defendant

FILED

NOV 22 2000
m 11:30 AM
William A. Shaw
Prothonotary

Rule to Atty

E

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

Defendant

JURY TRIAL DEMANDED

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: PROTHONOTARY:

Please enter a Rule upon Plaintiff, **Gregory W. Paris, Executor of the Estate of Algrid Z. Paris, Deceased** to file a Complaint in the above-captioned action within twenty (20) days of the date of service of said Rule.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE &
SCHMITT

By _____



Attorney for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

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

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased

Case No. 2000-1351-CD

Vs.

DUBOIS REGIONAL MEDICAL CENTER
WEST

RULE TO FILE COMPLAINT

TO: GREGORY W. PARIS, Executor of the Estate of Algrid Z. Paris, Deceased.

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

William A. Shaw, Prothonotary

Dated: November 22, 2000

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased,

No. 00 - 1351 - CD

Plaintiff

ISSUE:
CERTIFICATE OF SERVICE OF
RULE TO FILE COMPLAINT

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

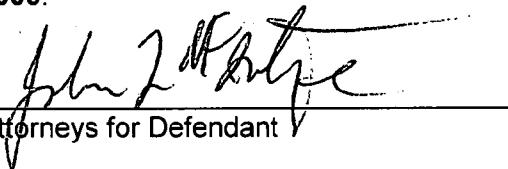
Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

Defendant

Attorney of Record for This Party:

John L. McIntyre, Esquire
PA I.D. #28015
PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 28th DAY OF NOVEMBER,
2000.


Attnorneys for Defendant

FILED

NOV 30 2000

William A. Shaw
Prothonotary

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

Defendant

JURY TRIAL DEMANDED

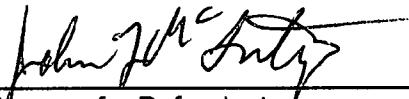
CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT

TO: PROTHONOTARY

You are hereby notified that on the 27th day of November, 2000, Defendant,
DUBOIS REGIONAL MEDICAL CENTER WEST served a Rule upon the Plaintiff, by
mailing the original of same via First Class Mail, postage prepaid, addressed to plaintiff's
counsel:

William S. Schweers, Jr., Esquire
HARRINGTON, SCHWEERS, DATTILO
& McCLELLAND, P.C.
100 Ross Street
Pittsburgh, PA 15219

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT



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

FILED

NOV 3 19 2000
JRC
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
Plaintiff,)
vs.) COMPLAINT
DuBOIS REGIONAL MEDICAL)
CENTER WEST,)
Defendant.) Filed on behalf of GREGORY W.
) PARIS, Executor of the Estate of
) ALGRID Z. PARIS, Deceased,
) PLAINTIFF
)
) Counsel of Record for this Party:
) WILLIAM S. SCHWEERS, JR., ESQUIRE
) PA I.D. #27625
)
) HARRINGTON SCHWEERS DATTILO
) & McCLELLAND, P.C.
) Firm #949
) 100 Ross Street
) Pittsburgh, PA 15219
)
) (412) 391-3477

FILED

JAN 19 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
)
 Plaintiff,)
)
 vs.)
)
 DuBOIS REGIONAL MEDICAL)
 CENTER WEST,)
)
 Defendant.)

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 by the Court without further Notice for any money claimed in the Complaint or for any claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

**DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
814-765-2641 Ext. 5982**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
Plaintiff,)
vs.)
DuBOIS REGIONAL MEDICAL)
CENTER WEST,)
Defendant.)

COMPLAINT

AND NOW COMES the Plaintiff, by his Attorneys, HARRINGTON SCHWEERS DATTILO & McCLELLAND, P.C., and files this **Complaint** upon a cause of action whereof the following is a statement:

1. Plaintiff, Gregory W. Paris, is an individual, son of the late Algrid Z. Paris, and resides at 402 Farmington Road, Cranberry Township, Butler County, Pennsylvania 16006. Plaintiff was appointed executor of the estate of Algrid Z. Paris by the Register of Wills of Allegheny County, Pennsylvania.

2. Defendant, DuBois Regional Medical Center West (hereinafter referred to as Defendant Hospital), at all times material to this Complaint was a corporation or other entity chartered and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business in DuBois, Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, this Defendant owned, operated, and controlled a certain

general hospital located at 100 Hospital Avenue, DuBois, Clearfield County, Pennsylvania 15801.

3. In November 1998, Plaintiff's decedent, Algrid Paris, was a patient at Defendant Hospital. On the evening of November 22, 1998, Mr. Paris requested that a nurse's aide assist him into bed. At all times, the nurse's aide was employed by an agent of and furthering the business of the Defendant Hospital. At this time, the aide expressed annoyance with the patient's request. She then used excessive force in squeezing his left and right wrists causing injuries and damages for the redress of which this suit is brought.

4. The injuries and damages hereinafter set forth were caused solely by the negligence of the Defendant, their agents, servants and employees in the following respects:

- (a) In that the nurse's aide physically abused Plaintiff's decedent;
- (b) In that the nurse's aide used excessive force in restraining the Plaintiff's decedent;
- (c) In that the nurse's aide verbally abused Plaintiff's decedent;
- (d) In that the nurse's aide failed to properly perform her duty of assisting Plaintiff's decedent to his bed;
- (e) In that the nurse's aide touched Plaintiff's decedent in such a manner as to cause injury to the left and right arms and hands;
- (f) In that the Defendant Hospital failed to properly supervise the nurse's aide in question;
- (g) In that the Defendant Hospital failed to properly and fully investigate other complaints concerning the nurse's aide in question;

(h) In that the nurse's aide violated the hospital rules regarding patient care under the circumstances.

5. Directly as a result of the negligence as aforesaid, Plaintiff sustained the following injuries:

- (a) Bruises and abrasions about the right wrist and forearm;
- (b) Bruises and abrasions about the left wrist and forearm;
- (c) Injuries to the 2nd and 5th fingers of the left hand;
- (d) Skin tears on the right wrist and forearm.

6. As a result of the injuries as aforesaid, Plaintiff's decedent was unable to participate in physical therapy causing a delay in his recovery and resulting in a prolonged hospital stay.

7. In addition, Plaintiff claims as damages the following:

- (a) Pain, suffering, inconvenience, embarrassment and mental anguish;
- (b) Hospital and medical bills.

8. Plaintiff's decedent, Algrid Paris, died on September 7, 1999. This action is being brought pursuant to the Survival Action of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiff brings this suit to recover an amount in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS.

A JURY TRIAL IS DEMANDED.

HARRINGTON SCHWEERS DATTILO
& McCLELLAND, P.C.

BY


William S. Schweers, Jr., Esquire
Attorney for Plaintiff

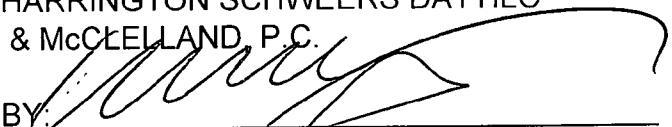
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **COMPLAINT**, was served **via first-class U.S. Mail, postage prepaid**, this 18th day of January, 2001, on the following:

John L. McIntyre, Esquire
**PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT**
P. O. Box 533
Hollidaysburg, PA 16648

HARRINGTON SCHWEERS DATTILO
& McCLELLAND, P.C.

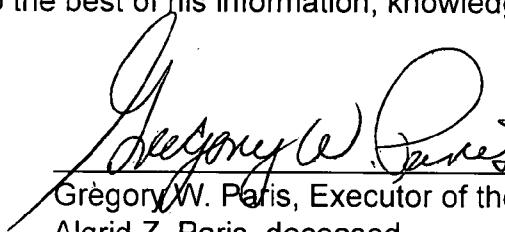
BY:


William S. Schweers, Jr., Esquire
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) ss:
)

A F I D A V I T

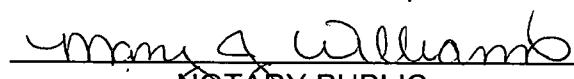
Before me, the undersigned authority, personally appeared **GREGORY W. PARIS**,
Executor of the Estate of ALGRID Z. PARIS, Deceased, Plaintiff herein, who being first
duly sworn according to law, deposes and says that the averments contained in the foregoing
COMPLAINT, are true and correct to the best of his information, knowledge and belief.

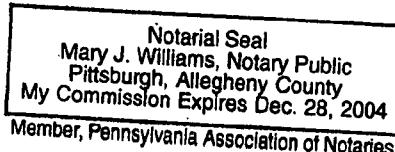


Gregory W. Paris, Executor of the Estate of
Algrid Z. Paris, deceased

Sworn to and subscribed before me,

this 18 day of JANUARY, 2001.



NOTARY PUBLIC

FILED

JAN 19 2001

1/132 NO CC

William A. Shaw

Prothonotary

EAS

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

Defendant

JURY TRIAL DEMANDED

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

TO: PROTHONOTARY

You are hereby notified that on the 15th day of **MARCH, 2001**, Defendant,
Dubois Regional Medical Center West, served Interrogatories and Request for
Production of Documents Directed to Plaintiff by mailing the original of same via First
Class U.S. Mail, postage prepaid, addressed to the following:

William S. Schweers, Jr., Esquire
HARRINGTON, SCHWEERS, DATTILO
& McCLELLAND, P.C.
100 Ross Street
Pittsburgh, PA 15219

PFAFF, MCINTYRE, DUGAS, HARTYE &
SCHMITT

Karen L. Grabill

Atorneys for Defendant
JOHN L. MCINTYRE, ESQUIRE
PA I.D. #28015
KAREN L. GRABILL, ESQUIRE
PA I.D. #80732
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

MAR 16 2001

William A. Shaw
Prothonotary

正
言
論

MAR 16 2001
William A. Shaw
Prothonotary

103

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased,

No. 00 - 1351 - CD

Plaintiff

ISSUE:
ANSWER AND NEW MATTER
TO PLAINTIFF'S COMPLAINT

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

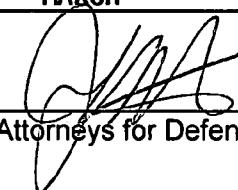
Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

Defendant

Attorney of Record for This Party:

John L. McIntyre, Esquire
PA I.D. #28015
PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 16th DAY OF
MARCH, 2001.



Attorneys for Defendant

FILED

MAR 19 2001

William A. Shaw
Prothonotary

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

Defendant

JURY TRIAL DEMANDED

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

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

1. Admitted.
2. Admitted.
3. In response to paragraph 3 of the plaintiff's Complaint, it is admitted that

Algrid Paris was a patient at DRMC in November of 1998 and that assistance was
required while Mr. Paris was a patient. As to the remainder of said averments, the same
are denied in accordance with Pa. R.C.P. 1029 and strict proof is demanded at the time
of trial regarding all claims of negligence and injuries.

4. In response to paragraph 4 of the plaintiff's Complaint, all averments of negligence, injuries and damages is denied in accordance with Pa. R.C.P. 1029 and strict proof of same is demanded at the time of trial. By way of further Answer, it is denied that any action or inaction on the part of DRMC through its agents, servants or employees caused or contributed to any injuries or were in anyway negligent.

5-7. In response to paragraphs 5, 6 and 7 of the plaintiff's Complaint, said averments are denied in accordance with Pa. R.C.P. 1029. By way of further Answer, after reasonable investigation, this answering defendant is without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments contained in paragraphs 5, 6 and 7 of the plaintiff's Complaint, pertaining to injuries and damages sustained by the plaintiff and strict proof of all claims for injuries and damages as contained in said paragraphs is demanded at the time of trial.

8. In response to paragraph 8 of the plaintiff's Complaint, it is believed that Algrid Paris died on September 9, 1999 and the within action is being brought pursuant to the Survival Action of the Commonwealth of Pennsylvania, which averment constitutes a legal conclusion and strict proof is demanded at trial.

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

NEW MATTER

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

9. The answering defendant pleads and is entitled to all defenses under the Health Care Services Malpractice Act, 40 P.S. §1301.101, et seq.

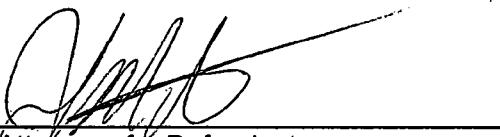
10. Further, as contained in the Health Care Services Malpractice Act, §606, hospitals in the absence of a special contract in writing, is neither a warrantor nor a guarantor of treatment or a cure.

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

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By

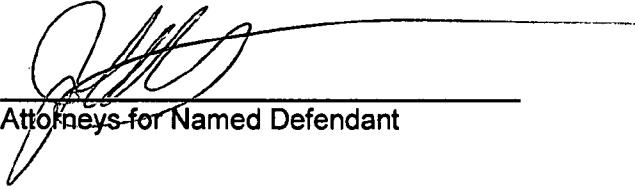


Atorneys for Defendant,
DUBOIS REGIONAL MEDICAL
CENTER WEST

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

TO: WITHIN NAMED PARTIES

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



Attorneys for Named Defendant

VERIFICATION

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

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

DUBOIS REGIONAL MEDICAL CENTER



Gregory J. Volpe, Risk Manager

Date: March 14, 2001

FILED

MAR 19 2001

19
William A. Shaw
Prothonotary
E.C.

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

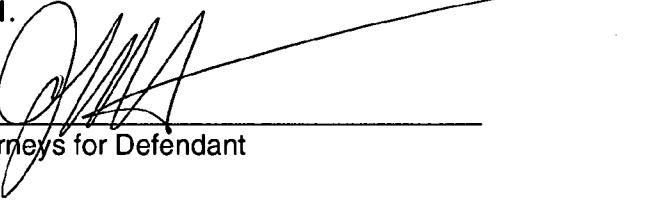
GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

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

vs.
DUBOIS REGIONAL MEDICAL
CENTER WEST, : Filed on behalf of Defendant,
**DUBOIS REGIONAL MEDICAL
CENTER WEST**

Defendant : Attorney of Record for This Party:
John L. McIntyre, Esquire
PA I.D. #28015
PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 20th DAY OF **SEPTEMBER**,
2001.



Attorneys for Defendant

FILED

SEP 21 2001
m11033/nacc
William A. Shaw
Prothonotary
E
R25

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

GREGORY W. PARIS, Executor of the
Estate of ALGRID Z. PARIS, Deceased, : No. 00 - 1351 - CD

Plaintiff

vs.

DUBOIS REGIONAL MEDICAL
CENTER WEST,

Defendant

: JURY TRIAL DEMANDED

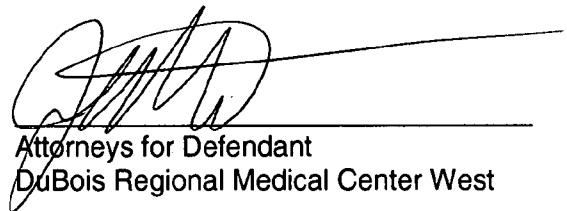
**NOTICE OF SERVICE OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF**

TO: PROTHONOTARY

You are hereby notified that on the 20th day of **SEPTEMBER, 2001**, Defendant,
Dubois Regional Medical Center West, served Interrogatories and Request for Production of
Documents Directed to Plaintiff by mailing the original of same via First Class U.S. Mail, postage
prepaid, addressed to the following:

William S. Schweers, Jr., Esquire
HARRINGTON, SCHWEERS, DATTILO
& McCLELLAND, P.C.
100 Ross Street
Pittsburgh, PA 15219

PFAFF, McINTYRE, DUGAS, HARTYE &
SCHMITT



Attorneys for Defendant
DuBois Regional Medical Center West

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

P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 Fax

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
Plaintiff,)
vs.)
DuBOIS REGIONAL MEDICAL) PETITION TO COMPROMISE THE ACTION
CENTER WEST,) OF A DECEDEDENT
Defendant.) Filed on behalf of GREGORY W.
) PARIS, Executor of the Estate of
) ALGRID Z. PARIS, Deceased,
) **PLAINTIFF**
Counsel of Record for this Party:
WILLIAM S. SCHWEERS, JR., ESQUIRE
PA I.D. #27625
HARRINGTON SCHWEERS DATTILO
& McCLELLAND, P.C.
Firm #949
100 Ross Street
Pittsburgh, PA 15219
(412) 391-3477

FILED

DEC. 13 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
Plaintiff,)
vs.)
DuBOIS REGIONAL MEDICAL)
CENTER WEST,)
Defendant.)

PETITION TO COMPROMISE THE ACTION OF A DECEDEDENT

AND NOW COMES the Plaintiff, by his Attorneys, HARRINGTON SCHWEERS
DATTILO & McCLELLAND, P.C., and files the following Petition:

1. The petitioner is Gregory W. Paris, son of the late Algrid Z. Paris, and who was appointed executor of the estate by the Register of Wills of Allegheny County.
2. The within-captioned action is a claim for medical malpractice. Plaintiff's decedent, Algrid Paris, was a patient at Defendant Hospital. On the evening of November 22, 1998, the patient requested that a nurse's aide assist him into bed. At all times, the nurse's aide was employed by an agent of and furthering the business of the Defendant Hospital. At this time, the aide expressed annoyance with the patient's request. She then used excessive force in squeezing his left and right wrists causing bruises and abrasions of the right and left wrist and forearm; injuries to the 2nd and 5th fingers on the left hand; and skin tears on the right wrist and forearm.
3. Subsequent to Plaintiff's decedent's death, Plaintiff consulted counsel. An investigation was undertaken and suit was filed.

4. Settlement discussions were entered into and the Plaintiff agreed to settlement of this case for the amount of four thousand five hundred (\$4,500.00) dollars. Plaintiff avers that the proposed settlement is reasonable under all the circumstances.

5. This action was brought pursuant to the Survival Act of the Commonwealth of Pennsylvania.

6. Based on the foregoing, Plaintiff requests that this Honorable Court approve settlement and distribution of the proceeds as follows:

**To Harrington Schweers Dattilo & McClelland,
as attorney's fees (33 1/3%):** \$1,500.00

**To Harrington Schweers Dattilo & McClelland,
as attorney's expenses:** \$117.88

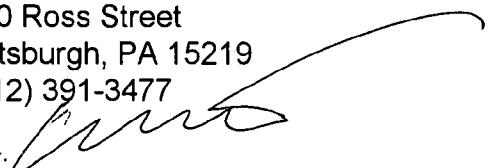
600:545 Court Administrative Fees \$117.88

**To Gregory Paris, Executor of the Estate of
Algrid Z. Paris, deceased, pursuant to the
Survival Act of the Commonwealth of Pennsylvania:** \$2,882.12

HARRINGTON SCHWEERS DATTILO &
McCLELLAND, P.C.

Firm #949

100 Ross Street
Pittsburgh, PA 15219
(412) 391-3477

BY: 

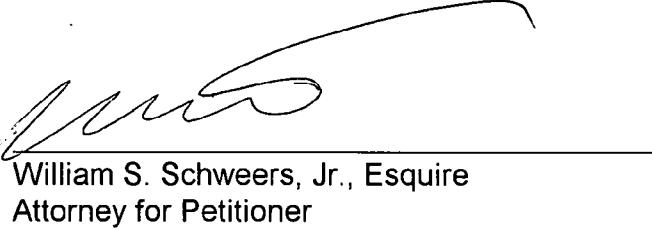
William S. Schweers, Jr., Esquire
PA I.D. #27625

Attorney for Petitioner, Gregory Paris

VERIFICATION

I, WILLIAM S. SCHWEERS, JR., ESQUIRE, Attorney for Petitioner, do hereby verify that the facts contained in the foregoing **PETITION**, are true and correct to the best of my knowledge, information and belief.

Date: 12/11/01



William S. Schweers, Jr., Esquire
Attorney for Petitioner

VERIFICATION

I, Gregory W. Paris, Executor of the Estate of Algrid Z. Paris, deceased, do hereby verify that the facts contained in the foregoing **PETITION**, are true and correct to the best of my knowledge, information and belief.

Date: 12/11/01



A handwritten signature in black ink, appearing to read "Gregory W. Paris", is written over a horizontal line. Below the signature, the name "Gregory W. Paris" is printed in a smaller, sans-serif font.

FULL AND FINAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that I, **GREGORY W. PARIS, Executor of the Estate of Algrid Z. Paris, Deceased**, being of full legal age and of sound mind, for and in consideration of the sum of **FOUR THOUSAND FIVE HUNDRED AND 00/100 (\$4,500.00) DOLLARS**, lawful money of the United States of America to me in hand paid by **DUBOIS REGIONAL MEDICAL CENTER and its insurer, PHICO INSURANCE COMPANY**, the receipt whereof is hereby acknowledged, do hereby release and forever discharge, and by these presents do for myself, my heirs, successors and assigns, release and forever discharge the said **DUBOIS REGIONAL MEDICAL CENTER, PHICO INSURANCE COMPANY**, their heirs, successors, assigns and all other persons, firms, corporations from any and all liability, claims, causes of action, damages, costs, expenses or demands of any kind whatsoever in law or in equity, AND, SPECIFICALLY, FROM ANY CLAIMS OR JOINDERS FOR SOLE LIABILITY, CONTRIBUTION, INDEMNITY OR OTHERWISE, which against the said **DUBOIS REGIONAL MEDICAL CENTER and PHICO INSURANCE COMPANY**, I have ever had, now have or which I may have in the future, or which my heirs, executors, successors, assigns hereinafter can or may have by reason of any bodily or personal injury, damages to property and the consequences thereof, known or unknown, foreseen or unforeseen, arising or which may arisen as a result of or in any way connected with the death of Algrid Z. Paris at DuBois Regional Medical Center, as a result of medical treatment rendered to Algrid Paris in November of 1998 while a patient at DRMC West, which claims and injuries are more fully set forth in the Complaint filed at number 1351-CD-2000, in the Court of Common Pleas of Clearfield County, Pennsylvania.

It is further understood and agreed that the acceptance of this sum is in full accord and satisfaction of a disputed claim and the payment of this sum is not to be construed as an admission of liability and liability is hereby expressly denied.

It is further understood and agreed that this is a complete release agreement and that there is no written or oral understanding or agreement directly or indirectly connected with this release and settlement that is not incorporated herein.

The undersigned hereby agrees, on his/ behalf and on behalf of my heirs, executors, successors, and/or assigns, to satisfy any and all liens that have been asserted and/or which could be or maybe asserted for reimbursement of any medical benefits or other benefits provided to Algrid Z. Paris or the undersigned by a third party as a result of the death/injuries claimed in the legal action referenced herein. Additionally, the undersigned hereby agrees, on his behalf and on behalf of my heirs, executors, successors, and/or assigns, to indemnify and save forever harmless the releasees named in this document, as well as counsel for the Defendants, McINTYRE, DUGAS, HARTYE & SCHMITT, from and against any and all of claims, demands, or actions, known or unknown, made against the releasees or McINTYRE, DUGAS, HARTYE & SCHMITT by any person or entity on account of, or in any manner related to or arising from the legal action noted above.

In the event Court approval is required for the settlement, compromise or resolution of this claim, this settlement is conditioned upon Plaintiff undertaking any and all necessary action detain same.

It is further understood and agreed that Plaintiff will have the docket in the above matter marked satisfied and discontinued and provide the necessary documentation to counsel for the releasees.

It is further understood and agreed that this is a complete release agreement and that there is no written or oral understanding or agreement directly or indirectly connected with this release and settlement that is not incorporated herein.

I hereby declare that I fully understand the terms of this settlement, that the amount stated herein is the sole consideration for this release and that I have voluntarily accepted the said sum for the purpose of making a full and final compromise and settlement of our said claim.

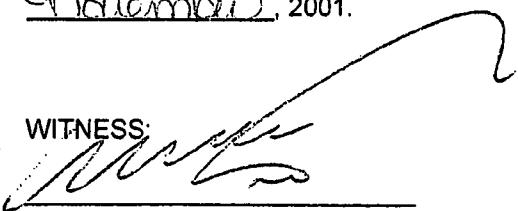
This agreement shall be construed that wherever applicable, the use of the singular number shall include the plural number and the masculine gender shall be construed to include the feminine or neuter gender.

It is further understood and agreed that I and my attorneys or other representatives, will not cause to be publicized in news or communications media, including but not limited to newspapers, magazines, journals, radio and television, any aspects of the terms or conditions of this settlement. All parties to this agreement expressly agree to decline comment on any aspect of this agreement to all members of the public and/or media. This paragraph is intended to become part of the consideration for settlement.

The undersigned hereby declares that the terms of this settlement have been completely read; and that he has discussed the terms of this settlement with legal counsel of his choice; and said terms are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims on account of the injuries and damages above-mentioned, and for the express purpose of precluding forever any further or additional suits arising out of the aforesaid claims.

IN WITNESS WHEREOF, I have hereunto set our hands and seals this 16 day of November, 2001.

WITNESS:



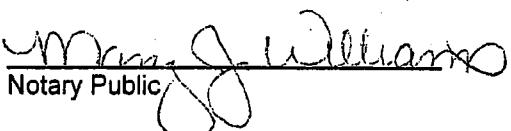
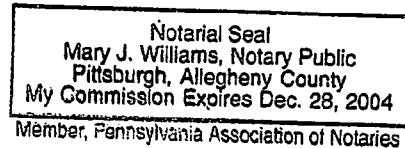
Gregory W. Paris, Executor of the
Estate of Algrid Z. Paris, Deceased

S.S.# 187442062

STATE OF PENNSYLVANIA)
COUNTY OF Allegheny)

ss:

On this 16 day of November, 2001, before me personally appeared Gregory W. Paris, Executor of the Estate of Algrid Z. Paris, Deceased, to me known, and known to me to be the same persons described in and who executed the above instrument and he severally acknowledged to me that he executed the same.


Notary Public

Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PETITION TO COMPROMISE THE ACTION OF A DECEDENT**, was served **via first-class U.S. Mail, postage prepaid**, this 10th day of December, 2001, on the following:

John L. McIntyre, Esquire
**PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT**
P. O. Box 533
Hollidaysburg, PA 16648

**HARRINGTON SCHWEERS DATTILO
& McCLELLAND, P.C.**

BY: 

William S. Schweers, Jr., Esquire
Attorney for Plaintiff

FILED

DEC 13 2001

01/03/01 Soc Atty Schuano
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD

Plaintiff,)

vs.)

DuBOIS REGIONAL MEDICAL)
CENTER WEST,)

Defendant.)

FILED

DEC 18 2001
0135013ce atty Schweers
William A. Shaw
Prothonotary
gj

ORDER OF COURT

AND NOW to-wit, this 18th day of December, 2001, upon
consideration of the foregoing **Petition to Compromise the Action of a Decedent**, it is
hereby ORDERED, ADJUDGED and DECREED, that the within-captioned action is settled
for the amount of four thousand five hundred (\$4,500.00) dollars, and distribution made
accordingly:

**To Harrington Schweers Dattilo & McClelland,
as attorney's fees (33 1/3%):** \$1,500.00

**To Harrington Schweers Dattilo & McClelland,
as attorney's expenses:** \$117.88

600:545 Court Administrative Fees \$117.88

**To Gregory Paris, Executor of the Estate of
Algrid Z. Paris, deceased, pursuant to the
Survival Act of the Commonwealth of Pennsylvania:** \$2,882.12

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor of the Estate of ALGRID Z. PARIS, Deceased,	)	CIVIL DIVISION
	)	No. 00-1351-CD
)	
Plaintiff,)	
)	
vs.	)	<u>PRAECIPE TO SETTLE AND DISCONTINUE</u>
)	
DuBOIS REGIONAL MEDICAL CENTER WEST,)	
)	
Defendant.	)	Filed on behalf of GREGORY W. PARIS, Executor of the Estate of ALGRID Z. PARIS, Deceased, PLAINTIFF
)	
)	
	)	Counsel of Record for this Party:
)	
	)	WILLIAMS SCHWEERS, JR., ESQUIRE PA I.D. #27625
)	
	)	HARRINGTON SCHWEERS DATTILO & McCLELLAND, P.C.
	)	Firm #949
	)	100 Ross Street
	)	Pittsburgh, PA 15219
)	
	)	(412) 391-3477

FILED

DEC 26 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GREGORY W. PARIS, Executor) CIVIL DIVISION
of the Estate of ALGRID Z. PARIS,)
Deceased,) No. 00-1351-CD
Plaintiff,)
vs.)
DuBOIS REGIONAL MEDICAL)
CENTER WEST,)
Defendant.)

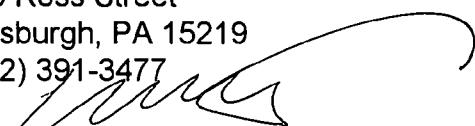
PRAECIPE TO SETTLE AND DISCONTINUE

TO: William Shaw, Prothonotary

Dear Sir:

Would you kindly mark the docket as the within-captioned action having been settled and discontinued.

HARRINGTON SCHWEERS DATTILO &
McCLELLAND, P.C.
Firm #949
100 Ross Street
Pittsburgh, PA 15219
(412) 391-3477

BY: 

William S. Schweers, Jr., Esquire
PA I.D. #27625

Attorney for Plaintiff, Gregory W. Paris

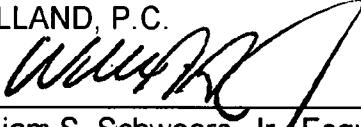
Date: December 20, 2001.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PRAECIPE TO SETTLE AND DISCONTINUE**, was served **via first-class U.S. Mail, postage prepaid**, this 20th day of December, 2001, on the following:

John L. McIntyre, Esquire
**PFAFF, McINTYRE, DUGAS,
HARTYE & SCHMITT**
P. O. Box 533
Hollidaysburg, PA 16648

HARRINGTON SCHWEERS DATTILO
& McCLELLAND, P.C.

BY: 

William S. Schweers, Jr., Esquire
Attorney for Plaintiff

三
三
三
三

DEC 26 2001

William Seward
Postmaster

PO CC
Cert. off discontinuation to org. Schuers
cert. of disc. to CA

COPY

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

CIVIL DIVISION

**Gregory W. Paris
Paris, Algrid Z. Estate**

**Vs. No. 2000-01351-CD
DuBois Regional Medical Center West**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on this 26th day of December, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$80.00 have been paid in full by William S. Schweers, Jr., Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of December A.D. 2001.



William A. Shaw, Prothonotary