

01-312-CB
ELLEN KURTEEN et al. -vs- MATTHEW J. COURSON

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

ELLEN KURTEN and EUGENE S. : No. 01 - 312 C.D.
KURTEN, III, :
Plaintiffs : Type of Case: IN TRESPASS
vs. :
: Type of Pleading: PLAINTIFFS' PRE-TRIAL
MATTHEW J. COURSON, :
Defendant : MEMORANDUM
: Filed on Behalf of: ELLEN KURTEN and
: EUGENE S. KURTEN, III, Plaintiffs
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

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JAN 10 2003

COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.	:
KURTEN, III,	:
	Plaintiffs
	:
	: No. 01 - 312 C.D.
vs.	:
	:
MATTHEW J. COURSON,	:
	Defendant
	:

PLAINTIFFS' PRE-TRIAL MEMORANDUM

1. Factual Statement of the Claim:

Plaintiff, ELLEN KURTEN, was injured as a result of a vehicular accident which occurred on March 22, 1999, when Defendant, MATTHEW J. COURSON, attempted to make a left turn into Treasure Lake and pulled out in front of Plaintiffs' vehicle which had the right-of-way. At the time of the accident, Plaintiff was the owner and operator of a 1993 Dodge Caravan that she was then and there operating in a southerly direction along State Route 255 toward the entrance to the Treasure Lake Subdivision in the Township of Sandy, Clearfield County, Pennsylvania. Defendant was the owner and operator of his 1987 Pontiac Sunbird.

At the scene of the accident, Defendant admitted that he was following a line of traffic and assumed the on-coming lane was clear. There is no evidence that he attempted to stop prior to striking Plaintiffs' vehicle.

As a result of the accident, ELLEN KURTEN sustained trauma to her neck, back and left knee; contusions and sprain and strain of her right arm and spasm to her lumbar region. In addition, the injury to her left knee resulted in extra strain to her ankles and feet and aggravated

a previously non-symptomatic hallux valgus deformity of her feet, requiring additional surgery.

Although Plaintiff was employed by Paris Companies as a Data Entry Inspector at the time of the accident at the rate of \$6.42 an hour, she was unable to return to work within the time required by her employer to keep her job and, as a result, lost her job with Paris Companies. She has only recently been released to return to work in a sedentary capacity and has not been able to find employment.

2. List of All Exhibits to be Offered in Evidence:

- (a) Medical records;
- (b) Medical bills;
- (c) Accident Report;
- (d) Photographs;
- (e) Charts of lost wages and other financial losses;
- (f) Such other exhibits as are warranted at the time of trial.

3. Witnesses:

- (a) Plaintiff, ELLEN KURTEN, 215 Morrison Street, DuBois, Clearfield County, PA 15801- liability and damages;
- (b) Plaintiff, EUGENE S. KURTEN, III, 215 Morrison Street, DuBois, Clearfield County, PA 15801 - damages;
- (c) ROBERT ARMSTRONG, D.O., West Penn Orthopedics, 211 Beaver Drive, DuBois, PA 15801 - damages;

- (d) PAUL F. DOUGHTY, D.O., DuBois Regional Medical Center, 5 North Third Street, Reynoldsville, PA 15851 - damages;
- (e) Any witnesses listed on Defendant's Pre-Trial Narrative;
- (f) Plaintiffs reserve the right to supplement the list of witnesses and to call additional witnesses with due notice in advance of trial to Defendant.

4. Statement of Legal Theory upon which Right of Recovery is Predicated:

Plaintiffs seek damages against Defendant, MATTHEW J. COURSON, on the grounds that Defendant was negligent in attempting to make a left-hand turn in the path of the vehicle being driven by Wife Plaintiff when her vehicle clearly had the right-of-way.

Plaintiff, ELLEN KURTEN, denies any comparative negligence on the grounds that she had no ability to stop her car because Defendant turned directly in front of her. Defendant has admitted that he did not look to see if there was on-coming traffic. His insurance company has already paid \$3,500.00 to Plaintiff in an admission of liability.

5. Statement of Damages Claimed:

Plaintiff, ELLEN KURTEN, sustained severe soft tissue injuries to her neck, shoulder, arm and back. In addition, she suffered an avulsion fracture to her left knee and has had to endure extensive therapy and immobilization of the leg. She lost her job because she was not released to return within the time permitted by the employer. Although released to sedentary work thereafter, she has been unable to secure employment.

At the time of the accident, ELLEN KURTEN, was and remains married to EUGENE S. KURTEN, III, and he makes a claim for loss of consortium as well as for reimbursement of uncovered medical expenses.

6. Extraordinary Evidentiary Problems:

None anticipated.

7. List of Stipulations:

None to date. It is anticipated that the parties will be able to stipulate to the admission of the medical bills and any photographs.

8. Special Points for Charge:

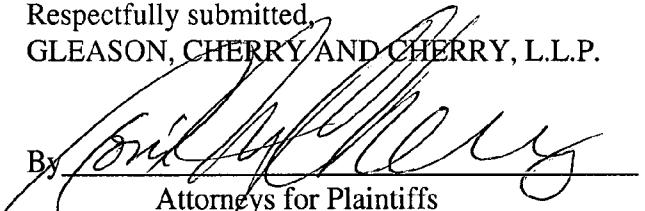
No special points for charge are expected at present, other than standard negligence charges. Formal points to be provided for the Court prior to trial and Plaintiffs reserve the right to request specific points for charge if it becomes apparent that the same are necessary.

9. Estimated Time for Trial:

Two (2) days.

Respectfully submitted,
GLEASON, CHERRY AND CHERRY, L.L.P.

By


John P. Gleason
Attorneys for Plaintiffs
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
(814) 371-5800

Dated: January 10, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
vs. : No. 01 - 312 C.D.
MATTHEW J. COURSON, :
Defendant :
:

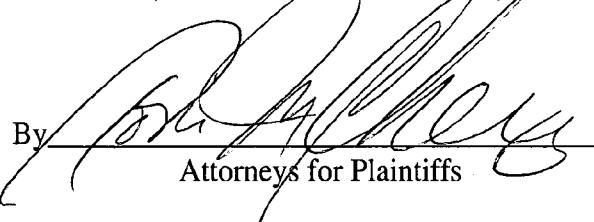
CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2003, a true and correct copy of Plaintiff's Pre-Trial Memorandum was served upon TROY J. HARPER, ESQ., counsel for Defendant, by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

TROY J. HARPER, ESQ.
Dennsion, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825-1291

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiffs

Dated: January 10, 2003



DuBois Regional
Medical Center

Making the difference for life.

Paul F. Doughty, D.O.

5 North 3rd St.
Reynoldsville, Pennsylvania 15851

September 22, 2000

Attorney Toni Cherry
1 North Franklin St.
DuBois, PA 15801

Re: Ellen Kurten

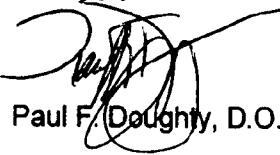
Dear Ms. Cherry:

I'm responding to your request of information on Ellen "Peaches" Kurten dated September 18, 2000. As you are well aware, Mrs. Kurten had significant motor vehicle accident in which she was struck almost head on by another vehicle while attempting a turn. Subsequent to this she had significant back pain and also significant left knee pain. This was associated with considerable myospasm and swelling in the left knee. The accident occurred on March 22, 2000 at which time she went to the Emergency Room. She has subsequently followed with me almost all of this time. In addition to the above mentioned injuries, she did have a contusion and sprain/strain of her right arm. Her knee pain was not felt to be significant at the time of the ER visit, however, subsequently got worse and we eventually got an MRI study of the left knee which revealed the patellar fracture. She also had considerable persistent lumbar myospasm, all of which required a course of physical therapy. She also saw orthopedic surgeons primarily Dr. Armstrong of West Penn Orthopedics. With treatment in my office and also physical therapy, her low back pain has slowly resolved and not currently a significant problem. However, her left knee continues to cause her chronic pain secondary to the fracture. In addition to this, she has a corrected gait as a result of the pain in the left knee. This has caused increased pain in her feet, specifically secondary to her congenital hallux valgus deformity on both feet. The patient subsequently required the resection of both of these bunions to alleviate some of the pain. More recently the patient has developed some left ankle pain with no specific injury there. My suspicion is that this is probably secondary to her chronic left knee disability and the subsequent correction of gait for the disability. This put extra strain on the ankle and has subsequently caused the low level sprain/strain on the ankle. The left ankle was subsequently x-rayed in August of this year and we did check the foot as well on the left side. There were no acute changes in terms of fractures in either the foot or the ankle.

Attorney Toni Cherry
September 22, 2000
Page 2

In conclusion, I feel that Mrs. Kurten did sustain a significant injury to her left knee which in turn impacted several areas of her life. These include her flaring of her bunion pain on both sides, presumably secondary to correction of gait and also a development of a chronic left ankle sprain/strain syndrome as a result of gait correction as well. Should you have any further questions, please feel free to contact me. If you need any other records, also feel free to contact me.

Sincerely yours,



Paul F. Doughty, D.O.

PFD/sb

(A)

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P. O. Box 505
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PAULA M. CHERRY
EDWARD V. CHERRY
1950-1990
JAMES A. GLEASON
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January 10, 2003

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JAN 10 2003

**COURT ADMINISTRATORS
OFFICE**

Ms. Marcy Kelley
Deputy Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830

**RE: KURTEN vs. COURSON
No. 01 - 312 C.D.**

Dear Ms. Kelley:

We are enclosing herewith Plaintiffs' Pre-Trial Memorandum in the above-captioned case in anticipation of the pre-trial scheduled for January 17, 2003, before the Honorable Fredric J. Ammerman..

By copy of this letter, we are this day forwarding a true and correct copy of the Pre-Trial Memorandum to Troy J. Harper, Esq., counsel for Defendant.

Thanking you for your kind attention to this matter, we remain

Very truly yours,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Toni M. Cherry

TMC:mls

Enclosure

cc/w.enc.: Troy J. Harper, Esq.
Mr. and Mrs. Eugene S. Kurten, III

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Pretrial Statement

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

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JAN 10 2003

COURT ADMINISTRATOR'S
OFFICE

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

PRETRIAL STATEMENT

AND NOW, comes the Defendant, MATTHEW J. COURSON, by and through his attorneys, Dennison, Dennison & Harper, who file the following Pretrial Statement pursuant to 46 J.D.R.C.P. 212.4:

I. FACTS

On or about March 22, 1999 at approximately 3:55 p.m., the Defendant, Matthew J. Courson, was operating his 1987 Pontiac Sunbird in a northerly direction on State Route 255 in Sandy Township, Clearfield County. Matthew J. Courson brought his vehicle to a stop and then attempted to make a left-hand turn into the Treasure Lake entrance. At that time, the vehicle operated by the Plaintiff, which was traveling in a southerly direction on State Route 255, struck the passenger's side of the vehicle operated by Matthew J. Courson.

Following the accident, the Plaintiff was treated and released from the DuBois Regional Medical Center Emergency Room. Subsequently, an injury to her arm resolved, and any other alleged injuries are unrelated to the accident.

II. LEGAL THEORIES

1. Was the Defendant, Matthew J. Courson, negligent in the operation of his vehicle?
2. Was the Plaintiff, Ellen Kurten, contributorily negligent?
3. Was any alleged negligence on the part of the Defendant, Matthew J. Courson, a substantial factor in causing any injury to the Plaintiff?

III. UNUSUAL QUESTIONS OF LAW

None.

IV. WITNESSES

1. Matthew J. Courson, 204 West Long Avenue, Apt. 4, DuBois, Pennsylvania - Liability and damages
2. Ellen Kurten, 215 Morrison Street, DuBois, Pennsylvania - Liability and damages
3. Eugene S. Kurten, III, 215 Morrison Street, DuBois, Pennsylvania - Liability and damages
4. Trooper Bernard Snyder, Pennsylvania State Police, DuBois Barracks - Liability and damages
5. Dr. Bill Hennessey, Pennsylvania Physical Medicine, Inc., Berkshire Center, Suite 302, Route 30 East, Greensburg, Pennsylvania 15601 - Expert Witness - Medical (Report attached hereto).

6. Any and all of the Plaintiff's medical care providers
7. Any other witnesses set forth in any other parties' Pretrial Statement

V. EXHIBITS

The Defendant shall offer some and/or all of the following documents and things as exhibits at the trial of this case:

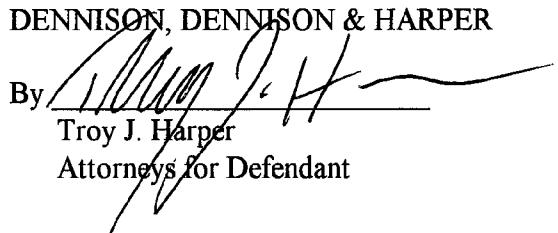
1. Photographs of the scene of the accident;
2. Diagrams of the scene of the accident;
3. Photographs of the Plaintiff's vehicle;
4. Photographs of the Defendant's vehicle;
5. Pennsylvania State Police Report STP-3-99-1029;
6. All medical records for the Plaintiff, Ellen Kurten, produced in discovery including those records obtained through discovery subpoenas;
7. All employment records for the plaintiff, Ellen Kurten, produced in discovery including those records obtained through discovery subpoena;
8. Application for Benefits executed by the Plaintiff on March 31, 1999;
9. Any other exhibits set forth in any other parties' Pretrial Statement;
10. Any other documents or exhibits produced through discovery by any party.

VI. ESTIMATED TIME FOR TRIAL

One and one-half (1 ½) days.

VII. MISCELLANEOUS

1. The Defendant, through his insurance carrier, has already paid \$3,500.00 to the Plaintiff toward a wage loss claim, and any verdict should be molded to reflect the payment.

DENNISON, DENNISON & HARPER
By 
Troy J. Harper
Attorneys for Defendant



Pennsylvania Physical Medicine, Inc.

Bill Hennessey, M.D.
Rich Kozakiewicz, M.D.
specializing in
Physical Medicine & Rehabilitation
Electrodiagnostic Medicine

Berkshire Center, Suite 302
Route 30 East
Greensburg, PA 15601-9328
Phone: (724) 836-7590
Fax: (724) 836-7570

INDEPENDENT MEDICAL EVALUATION

PATIENT NAME: KURTEN, ELLEN
DATE OF SERVICE: 12/16/02
REFERRAL SOURCE: TROY J. HARPER, ESQUIRE
DENNISON, DENNISON & HARPER
ATTORNEYS AT LAW
293 MAIN STREET
BROOKVILLE, PA 15925-1291
EMPLOYER: PARIS COMPANIES
JOB TITLE: DATE ENTRY/VAN DRIVER/INSPECTOR
DATE OF INJURY: 03/22/99

MECHANISM OF INJURY: She was the restrained driver of a 1993 Dodge Caravan with a head on impact as her motor vehicle T-boned another motor vehicle. She reported that the air bags deployed.

LIST OF PAIN COMPLAINTS AT THE TIME OF DUBOIS REGIONAL MEDICAL CENTER EMERGENCY ROOM VISIT OF 03/22/99:

1. Entire right arm pain.
2. Frontal headache.

LIST OF PAIN COMPLAINTS AT OFFICE VISIT OF PAUL DOUGHTY, D.O., ON 03/25/99:

1. Right shoulder pain.
2. Right arm pain.
3. Anterior chest wall pain.
4. Right neck pain.
5. Right back pain.

LIST OF PAIN COMPLAINTS AT OFFICE VISIT OF PAUL DOUGHTY, D.O., ON 03/30/99:

1. Right shoulder pain.
2. Neck pain.
3. Thoracic pain.

LIST OF PAIN COMPLAINTS PER TELEPHONE CONVERSATION TO DR. DOUGHTY'S OFFICE ON 04/06/99:

1. "Now left knee pain".

LIST OF PAIN COMPLAINTS NOTED AT TIME OF OFFICE VISIT WITH PAUL DOUGHTY, D.O., ON 04/21/99:

1. Left knee pain.
2. New and increasing sternal chest pain.
3. Chest pressure.

LIST OF PAIN COMPLAINTS PER OFFICE VISIT WITH PAUL DOUGHTY, D.O., ON 05/04/99:

1. Headaches.
2. Dizziness.

LIST OF COMPLAINTS PER OFFICE VISIT WITH PAUL DOUGHTY, D.O., ON 05/10/99:

1. Knee pain (side not specified).
2. Ankle pain (side not specified).

LIST OF PAIN COMPLAINTS PER OFFICE VISIT WITH PAUL DOUGHTY, D.O., ON 06/08/99:

1. Right foot bunion pain.
2. Left foot bunion pain.
3. Left knee burning.
4. Right knee burning.

LIST OF PAIN COMPLAINTS AT TIME OF OFFICE VISIT WITH ROBERT ARMSTRONG, D.O., ON 05/17/99:

1. Right knee pain.
2. Left knee pain.
3. Right ankle pain.
4. Left ankle pain.
5. Right thigh pain.
6. Left thigh pain.
7. Right leg pain.
8. Left leg pain.
9. Knee locking (side not specified).

LIST OF PAIN COMPLAINTS AT TIME OF PHYSICAL THERAPY VISIT AT DUBOIS REGIONAL MEDICAL CENTER ON 04/01/99:

1. Right arm soreness.
2. Right arm pain.
3. Neck pain.
4. Thoracic pain.

LIST OF PAIN COMPLAINTS AT OFFICE VISIT WITH ANNE MATHEWS, M.D., ON 05/26/99:

1. Right arm pain.
2. Left arm pain.
3. Anterior chest pain.
4. Neck pain.
5. Right leg pain.
6. Left leg pain.
7. Right ankle pain.
8. Left ankle pain.
9. Chest tightness with elephant sitting on it sensation.
10. "Denies any headache or dizziness."

LIST OF PAIN AND OTHER COMPLAINTS AT OFFICE VISIT OF ANNE MATHEWS, M.D., ON 07/09/99:

1. Dizziness.
2. Chest tightness.
3. Neck pain.
4. Right knee pain.
5. Left knee pain.

LIST OF PAIN AND OTHER COMPLAINTS REPORTED AT THE TIME OF TODAY'S CLINICAL EVALUATION BOTH VERBALLY AND IN WRITING:

1. Posterior neck pain.
2. Posterior thoracic pain.
3. Posterior low back pain.
4. Numbness and tingling in right arm.
5. Numbness and tingling in right forearm.
6. Numbness in right hand.
7. Right anterior thigh burning.
8. Left anterior thigh burning.
9. Left knee pain.

*Note: Other than the above, she does not report any pain complaints at this time.

*Note: She does not have a report of right upper limb now – the pain complaint noted at the time of her Emergency Room visit at Dubois Regional Medical Center at the time of her motor vehicle accident of 03/22/99.

MEDICAL HISTORY:

1. Obesity (5'1 1/2" and 213 pounds).
2. Total abdominal hysterectomy with bilaterally salpingo-oophorectomy, lysis of pelvic adhesions March 2000.
3. Right great toe bunionectomy with Ace wedge osteotomy and cross K-wire fixation, hemi-phalangeectomy/arthroplasty right fifth toe in November 1999.
4. Left great toe bunionectomy with Ace wedge osteotomy and cross K-wire fixation, hemi-phalangeectomy/arthroplasty left fifth toe in July 1999.
5. Bilateral carpal tunnel syndrome March 1999
6. Laparoscopic cholecystectomy August 1996.
7. Sinusitis December 1995.
8. Right breast biopsy 1991.
9. Tubal ligation 1989.
10. Cesarean section 1982.
11. Pelvic endometriosis.
12. Left ovary endometrioma.
13. Leiomyoma uteri.
14. Pelvic adhesions.
15. Bilateral great toe bunion deformities.
16. Pneumonia.
17. Atypical chest pain secondary to obesity and reactive airway disease.
18. Asthma.
19. Bilateral patellar chondromalacia.
20. Wisdom teeth removal.
21. Tonsillectomy and adenoidectomy.

RESULTS OF IMAGING STUDIES PERFORMED SINCE TIME OF MOTOR VEHICLE ACCIDENT OF 03/22/99:

1. Normal right shoulder x-ray 03/22/99.
2. Normal right elbow x-ray 03/22/99.
3. Normal right wrist/hand x-ray 03/22/99.
4. Normal right forearm x-ray 03/22/99.
5. Normal left ankle x-ray 08/16/00.
6. Normal left ankle x-ray 11/17/02.
7. Normal left knee x-rays 11/17/02.
8. Normal chest x-ray 04/21/99.
9. Normal cervical spine x-ray 04/16/99.
10. Normal brain MRI 06/22/99.

11. Left knee MRI 04/19/99. Chondromalacia of the patella. No post-traumatic findings noted. Medial and lateral menisci are intact. Cruciate ligaments are intact. No evidence of a fracture.
12. Bilateral feet x-rays 05/11/99. No post-traumatic findings. Hallux valgus deformities bilaterally.

*Note: I have personally reviewed all imaging studies as outlined above with the exception of the brain MRI for which only the report was reviewed.

RETURN TO WORK STATUS: Off work. She has five children and she is at home with her youngest child of 12 years of age. She is not seeking any gainful employment. She also has had numerous general medical problems addressed since her motor vehicle accident of 03/20/99 including right foot surgery, left foot surgery, chest pain, pelvic endometriosis, pelvic adhesions and leiomyoma uteri.

HPI: Mrs. Kurten is a 42 year-old lady with the above reported extensive medical history who was involved in a motor vehicle accident on 03/22/99. On the same day, at approximately 7 p.m., she was evaluated in the Emergency Room by Dr. Shilala. Dr. Shilala indicated that she had a complaint of "pain to the entire right arm." There were no other pain complaints noted. There were no other symptoms noted. Dr. Shilala physical examination revealed no objective evidence of trauma. It was specifically indicated that there was no area of swelling, discoloration or deformity. There was no documentation of a single visible bruise or an abrasion. Multiple x-rays were performed and as outlined in the Emergency Room records, her right shoulder, right elbow, right forearm, right wrist, and right hand x-rays were all normal. She was empirically diagnosed with non-visible bruises and strains of her right upper limb. She was told to take over-the-counter anti-inflammatory medication such as Advil and given a limited prescription of Darvocet for discomfort. She was discharged as an outpatient.

This physician evaluator did review these medical records in her presence. I did ask her for an explanation as to the discrepancy of any complaints at any other body part other than her right upper limb and a frontal headache at the time of her motor vehicle accident and that which she has reported today. She told me that she had pain in both her right knee and her left knee and in her neck and in her posterior thorax on 03/22/99 but that the Emergency Room physician failed to document it and he failed to work her up for any such symptoms at any other body part. This was her best and only explanation. The Emergency Room nurse indicated that Mrs. Kurten reported pain from "right arm from shoulder to fingers painful." This has also indicated that Mrs. Kurten has reported that the Emergency Room nurse failed to listen to her and failed to report additional bodily pain complaints.

A detailed stack of multiple inches of medical records was reviewed in its entirety and a medical record from Dr. Doughty's office dated 03/05/99 indicates that she had a complaint of numbness and finger tingling in both hands at that time which predates the MVA of 03/22/99. It indicated that it began with both hands falling asleep at nighttime. This is a classic clinical history for carpal tunnel syndrome and she does have multiple risk factors for carpal tunnel syndrome including small hands, square-shaped wrists, obesity, female sex, age, and history of childbearing.

It was specifically indicated on 03/05/99 that "this has been occurring for three months and is getting worse." She was provided bilateral wrist splints for nighttime usage.

As outlined in the list of pain complaints that "evolved" month after month after month since March of 1999, as of 06/0899, the office visit of Dr. Doughty, her family doctor, indicated "she is also having some problems with her bunions that have been gradually worsening over the past few years." There was no notation in the Emergency Room of great toe pain in either foot. There was no notation of great toe pain at her follow up visit with her family doctor in March of 1999. She ultimately did have bilateral bunionectomies performed by her podiatrist without complication.

There was no complaint of left knee pain documented in March of the year 1999 but rather not until April of 1999. She subsequently had left knee x-ray and MRI performed. I have personally reviewed her left knee x-ray and left knee MRI. There was no evidence of a fracture. There was no evidence of any post-traumatic change. She does have chondromalacia by her left knee MRI. Chondro means cartilage and malacia means bad. This literally is interpreted as bad cartilage on the back of the kneecap. This is a common finding for a person her stated age and an expected finding for a person of her body mass index. She was referred by Dr. Doughty to an orthopedist, Dr. Armstrong, who indicated that she had bilateral chondromalacia. Dr. Armstrong indicated "review of the MRI fails to reveal any fractures at the knee and clearly shows knee collateral, lateral collateral, and anterior and posterior cruciate ligament intact with no meniscal injuries present" per his office note of 05/17/99. Dr. Armstrong also specifically indicated that the x-rays of her knees of 05/17/99 "show no evidence of fractures, subluxations, dislocations, lytic or blastic areas, and no effusions present." Again, his diagnosis was that of a degenerative change of chondromalacia of her patella. He had indicated in his follow up of 07/12/00 that she had a "marked decrease in the amount of discomfort in her knee." However, per her verbal and written report today, her pain complaints throughout her spine and her lower limbs including but not limited to her knees are described as nearly constant and an excruciating 9/10 with 10 the absolute worst pain one possibly could ever perceive. She has also reported chest pain and a letter to the claimant's counsel indicated in great detail the thorough work-up that occurred in regard to her chest pain but ultimately it has been blamed on her obesity and her reactive airway disease. There was no diagnosis in regard to her chest pain that would be considered post-traumatic. Her cardiac work-up indicated that there was no cardiac disease.

She did have a headache on the date of her motor vehicle accident but she is no longer reporting any such headaches. She has had a normal brain MRI. She has intermittently reported some dizziness in the past but no longer at this time and there was never any objective evidence of any physical impairment assigned to this subjective complaint.

Mrs. Kurten's thigh pain was not reported until she saw Dr. Armstrong in mid April of 1999. No diagnosis was provided by her thigh pain and there was no further work-up for her thigh pain. Such, there has been no physical impairment identified at her thighs and again there was no complaint of thigh pain in the month of March of 1999.

She has reported both verbally and in writing that she has low back pain but none of the medical records reviewed have indicated that she has had any low back pain. She was unable to provide

a specific date at which the low back pain developed but she indicated that she had both posterior neck pain and posterior thoracic pain at the time of her MVA in March of 1999. She has not been treating with any physician for approximately one year, per her report at this time. Therefore, based upon the medical records reviewed, it would appear that her subjective complaint of posterior low back pain developed within the past year.

In terms of treatment for her non-visible reported contusions and strains, she has had anti-inflammatory medication, participated in physical therapy, and also time has passed by to complete the healing process. Again, she is not participating in any form of treatment with any physician and she has not done so for over one year.

Lastly, she reports that she was involved in a motor vehicle accident in 1997 and April of 1999 with no injury sustained at either time.

PHYSICAL EXAM: A visual inspection of her neck revealed no outward evidence of trauma, such as a bruise or an abrasion. Her cervical posture was good. Her muscle tone and muscle bulk was normal and symmetric throughout her posterior cervical paraspinal musculature. Subjectively she reported pain to light palpation in a large, non-anatomic distribution. Her Spurling maneuver was negative bilaterally. Her active cervical spine range of motion was complete in all directions.

Her muscle stretch reflexes were two and symmetric at the biceps, triceps, and brachioradialis locations. No pathologic reflexes were noted in either upper limb. Her muscle tone and her muscle bulk was normal and symmetric throughout both upper limbs. Resisted manual muscle testing revealed that she had excellent and symmetric strength in all major muscle groups of both upper limbs. Her sensation to light touch was intact.

She subjectively complained of pain in between her shoulder blades to light palpation in a large, non-anatomic distribution. She had normal and symmetric muscle tone and muscle bulk throughout her entire posterior thorax. There was no scapular winging with resisted shoulder flexion to suggest a long thoracic nerve of Bell injury. There was no scapular winging with resisted shoulder abduction to suggest a spinal accessory nerve injury.

A visual inspection of her low back revealed that there was no outward evidence of trauma. There was no bruising. There were no abrasions. There was no swelling. Her pelvis was level. She did not have a list. Her muscle tone and her muscle bulk were normal and symmetric throughout her posterior lumbar trunk. Her lumbosacral spine range of motion was complete in all directions. There was no tenderness or pain to palpation of her posterior lumbar musculature. Her straight leg raise testing was negative bilaterally.

Her lower limb examination revealed that she had normal and symmetric muscle tone and muscle bulk. Resisted manual muscle testing revealed that she had excellent and symmetric strength in all major muscle groups of both lower limbs. Her muscle stretch reflexes were two and symmetric at the patellar, medial hamstring, and Achilles locations. Her sensation to light touch was intact. Her posterior superior iliac spine movement was excellent and symmetric with

trunk flexion. Her Patrick maneuver was negative for any sacroiliac pain. Her pelvic compression test was negative for any sacroiliac pain. Her walking pattern was normal.

Her right shoulder evaluation revealed that she had excellent and symmetric muscle tone and muscle bulk. Her active and passive range of motion at her right shoulder was complete in all directions. Her impingement sign was negative for any rotator cuff condition. Her apprehension sign was negative for any glenohumeral instability. Her Yergason maneuver was negative for a bicipital tendinitis. There was no pain and/or weakness with resisted external rotation or abduction to suggest a rotator cuff condition. There was no point tenderness to palpation in the subacromial bursa space. There was no tenderness or pain to palpation over the acromioclavicular joint. There was no pain in the region of the acromioclavicular joint with abduction of the right upper limb across the body's midline. Her strength was normal in all planes of motion in the right shoulder. There was no scapular winging with resisted shoulder flexion to suggest a long thoracic nerve of Bell injury. There was no scapular winging with resisted shoulder abduction to suggest a spinal accessory nerve injury.

A visual inspection of her right elbow region revealed no outward evidence of trauma. There was no bruising. There was no swelling. There were no abrasions. There were no lacerations. There was no swelling in the region of the olecranon bursa. There was no pain or tenderness to palpation over the olecranon bursa. There was no pain or tenderness to palpation over the lateral epicondyle. There was no pain or tenderness to palpation over the medial epicondyle. Her range of motion was normal at her right elbow. She had normal pronation and supination in the forearm. Her Hoffmann-Tinel sign was negative at her right elbow. She did not have a symptomatic subluxing ulnar nerve at the elbow. There was no reproduction of pain at the lateral epicondylar region with resisted wrist or finger extension. There was no reproduction of medial epicondylar pain with resisted wrist or finger flexion.

A visual inspection of her right wrist revealed no outward evidence of trauma, such as bruising or swelling. She had a pain-free active and passive range of motion at her right wrist as well as at her forearm with pronation and supination. There was no crepitus noted with range of motion testing. There was no tenderness to palpation in her anatomic snuff box. Her Finkelstein maneuver was negative. There was no reproduction of pain with resisted right thumb extension or with resisted wrist flexion or extension.

Her right wrist was square shaped. She had normal thumb muscle bulk. Her thumb abduction strength was excellent. She did have a Hoffmann-Tinel sign over her right carpal tunnel. Her Phalen sign was negative in her right hand. Her sensation to light touch was intact in her right hand. Her LaBan sign was negative. Her hand intrinsic strength was intact. Her strength was intact throughout her right upper limb.

Her left wrist was square shaped. She had normal thumb muscle bulk. Her thumb abduction strength was excellent. She did have a Hoffmann-Tinel sign over her left carpal tunnel. Her Phalen sign was negative in her left hand. Her sensation to light touch was intact in her left hand. Her LaBan sign was negative. Her hand intrinsic strength was intact. Her strength was intact throughout her left upper limb.

Her right knee examination revealed no outward evidence of trauma. There was no bruising. There was no swelling. There were no abrasions. There were no lacerations. She did not have a visible or palpable effusion at the right knee. Her patellar ballottement test was negative. Her patellar tracking was normal. There was no tenderness or pain to palpation along the course of her right patellar tendon. Her active range of motion at the right knee was complete with flexion and extension. There was crepitus with range of motion testing that was symmetric with the opposite knee. She had normal and symmetric quadriceps muscle tone, muscle bulk, and strength. Her Lachman maneuver was negative. Her McMurray sign was negative. There was no laxity or pain reproduced with varus or valgus stressing of her right knee. There was no tenderness to palpation along the joint line of her right knee.

Her left knee examination revealed no outward evidence of trauma. There was no bruising. There was no swelling. There were no abrasions. There were no lacerations. She did not have a visible or palpable effusion at the left knee. Her patellar ballottement test was negative. Her patellar tracking was normal. There was no tenderness or pain to palpation along the course of her left patellar tendon. Her active range of motion at the left knee was complete with flexion and extension. There was crepitus with range of motion testing that was symmetric with the opposite knee. She subjectively complained of left knee pain as I flexed her knee toward 90 degrees but she had no such report of an increase of left knee pain while she was seated on the physical examination table with her left knee flexed to 90 degrees. This is evidence of inappropriate illness pain behavior in regard to her left knee pain. She had normal and symmetric quadriceps muscle tone, muscle bulk, and strength. Her Lachman maneuver was negative. Her McMurray sign was negative. There was no laxity or pain reproduced with varus or valgus stressing of her left knee. There was no tenderness to palpation along the joint line of her left knee. Her walking pattern was normal.

IMPRESSIONS:

1. Ellen Kurten was involved in a motor vehicle accident on 03/22/99. She was a restrained driver. Her air bag did deploy. There was no objective evidence of any trauma documented in the Emergency Room. All objective physical examination findings were normal. There was no documentation in support of a single bruise or abrasion. All x-ray studies performed were normal.
2. Ellen Kurten had complaints limited to her right upper limb per the Emergency Room records of both the Emergency Room physician and the Emergency Room registered nurse on 03/22/99. She was empirically diagnosed with non-visible right upper limb mild bruises and strains. Ellen Kurten has alleged that both the Emergency Room physician and Emergency Room registered nurse failed to document her additional bodily pain complaints and failed to work-up her additional bodily pain complaints.
3. Ellen Kurten no longer has any right upper limb pain. In other words, her pain symptom that she reported on 03/22/99 is gone. She has indicated such both verbally and in writing. She has had normal imaging studies of her right upper limb. She has had a normal physical examination of her right upper limb aside from a physical examination consistent with right carpal tunnel syndrome. As such, she has made a full recovery from

her mild, non-visible right upper limb contusions/strain injuries based upon a very sufficient amount of time to complete the healing process in conjunction with her normal physical examination findings and normal imaging findings.

4. No other bodily complaint is considered related to her MVA of 03/22/99. There are a few teaching points to be made. First, motor vehicle accidents do not cause bunions. The medical records have reflected that her bunions in her great toes had been worsening over a number of years predating her MVA. She also has symptoms of carpal tunnel syndrome in both of her hands pre-dating her MVA of 03/22/99 and waking her up at nighttime. She has multiple medical and personal attribute risk factors for carpal tunnel syndrome as outlined earlier in this report and as supported by my publications, research, and clinical experience in regard to carpal tunnel syndrome. She has a wear and tear change of the back of her kneecaps as related to a combination of her age and her obesity. By definition, chondromalacia of the patella indicates that this is a degenerative change over time and it is not a post-traumatic diagnosis. Furthermore, all pain complaints beyond those in the right upper limb lack a direct and proximate temporal relationship to the time of her MVA of 03/22/99 (they "developed" in later months or years).
5. Physical capacities. There is no residual physical impairment from her MVA of 03/22/99 and therefore by definition there is no physical disability for her to participate in any vocational or avocational activities. Her current chosen sedentary avocational lifestyle stems from factors that are not physically related to her MVA of 03/22/99.

Truly yours,



Bill Hennessey, M.D.
Board Certified, Physical Medicine and Rehabilitation
Medical Director, Rehabilitation Services, Latrobe Area Hospital

rck

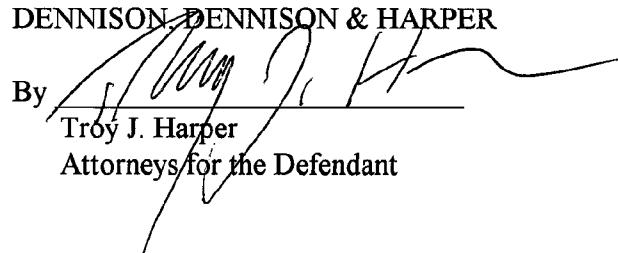
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Pretrial Statement was served on the
9th day of January, 2003 by United States Mail, first class mail,
postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

(A)

DENNISON, DENNISON & HARPER
Attorneys at Law

Donald J. Dennison
John C. Dennison, II
Troy J. Harper

293 Main Street
Brookville, PA 15825-1291
Telephone (814) 849-8316
Fax (814) 849-4656
E-Mail ddh@usachoice.net

January 9, 2003

David S. Meholick
Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830

RE: Kurten v. Courson
No. 2001 - 312 C.D.

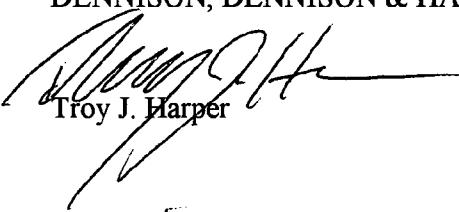
Dear Mr. Meholick:

Enclosed is an original Pretrial Statement which is submitted on behalf of my client, Matthew J. Courson, in regard to the above-captioned matter pursuant to 46 J.D.R.C.P. 212.4.

Thank you for your cooperation. Please contact me if you have any questions concerning this matter.

Very truly yours,

DENNISON, DENNISON & HARPER


Troy J. Harper

cc: Toni M. Cherry, Esq. (w/enc)

RECEIVED

JAN 10 2003

DRS

Date: 01/09/2003

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 11:21 AM

ROA Report

Case: 2001-00312-CD

Ellen Kurten, Eugene S. Kurten, Illuya Mattheus, J. Gourvenec

Civil Other

Date	Judge	
03/06/2001	Filing: Praeclipe for Writ of Summons Paid by: Cherry, Toni M (attorney for Kurten, Ellen) Receipt number: 1821481 Dated: 03/06/2001 Amount: \$80.00 (Check) Please enter our appearance on behalf of Plaintiffs, and issue a Writ of Summons in the above-captioned action against Defendant. Writ of Summons issued to Sheriff	No Judge ✓
03/12/2001	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge ✓
03/22/2001	Appearance on behalf of the Defendant. s/Troy J. Harper, Esq. Cert of Svc no cc Praeclipe for Rule to File Complaint. Filed by s/Troy J. Harper, Esq. Cert. No Judge of Svc. 2 cc w/Rule to Atty	No Judge ✓
03/29/2001	Certificate of Service, Rule to File Complaint, upon Toni M. Cherry, Esq. s/Troy J. Harper, Esq. no cc	No Judge ✓
04/17/2001	Complaint. Filed by s/Toni M. Cherry, Esq. 2 cc atty Cherry	No Judge ✓
04/25/2001	Certificate of Service, Complaint upon Troy J. Harper, Esq. s/Toni M. Cherry, Esq. no cc	No Judge ✓
05/10/2001	Preliminary Objections. filed by s/Troy J. Harper, Esq. Cert of Svc no cc	No Judge ✓
05/14/2001	Certificate of Service, First Set of Interrogatories Directed to Plaintiffs and First Set of Request for Production of Documents Directed to Plaintiffs upon Toni M. Cherry, Esq. s/Troy J. Harper, Esq. no cc	No Judge ✓
06/15/2001	Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Amended Complaint, filed by Atty. Cherry 3 Cert. to Atty.	No Judge ✓ No Judge ✓ John K. Reilly Jr. ✓
06/22/2001	Answer and New Matter. Filed by s/Troy J. Harper, Esq. Verification, s/Matthew J. Courson Certificate of Service no cc	John K. Reilly Jr. ✓
07/10/2001	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, To: Ellen and Eugene Kurten, filed by s/Troy J. Harper No CC Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC	John K. Reilly Jr. ✓ John K. Reilly Jr. ✓ John K. Reilly Jr. ✓ John K. Reilly Jr. ✓

Date: 01/09/2003

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 11:21 AM

ROA Report

Page 2 of 3

Case: 2001-00312-CD

Current Judge: Fredric J. Ammerman

Ellen Kurten, Eugene S. Kurten III vs. Matthew J. Courson

Civil Other

Date	Judge
07/10/2001	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by Troy J. Harper No CC John K. Reilly Jr.
	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC John K. Reilly Jr.
	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC John K. Reilly Jr.
	Notice of Deposition for the Purpose of Copying Records Only, To: Records John K. Reilly Jr. Custodian, DuBois Magnetic Imaging Center, filed by s/Troy J. Harper No CC
	Notice of Deposition for the Purpose of Copying Records Only, To: Records John K. Reilly Jr. Custodian, State Farm Insurance Companies, filed by s/Troy J. Harper No CC
	Notice of Deposition for the Purpose of Copying Records Only, To: Records John K. Reilly Jr. Custodian, Outpatient Therapy, DuBois Regional Medical Center, filed by s/Troy J. Harper No CC
	Notice of Deposition for the Purpose of Copying Records Only, To: Personnel Director, Paris Company, filed by s/Troy J. Harper No CC John K. Reilly Jr.
	Notice of Deposition for the Purpose of Copying Records Only, To: Dr. Paul John K. Reilly Jr. F. Doughty, filed by s/Troy J. Harper No CC
	Notice of Deposition for the Purpose of Copying Records Only, To: Records John K. Reilly Jr. Custodian, DuBois Regional Medical Center, filed by s/Troy J. Harper No CC
	Notice of Deposition for the Purpose of Copying Records Only, To: Records John K. Reilly Jr. Custodian, West Penn Orthopaedics, filed by s/Troy J. Harper No CC
12/24/2001	Motion to Compel. Filed by s/Troy J. Harper, Esq. Certificate of Service John K. Reilly Jr.
12/26/2001	no cc
	Reply to New Matter. Filed by s/Toni M. Cherry, Esq. Verification. s/Toni John K. Reilly Jr. M. Cherry, Esq. Certificate of Service 1 cc Atty Cherry
01/11/2002	Notice of Deposition of Ellen Kurten. Filed by s/Troy J. Harper, Esq. Cert of Svc no cc John K. Reilly Jr.
	Notice of Deposition of Eugene S. Kurten, III. Filed by s/Troy J. Harper, Esq. Cert of Svc no cc John K. Reilly Jr.
01/24/2002	Certificate of Service, Answers to First Set of Interrogatories Directed to Plaintiffs upon TROY J. HARPER, ESQ. Filed by s/Toni M. Cherry, Esq. no cc John K. Reilly Jr.
	Certificate of Service, Response to First Set of Request for Production of Documents Directed to Plaintiffs upon TROY J. HARPER, ESQ. Filed by s/Toni M. Cherry, Esq. no nn John K. Reilly Jr.
02/15/2002	Withdrawal of Motion to Compel, filed by Abby. Dennison No Cert. Copies John K. Reilly Jr.
03/15/2002	Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC John K. Reilly Jr.
	Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/Troy J. Harper No CC John K. Reilly Jr.
05/23/2002	Notice of Deposition for the Purpose of Copying Records Only upon GARY MAGEE, D.C. Filed by s/Troy J. Harper, Esq. Certificate of Service no cc John K. Reilly Jr.
	Notice of Deposition for the Prupose of Copying Records Only upon DR. ANN MATTHEWS Filed by s/Troy J. Harper, Esq. Certificate of Service no cc John K. Reilly Jr.

Date: 01/09/2003

Time: 11:21 AM

Page 3 of 3

Clearfield County Court of Common Pleas

User: BANDERSON

ROA Report

Case: 2001-00312-CD

Current Judge: Fredric J. Ammerman

Ellen Kurten, Eugene S. Kurten III vs. Matthew J. Courson

Civil Other

Date		Judge
05/23/2002	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa. R.C.P. 4009.22, upon GARY MAGEE, D.C. Filed by s/Troy J. Harper, Esq. Certificate of Service no cc Certificate Prerequisite to Service of a Subpoena Pursuant to Pa. R.C.P. 4009.22, upon DR. ANN MATTHEWS. Filed by s/Troy J. Harper, Esq. Certificate of Service	John K. Reilly Jr. ✓
11/20/2002	Praecipe For Case To Be Listed For Jury Trial. filed by s/Toni M. Cherry, Esq. Certificate of Readiness s/Toni M. Cherry, Esq. Certificate of Service 2 cc to Atty Cherry Copy to CA	John K. Reilly Jr. ✓

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
vs. : No. 01 - 312 C.D.
MATTHEW J. COURSON, :
Defendant :
:

PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

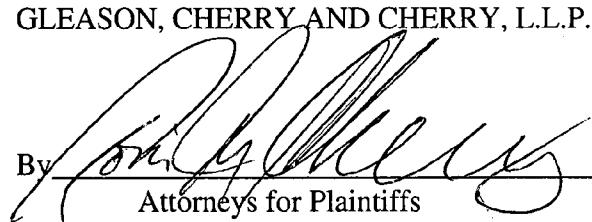
Sir:

Please enter our appearance on behalf of Plaintiffs, ELLEN KURTEN and EUGENE S. KURTEN, III, and issue a Writ of Summons in the above-captioned action against Defendant, MATTHEW J. COURSON, whose last known address is R. D. #1, Box 44D, Penfield, Pennsylvania 15849.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Tony Gleason
Attorneys for Plaintiffs
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

Date: March 5, 2001

FILED

MAR 06 2001
01/18/01 Gatty Cherry
William A. Shaw
Prothonotary

Pd. \$80.00

Writ to Sheriff

ES

COPY

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

SUMMONS

**Ellen Kurten and
Eugene S. Kurten, III**

Vs.

NO.: 2001-00312-CD

Matthew J. Courson

TO: MATTHEW J. COURSON

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: 03/06/2001

William A. Shaw
Prothonotary

Issuing Attorney:

Toni M Cherry
P. O. Box 505
DuBois, PA 15801

(2)

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10769

KURTEN, ELLEN & EUGENE S. III

01-312-CD

VS.

COURSON, MATTHEW J.

SUMMONS

SHERIFF RETURNS

**NOW MARCH 8, 2001 AT 10:37 AM EST SERVED THE WITHIN SUMMONS ON
MATTHEW J. COURSON, DEFENDANT AT EMPLOYMENT, RD 1, BOX 104,
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MATTHEW J.
COURSON A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE
KNOWN TO HIM THE CONTENTS THEREOF.**

SERVED BY: RYEN

Return Costs

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

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

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

Sworn to Before Me This

12th Day Of March 2001

William A. Shaw

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

So Answers,

Chester Hawkins
by Marley Hamps

Chester A. Hawkins

Sheriff

FILED

MAR 12 2001

01338PM

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
vs. : No. 01 - 312 C.D.
MATTHEW J. COURSON, :
Defendant :
vs. :

PRAECIPE FOR WRIT OF SUMMONS

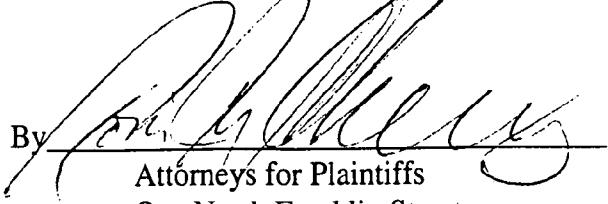
TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please enter our appearance on behalf of Plaintiffs, ELLEN KURTEN and EUGENE S. KURTEN, III, and issue a Writ of Summons in the above-captioned action against Defendant, MATTHEW J. COURSON, whose last known address is R. D. #1, Box 44D, Penfield, Pennsylvania 15849.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
John Gleason
Attorneys for Plaintiffs
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

Date: March 5, 2001

MAR 06 2001

Attest.


William A. Shaw
Prothonotary

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAR 22 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

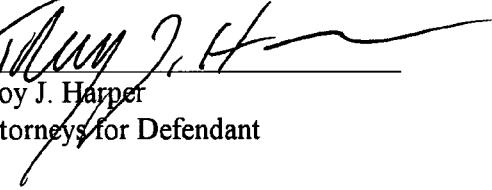
APPEARANCE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please enter our Appearance on behalf of the Defendant, MATTHEW J. COURSON, in
regard to the above entitled matter.

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Defendant

Dated: 3/21/01

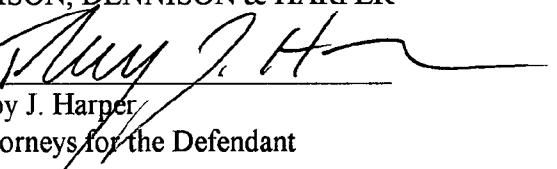
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Appearance was served on the
21st day of March, 2001, by United States Mail, First Class,
Postage Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Praecept for Rule to File
Complaint

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAR 22 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

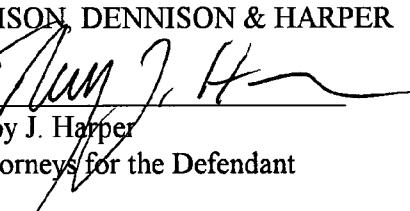
PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Enter a Rule upon the Plaintiffs to file a Complaint within twenty (20) days after service of the Rule, or judgment of non pros will be entered.

DENNISON, DENNISON & HARPER

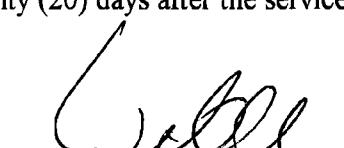
By


Troy J. Harper
Attorneys for the Defendant

RULE:

TO THE PLAINTIFFS:

You are Ruled to file a Complaint within twenty (20) days after the service hereof or a judgment of non pros will be entered against you.



Prothonotary

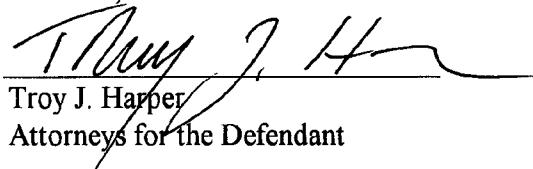
Dated: MARCH 22, 2001

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Praeclipe for Rule to File Complaint was served on the 21st day of March, 2001, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAR 29 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

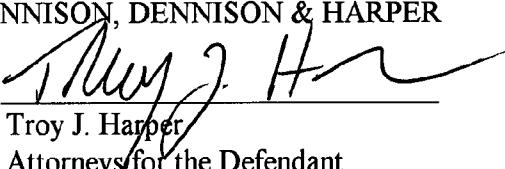
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Rule to File Complaint issued by the
Prothonotary of Clearfield County on March 22, 2001, was served on the 28th day of
March, 2001, by United States Mail, First Class, Postage
Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

FILED

MAR 29 2001
117-25110 CC
William A. Shaw
Prothonotary
RECEIVED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. : No. 01 - 312 C.D.
KURTEN, III, :
Plaintiffs : Type of Case: CIVIL
vs. : Type of Pleading: COMPLAINT
MATTHEW J. COURSON, : Filed on Behalf of: ELLEN KURTEN and
Defendant : EUGENE S. KURTEN, III, Plaintiffs
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P.O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

FILED

APR 17 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
: No. 01 - 312 C.D.
vs. :
: MATTHEW J. COURSON, :
Defendant :
:

NOTICE

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 Notice and Complaint 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 claims 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, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 88-89)

GLEASON, CHERRY AND CHERRY, L.L.P.

By:

Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.	:
KURTEN, III,	:
Plaintiffs	:
	: No. 01 - 312 C.D.
vs.	:
	:
MATTHEW J. COURSON,	:
Defendant	:

C O M P L A I N T

AND NOW, come ELLEN KURTEN and EUGENE S. KURTEN, III, by and through their Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this action against Defendant, MATTHEW J. COURSON, to recover damages upon causes of action whereof the following are statements:

COUNT I - ELLEN KURTEN, Wife Plaintiff vs. Defendant, MATTHEW J. COURSON

1. Plaintiffs, ELLEN KURTEN and EUGENE S. KURTEN, III, are adult individuals and are wife and husband, and reside with each other at 215 Morrison Street, DuBois, Clearfield County, Pennsylvania 15801.
2. The Defendant, MATTHEW J. COURSON, is an adult individual who resides at R. D. #1, Box 44D, Penfield, Clearfield County, Pennsylvania 15849.
3. The events hereinafter complained of occurred on or about March 22, 1999, at approximately 3:55 p.m. in the Township of Sandy, Clearfield County, Pennsylvania.

4. On that date, Plaintiff, ELLEN KURTEN, was the owner of a 1993 Dodge Caravan, PA Title No. 46092333503 TH, which she was then and there operating in a southerly direction along State Route 255 toward the entrance to the Treasure Lake Subdivision in the Township of Sandy, Clearfield County, Pennsylvania.

5. At the date, time and place aforesaid, Defendant, MATTHEW J. COURSON, was the owner of a 1987 Pontiac Sunbird, PA Title No. 39768071205 CO, Registration Plate BLL 2909, which he was then and there operating in a northerly direction along State Route 255 in Sandy Township, Clearfield County, Pennsylvania.

6. That State Route 255 as it exists at the intersection of the entrance to the Treasure Lake Subdivision, which Route is known as Treasure Lake Road, is a three-lane public highway extending in a generally northerly and southerly direction.

7. That at the date, time and place above-stated, Defendant, MATTHEW J. COURSON, so negligently and unlawfully operated the 1987 Pontiac Sunbird that, as a direct result thereof, it crossed the centerline and attempted to make a left-hand turn in the path of the vehicle being then and there operated by ELLEN KURTEN and did collide with the vehicle being lawfully operated by ELLEN KURTEN, causing the Plaintiff, ELLEN KURTEN, to be thrown violently in and about her vehicle and to sustain damages and serious injuries which are hereinafter more fully set forth.

8. The injuries and damages hereinafter set forth were caused by and were the direct and proximate result of the negligence of the Defendant, MATTHEW J. COURSON, as aforesaid, generally and in the following particulars:

- (a) in attempting to make a left turn into the path of Plaintiff's vehicle without yielding the right-of-way to Plaintiff's vehicle which was approaching from the opposite direction;
- (b) in operating his 1987 Pontiac Sunbird into and against Plaintiff's vehicle and colliding with her vehicle while it was in its proper lane of traffic and proceeding in a lawful manner;
- (c) in failing to sound a horn, signal or other warning device;
- (d) in operating said Pontiac Sunbird at a rate of speed which was excessive under the circumstances and which precluded Defendant from being able to stop his vehicle in time to avoid colliding with Plaintiff's vehicle;
- (e) in failing to have proper and adequate brakes in said 1987 Pontiac Sunbird so as to permit Defendant to stop before the collision and in failing otherwise to have said vehicle in proper mechanical condition;
- (f) in failing to stop his car before striking the Plaintiff's vehicle;
- (g) in failing to maintain the proper look-out while his car was moving forward on the highway;
- (h) in failing to have said Pontiac Sunbird under proper and adequate control at the time;
- (i) in failing to observe the automobile being operated by ELLEN KURTEN in time to avoid a collision;

(j) in attempting to turn left without yielding the right-of-way to the vehicle being operated by ELLEN KURTEN which was approaching from the opposite direction and which was so close as to constitute a hazard;

(k) in operating said vehicle without due regard to all rights, safety and position of the said ELLEN KURTEN at the point aforesaid; and

(l) in otherwise failing to exercise that regard and care for the rights and safety of the said ELLEN KURTEN required of Defendant, MATTHEW J. COURSON, under the laws of the Commonwealth of Pennsylvania.

9. At the time the injuries of ELLEN KURTEN herein alleged were sustained, the Plaintiff, ELLEN KURTEN, was free from all fault and blame and her injuries were the result solely of the acts of negligence of the Defendant, MATTHEW J. COURSON, as herein set forth.

10. By reason of the negligence of the Defendant, MATTHEW J. COURSON, the Plaintiff, ELLEN KURTEN, sustained trauma to her neck, back and left knee; contusions and sprain and strain of her right arm; spasm to her lumbar region. The injury to her knee resulted in extra strain to her ankles and feet and aggravated a previously nonsymptomatic hallux valgus deformity of her feet.

11. By reason of said above-described injuries, Plaintiff, ELLEN KURTEN, was rendered sick, sore, lame and prostrate and disordered for which she is still receiving treatment and for which she will continue to receive treatment for some time in the future.

12. As a result of said injuries, Plaintiff, ELLEN KURTEN, has suffered and will continue to suffer physical anguish and pain and suffering and inconvenience in the future.

13. As a result of said injuries, Plaintiff, ELLEN KURTEN, has suffered shock to the nerves and nervous system and has suffered mental anguish and emotional distress and may continue to so suffer for an indefinite time in the future.

14. As a result of said injuries, the Plaintiff, ELLEN KURTEN, has been and will be deprived in the future of the ordinary pleasures of life.

15. As a result of said injuries, Plaintiff, ELLEN KURTEN, has suffered and will continue to suffer an impairment of earning capacity and an inability to lead a normal social life.

16. As a result of said accident and negligence of Defendant, the said Plaintiff, ELLEN KURTEN, has suffered serious injuries which may be permanent in nature.

WHEREFORE, Plaintiff, ELLEN KURTEN, claims damages against Defendant, MATTHEW J. COURSON, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with delay damages and costs of suit.

**COUNT II - EUGENE S. KURTEN, III, Husband Plaintiff vs.
MATTHEW J. COURSON**

17. The Plaintiff, EUGENE S. KURTEN, III, avers that he is the husband of ELLEN KURTEN, Wife Plaintiff.

18. Plaintiff, EUGENE S. KURTEN, III, incorporates by reference herein the allegations contained in Paragraphs 1 through 16 inclusive of COUNT I of this Complaint as fully as though the same were set forth at length herein.

19. As a result of the negligence of Defendant, MATTHEW J. COURSON, as hereinbefore alleged, EUGENE S. KURTEN, III, as husband of the said ELLEN KURTEN,

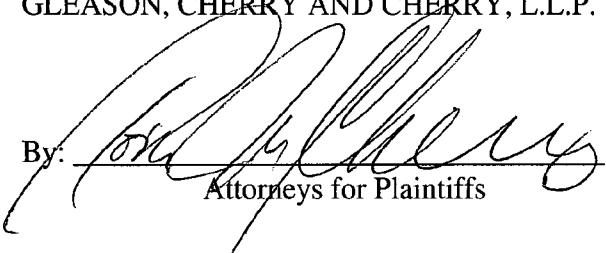
has been and may and probably will in the future be, obliged to expend large and various sums of money for medicine and medical attention in and about endeavoring to treat and cure his said wife of her injuries.

20. By reason of the aforesaid, he has been, and may and probably will in the future be, deprived of the assistance and society of his said wife, all of which has been and probably will be to his great financial damage and loss.

WHEREFORE, Plaintiff, EUGENE S. KURTEN, III, claims damages against the Defendant, MATTHEW J. COURSON, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with delay damages and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By: 

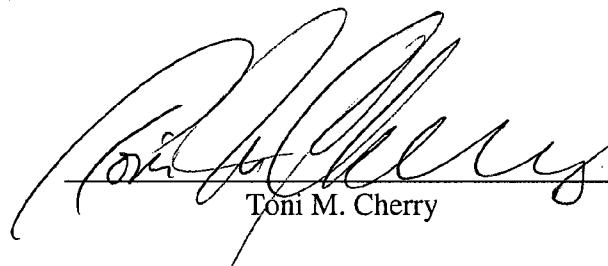
John P. Gleason
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA :

: SS.

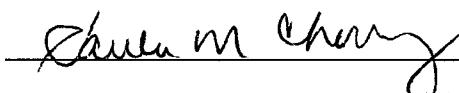
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State aforesaid, TONI M. CHERRY, who, being duly sworn according to law, deposes and says that she is the attorney for Plaintiffs in the foregoing Complaint and that she is authorized to make this Affidavit on behalf of the Plaintiffs and makes this Affidavit on behalf of Plaintiffs because Plaintiffs are out of the jurisdiction of the Court and can supply an Affidavit at a later date if required and does depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

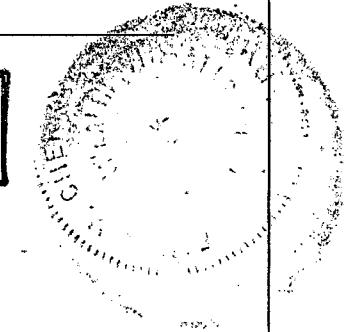
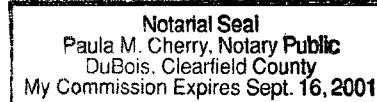


Toni M. Cherry

Sworn to and subscribed before me this 17th day of April, 2001.



Toni M. Cherry



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. KURTEN,
III, Plaintiffs

vs.

MATTHEW J. COURSON, Defendant

No. 01 - 312 C.D.

C O M P L A I N T

To The Within Defendant:

YOU ARE HEREBY NOTIFIED TO PLEAD
TO THE WITHIN COMPLAINT WITHIN
TWENTY (20) DAYS FROM THE DATE
OF SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attnorneys for Plaintiffs

FILED

APR 17 2001
14/2cc, atty
William A. Shaw
Prothonotary
Cherry

LAW OFFICES
GLEASON, CHERRY & CHERRY, L.L.P.
P. O. Box 505
DU BOIS, PENNSYLVANIA 15801-0505

ONE NORTH FRANKLIN STREET

(7)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
vs. : No. 01 - 312 C.D.
MATTHEW J. COURSON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2001, a certified copy of the Complaint filed on behalf of Plaintiffs in the above-captioned action was served upon counsel for Defendant, TROY J. HARPER, ESQ., by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

TROY J. HARPER, ESQ.
Dennison, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825-1291

FILED

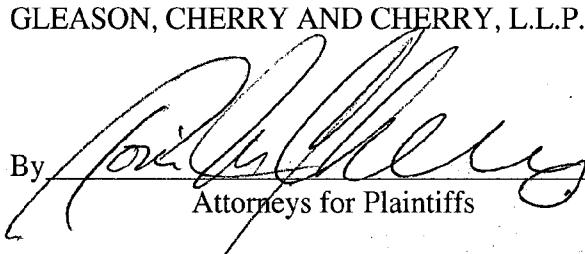
APR 25 2001

110-29166
William A. Shaw
Prothonotary

Dated: April 20, 2001 (KOB)

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Troy J. Harper

Attorneys for Plaintiffs

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Preliminary Objections

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAY 10 2001

William A. Shaw
Prothonotary

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

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

*
*
*
* Civil Action - Law

*
*
*
* Number 2001 - 312 C.D.

ORDER

**AND NOW, this _____ day of _____, 2001, upon
consideration of the Defendant, Matthew J. Courson's, Preliminary Objections to the Plaintiffs'
Complaint;**

**IT IS HEREBY ORDERED that: 1) the word "generally" is hereby stricken from
Paragraph 8 of the Plaintiffs' Complaint; and 2) subparagraph (l) of Paragraph 8 of the Plaintiffs'
Complaint is stricken.**

BY THE COURT,

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW, comes the Defendant, MATTHEW J. COURSON, by his attorneys, Dennison, Dennison & Harper, who file the following Preliminary Objections to the Plaintiffs' Complaint:

1. A Complaint in the present matter was filed on or about April 17, 2001.
2. The Complaint alleges that this matter arises out of a two-vehicle accident which occurred on or about March 22, 1999, on State Route 255 near the entrance of the Treasure Lake Subdivision.
3. The Complaint alleges that the Plaintiff, Ellen Kurten, was injured when the vehicle she was operating collided with a vehicle operated by the Defendant, Matthew J. Courson.

I. MOTION TO STRIKE / MOTION FOR MORE SPECIFIC PLEADING

4. The averments of Paragraphs 1 through 3 of these Preliminary Objections are incorporated herein by reference thereto.
5. Pa.R.C.P. 1019(a) provides that the material facts on which a cause of action is based must be stated in concise and summary form.

6. Paragraph 8 of the Plaintiffs' Complaint alleges "The injuries and damages as hereinafter set forth were the direct and proximate result of the negligence of the Defendant, MATTHEW J. COURSON, as aforesaid, generally and in the following particular:."

7. The use of the term "generally" in Paragraph 8 of the Plaintiffs' Complaint lacks sufficient specificity inasmuch as said language connotes some other conduct not specifically mentioned in the Plaintiffs' Complaint thereby failing to apprise the Defendant, Matthew J. Courson, of all of the issues to be litigated. Connor v. Allegheny General Hosp., 501 Pa. 306, 461 A.2d 600 (1983).

8. Paragraph 8 of the Plaintiffs' Complaint then sets forth subparagraphs (a) through (l) which attempt to set forth specific alleged items of negligent conduct by the Defendant, Matthew J. Courson.

9. Subparagraph (l) of Paragraph 8 of the Plaintiffs' Complaint alleges that the Defendant, Matthew J. Courson's, negligent conduct consisted of "in otherwise failing to exercise that regard and care for the rights and safety of the said ELLEN KURTEN required of Defendant, MATTHEW J. COURSON, under the laws of the Commonwealth of Pennsylvania."

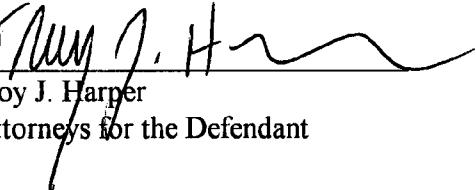
10. By failing to specifically set forth the specific laws of the Commonwealth of Pennsylvania that the Defendant, Matthew J. Courson, is alleged to have violated, the averments of subparagraph (l) of Paragraph 8 of the Plaintiffs' Complaint are no more than general averments of alleged negligence that are vague and lack sufficient specificity to apprise the Defendant, Matthew J. Courson, of all of the issues to be litigated. Connor v. Allegheny General Hosp., 501 Pa. 306, 461 A.2d 600 (1983).

WHEREFORE, the Defendant, Matthew J. Courson, respectfully requests that the Court order the Plaintiffs to amend their Complaint to include a more specific pleading relating to the general averments contained in Paragraph 8 and subparagraph (l) thereof or, in the alternative, that Paragraph 8 and subparagraph (l) thereof be stricken from the Complaint.

RESPECTFULLY SUBMITTED,

DENNISON, DENNISON & HARPER

By:

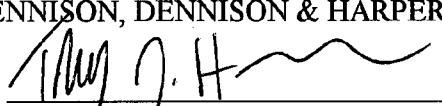

Troy J. Harper
Attorneys for the Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Preliminary Objections was served on the 9th day of May, 2001, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAY 14 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001 - 312 C.D.

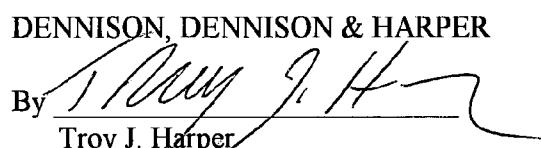
CERTIFICATE OF SERVICE

I certify that an original and two certified copies of the First Set of Interrogatories
Directed to the Plaintiffs and an original and two certified copies of the First Set of Request for
Production of Documents Directed to the Plaintiffs were served on the 11th day of
May, 2001, by United States Mail, First Class, Postage Prepaid,

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

FILED

MAY 14 2001

MAY 14 2001

William A. Shaw

Prothonotary

ESL

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

FILED

JUN 15 2001

**William A. Shaw
Prothonotary**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

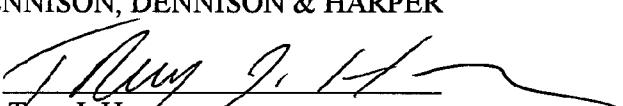
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

*

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

TO: Records Custodian, DuBois Magnetic Imaging Center, 104 Hospital Avenue,
(Name of Person or Entity)
DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

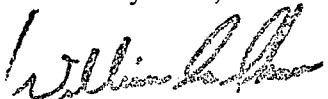
If you fail to produce the documents or things required by this subpoena within twenty (20) days
after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



D

DATE: Thursday, May 31, 2001
Seal of the Court

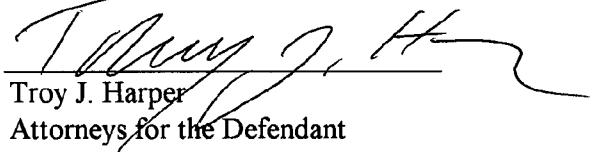
Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of JUNE, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED
JUN 15 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

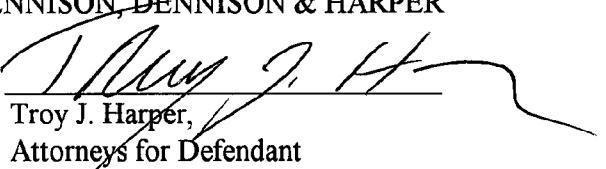
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Records Custodian, DuBois Regional Medical Center, 100 Hospital Avenue,
DuBois, PA 15801 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court



Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

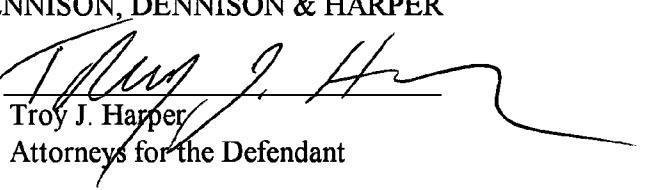
CERTIFICATE OF SERVICE

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Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUN 15 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
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* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

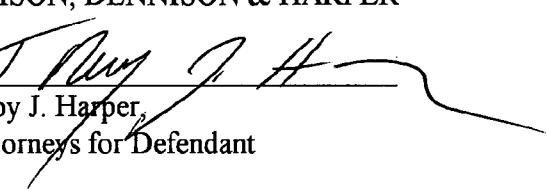
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Records Custodian, West Penn Orthopaedics, 211 Beaver Drive, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

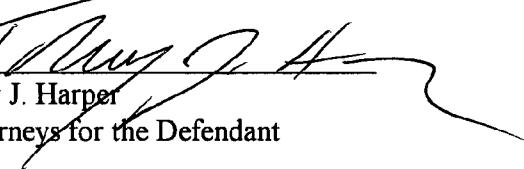
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of Jun 8, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUN 15 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

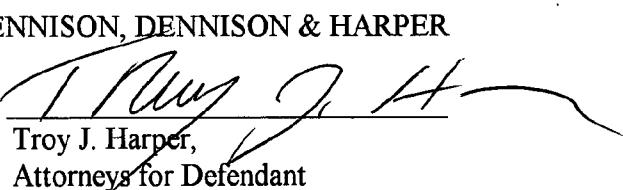
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Dr. Paul F. Doughty, 5 North 3rd Street, Reynoldsville, PA 15851
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court



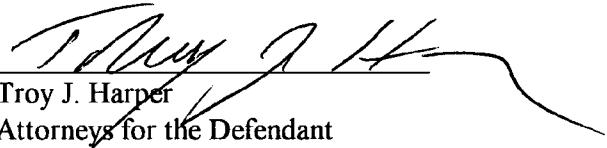
Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

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Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

FILED

JUN 15 2001

**William A. Shaw
Prothonotary**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

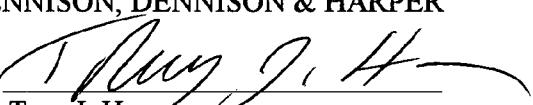
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Personnel Director, Paris Company, 67 Hoover Avenue, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all documents and records contained in any employment file for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to applications for employment, payroll records, disciplinary reports, evaluations, notices, leaves of absence, termination notices, job descriptions, salary information, workman's compensation claims, accident reports and correspondences.

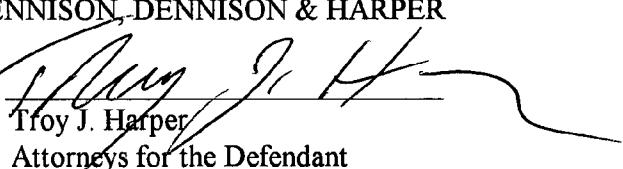
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One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

FILED

JUN 15 2001

**William A. Shaw
Prothonotary**

ELLEN KURTEN and
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Plaintiffs,

vs.

MATTHEW J. COURSON,
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* In the Court of Common Pleas of
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* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
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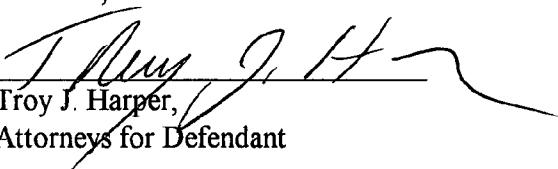
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DENNISON, DENNISON & HARPER

Dated: 6/13/01

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Records Custodian, Outpatient Therapy, DuBois Regional Medical Center,
(Name of Person or Entity)
100 Hospital Avenue, DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
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see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
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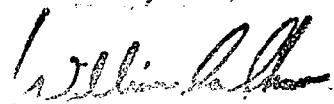
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after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, therapy records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

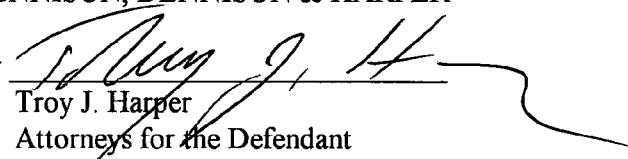
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Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUN 15 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
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* In the Court of Common Pleas of
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* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
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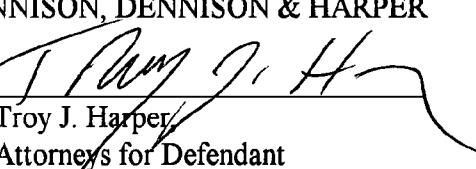
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Records Custodian, State Farm Insurance Companies, 838 Rolling Ridge Drive,
(Name of Person or Entity)
State College, PA 16801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

see attached
at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper

ADDRESS: 293 Main Street

Brookville, PA 15825

TELEPHONE: (814) 849-8316

SUPREME COURT ID # 74753

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Dec 1 2001

DATE: Thursday, May 31, 2001

Seal of the Court

Complete copies of any and all documents contained in all claims files, first party benefits files, subrogation files, and/or investigative files, including but not limited to all records, reports, memos, index reports, claim activity logs, reports, medical records, color photographs, recorded statements, payment logs, investigative materials and all correspondences for the following:

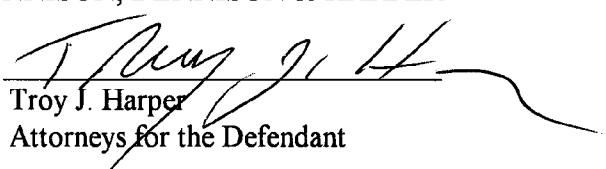
- (1) Accident that occurred on or about March 22, 1999, involving your insured Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, with State Farm Claim Numbers 38-J520-596 and 38-J195-285; and
- (2) Accident that occurred on or about April 14, 1999, involving your insured, Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, with State Farm Claim Number 38-J209-104.

CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of June, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.
KURTEN, III,

Plaintiffs

vs.

MATTHEW J. COURSON,

Defendant

: No. 01 - 312 C.D.

: Type of Case: CIVIL

: Type of Pleading: AMENDED COMPLAINT

: Filed on Behalf of: ELLEN KURTEN and
: EUGENE S. KURTEN, III, Plaintiffs

: Counsel of Record for these Parties:

: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205

: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P.O. Box 505
: One North Franklin Street
: DuBois, PA 15801

: (814) 371-5800

FILED

JUN 15 2001

W. Pam A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.	:
KURTEN, III,	:
Plaintiffs	:
vs.	:
MATTHEW J. COURSON,	:
Defendant	:

NOTICE

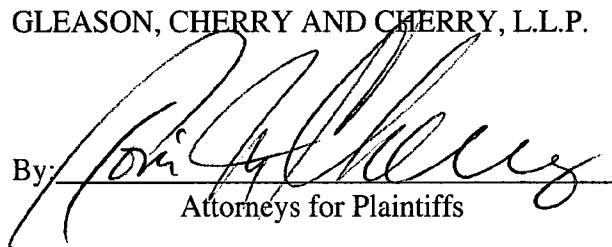
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Notice and Amended Complaint are served, by entering a written appearance personally or by attorney and filing in writing with the Court your 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 claims 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, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 88-89)

GLEASON, CHERRY AND CHERRY, L.L.P.

By:


Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.	:
KURTEN, III,	:
Plaintiffs	:
	: No. 01 - 312 C.D.
vs.	:
	:
MATTHEW J. COURSON,	:
Defendant	:

AMENDED COMPLAINT

AND NOW, come ELLEN KURTEN and EUGENE S. KURTEN, III, by and through their Attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this action against Defendant, MATTHEW J. COURSON, to recover damages upon causes of action whereof the following are statements:

COUNT I - ELLEN KURTEN, Wife Plaintiff vs. Defendant, MATTHEW J. COURSON

1. Plaintiffs, ELLEN KURTEN and EUGENE S. KURTEN, III, are adult individuals and are wife and husband, and reside with each other at 215 Morrison Street, DuBois, Clearfield County, Pennsylvania 15801.
2. The Defendant, MATTHEW J. COURSON, is an adult individual who resides at R. D. #1, Box 44D, Penfield, Clearfield County, Pennsylvania 15849.
3. The events hereinafter complained of occurred on or about March 22, 1999, at approximately 3:55 p.m. in the Township of Sandy, Clearfield County, Pennsylvania.

4. On that date, Plaintiff, ELLEN KURTEN, was the owner of a 1993 Dodge Caravan, PA Title No. 46092333503 TH, which she was then and there operating in a southerly direction along State Route 255 toward the entrance to the Treasure Lake Subdivision in the Township of Sandy, Clearfield County, Pennsylvania.

5. At the date, time and place aforesaid, Defendant, MATTHEW J. COURSON, was the owner of a 1987 Pontiac Sunbird, PA Title No. 39768071205 CO, Registration Plate BLL 2909, which he was then and there operating in a northerly direction along State Route 255 in Sandy Township, Clearfield County, Pennsylvania.

6. That State Route 255 as it exists at the intersection of the entrance to the Treasure Lake Subdivision, which Route is known as Treasure Lake Road, is a three-lane public highway extending in a generally northerly and southerly direction.

7. That at the date, time and place above-stated, Defendant, MATTHEW J. COURSON, so negligently and unlawfully operated the 1987 Pontiac Sunbird that, as a direct result thereof, it crossed the centerline and attempted to make a left-hand turn in the path of the vehicle being then and there operated by ELLEN KURTEN and did collide with the vehicle being lawfully operated by ELLEN KURTEN, causing the Plaintiff, ELLEN KURTEN, to be thrown violently in and about her vehicle and to sustain damages and serious injuries which are hereinafter more fully set forth.

8. The injuries and damages hereinafter set forth were caused by and were the direct and proximate result of the negligence of the Defendant, MATTHEW J. COURSON, as aforesaid, and in the following particulars:

- (a) in attempting to make a left turn into the path of Plaintiff's vehicle without yielding the right-of-way to Plaintiff's vehicle which was approaching from the opposite direction;
- (b) in operating his 1987 Pontiac Sunbird into and against Plaintiff's vehicle and colliding with her vehicle while it was in its proper lane of traffic and proceeding in a lawful manner;
- (c) in failing to sound a horn, signal or other warning device;
- (d) in operating said Pontiac Sunbird at a rate of speed which was excessive under the circumstances and which precluded Defendant from being able to stop his vehicle in time to avoid colliding with Plaintiff's vehicle;
- (e) in failing to have proper and adequate brakes in said 1987 Pontiac Sunbird so as to permit Defendant to stop before the collision and in failing otherwise to have said vehicle in proper mechanical condition;
- (f) in failing to stop his car before striking the Plaintiff's vehicle;
- (g) in failing to maintain the proper look-out while his car was moving forward on the highway;
- (h) in failing to have said Pontiac Sunbird under proper and adequate control at the time;
- (i) in failing to observe the automobile being operated by ELLEN KURTEN in time to avoid a collision;

(j) in attempting to turn left without yielding the right-of-way to the vehicle being operated by ELLEN KURTEN which was approaching from the opposite direction and which was so close as to constitute a hazard;

(k) in operating said vehicle without due regard to all rights, safety and position of the said ELLEN KURTEN at the point aforesaid; and

(l) in otherwise failing to exercise that regard and care for the rights and safety of the said ELLEN KURTEN required of Defendant, MATTHEW J. COURSON, under the laws of the Commonwealth of Pennsylvania.

9. At the time the injuries of ELLEN KURTEN herein alleged were sustained, the Plaintiff, ELLEN KURTEN, was free from all fault and blame and her injuries were the result solely of the acts of negligence of the Defendant, MATTHEW J. COURSON, as herein set forth.

10. By reason of the negligence of the Defendant, MATTHEW J. COURSON, the Plaintiff, ELLEN KURTEN, sustained trauma to her neck, back and left knee; contusions and sprain and strain of her right arm; spasm to her lumbar region. The injury to her knee resulted in extra strain to her ankles and feet and aggravated a previously nonsymptomatic hallux valgus deformity of her feet.

11. By reason of said above-described injuries, Plaintiff, ELLEN KURTEN, was rendered sick, sore, lame and prostrate and disordered for which she is still receiving treatment and for which she will continue to receive treatment for some time in the future.

12. As a result of said injuries, Plaintiff, ELLEN KURTEN, has suffered and will continue to suffer physical anguish and pain and suffering and inconvenience in the future.

13. As a result of said injuries, Plaintiff, ELLEN KURTEN, has suffered shock to the nerves and nervous system and has suffered mental anguish and emotional distress and may continue to so suffer for an indefinite time in the future.

14. As a result of said injuries, the Plaintiff, ELLEN KURTEN, has been and will be deprived in the future of the ordinary pleasures of life.

15. As a result of said injuries, Plaintiff, ELLEN KURTEN, has suffered and will continue to suffer an impairment of earning capacity and an inability to lead a normal social life.

16. As a result of said accident and negligence of Defendant, the said Plaintiff, ELLEN KURTEN, has suffered serious injuries which may be permanent in nature.

WHEREFORE, Plaintiff, ELLEN KURTEN, claims damages against Defendant, MATTHEW J. COURSON, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with delay damages and costs of suit.

**COUNT II - EUGENE S. KURTEN, III, Husband Plaintiff vs.
MATTHEW J. COURSON**

17. The Plaintiff, EUGENE S. KURTEN, III, avers that he is the husband of ELLEN KURTEN, Wife Plaintiff.

18. Plaintiff, EUGENE S. KURTEN, III, incorporates by reference herein the allegations contained in Paragraphs 1 through 16 inclusive of COUNT I of this Complaint as fully as though the same were set forth at length herein.

19. As a result of the negligence of Defendant, MATTHEW J. COURSON, as hereinbefore alleged, EUGENE S. KURTEN, III, as husband of the said ELLEN KURTEN,

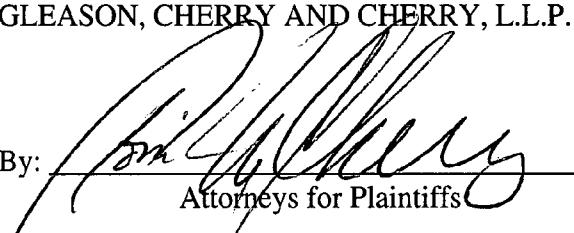
has been and may and probably will in the future be, obliged to expend large and various sums of money for medicine and medical attention in and about endeavoring to treat and cure his said wife of her injuries.

20. By reason of the aforesaid, he has been, and may and probably will in the future be, deprived of the assistance and society of his said wife, all of which has been and probably will be to his great financial damage and loss.

WHEREFORE, Plaintiff, EUGENE S. KURTEN, III, claims damages against the Defendant, MATTHEW J. COURSON, in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), together with delay damages and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By: 

John P. Cherry
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

: SS.

:

Personally appeared before me, a Notary Public in and for the County and State
aforesaid, ELLEN KURTEN and EUGENE S. KURTEN, III, who, being duly sworn according
to law, depose and say that the facts set forth in the foregoing ^{Amended} Complaint are true and correct to
the best of their knowledge, information and belief.

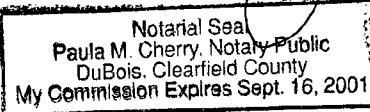
Ellen Kurten

Ellen Kurten

Eugene S. Kurten, III

Eugene S. Kurten, III

Sworn to and subscribed before me this 24th day of April, 2001.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
vs. : No. 01 - 312 C.D.
: :
MATTHEW J. COURSON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 15TH day of June, 2001, a certified copy of the Amended Complaint filed on behalf of Plaintiffs in the above-captioned action was served upon counsel for Defendant, TROY J. HARPER, ESQ., by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

TROY J. HARPER, ESQ.
Dennison, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825-1291

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attnorneys for Plaintiffs

Dated: June 15, 2001

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.
KURTEN, III,

Plaintiffs

vs.

MATTHEW J. COURSON,
Defendant

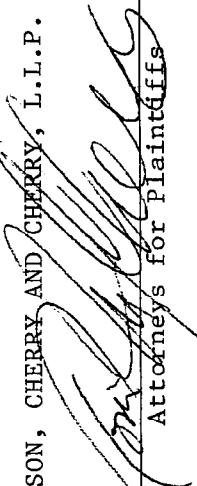
No. 01 - 312 C.D.

AMENDED COMPLAINT

To The Within Defendant:

YOU ARE HEREBY NOTIFIED TO PLEAD
TO THE WITHIN COMPLAINT WITHIN
TWENTY (20) DAYS FROM THE DATE OF
SERVICE HEREOF.

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
Attorneys for Plaintiffs

6/25/01
0134588
JUN 1 2001
3cc
WILLIAM J. CHERRY
Attala, Cherry & Cherry
15801-0505

LAW OFFICES
GLEASON, CHERRY & CHERRY, L.L.P.
P.O. Box 505
DuBois, PENNSYLVANIA 15801-0505
ONE NORTH FRANKLIN STREET

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUN 22 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
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* Number 2001 - 312 C.D.

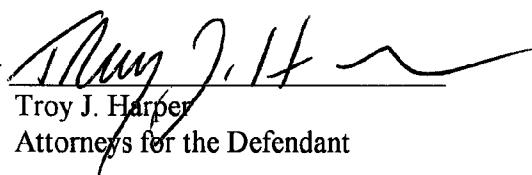
NOTICE TO PLEAD

TO: ELLEN KURTEN and EUGENE S. KURTEN, III:

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

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, MATTHEW J. COURSON, by his attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the Plaintiffs' Complaint:

COUNT I - ELLEN KURTEN, Wife Plaintiff vs. Defendant, MATTHEW J. COURSON

1. After reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiffs' Complaint, and said averments are therefore denied.
2. Denied. On the contrary, the Defendant, Matthew J. Courson, is an adult individual who resides at 204 West Long Avenue, Apartment #4, DuBois, Pennsylvania 15801.
3. The averments of Paragraph 3 of the Plaintiffs' Complaint are admitted insofar as the date, time and location of the events are on or about March 22, 1999, at approximately 3:55 p.m. in Sandy Township, Clearfield County, Pennsylvania. Any remaining averments including any implicit allegation of negligence by the Defendant, Matthew J. Courson, are denied pursuant to

Pa.R.C.P. 1029(e), and no further response is required.

4. Admitted.

5. Admitted.

6. The averments of Paragraph 6 of the Plaintiffs' Complaint are denied as stated. On the contrary, State Route 255 as it exists at the intersection of the entrance of the Treasure Lake Subdivision, which route is known as Treasure Lake Road, is a two lane public roadway with a designated turning lane extending in a general northerly and southerly direction.

7. The averments of Paragraph 7 of the Plaintiffs' Complaint are admitted only insofar as the Defendant, Matthew J. Courson, was operating the 1987 Pontiac Sunbird and was attempting to make a left-hand turn. With respect to the averments of Paragraph 7 of the Plaintiffs' Complaint alleging any damages and/or injuries, after reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied. The remaining averments of Paragraph 7 of the Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

8. With respect to the averments of Paragraph 8 of the Plaintiffs' Complaint alleging any injuries and damages, after reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied. The remaining averments of Paragraph 8 of the Plaintiffs' Complaint and subparagraphs (a) through (l) thereof are denied pursuant to Pa.R.C.P.

1029(e), and no further response is required.

9. With respect to the averments of Paragraph 9 of the Plaintiffs' Complaint alleging any injuries, after reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied. The remaining averments of Paragraph 9 of the Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

10. The averments of Paragraph 10 of the Plaintiffs' Complaint alleging any negligence by the Defendant, Matthew J. Courson, are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required. With respect to the remaining averments of Paragraph 10 of the Plaintiffs' Complaint, after reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied.

11. After reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 11 of the Plaintiffs' Complaint, and said averments are therefore denied.

12. After reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 12 of the Plaintiffs' Complaint, and said averments are therefore denied.

13. After reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments of

an incorporation clause, and no further response is required. To the extent any further response is deemed required, the averments of Paragraphs 1 through 16 of this Answer are incorporated herein by reference thereto.

19. The averments of Paragraph 19 of the Plaintiffs' Complaint alleging any negligence by the Defendant, Matthew J. Courson, are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required. With respect to the remaining averments of Paragraph 19 of the Plaintiffs' Complaint, after reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied.

20. The averments of Paragraph 20 of the Plaintiffs' Complaint alleging any negligence by the Defendant, Matthew J. Courson, are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required. With respect to the remaining averments of Paragraph 20 of the Plaintiffs' Complaint, after reasonable investigation, the Defendant, Matthew J. Courson, is without sufficient knowledge and information to form a belief as to the truth of the averments, and said averments are therefore denied.

WHEREFORE, the Defendant, Matthew J. Courson, demands judgment in his favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

NEW MATTER

21. The terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., are hereby incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of the Plaintiffs.

22. At the time of the accident complained of in the Plaintiffs' Complaint and at all times material hereto, the Plaintiff, Ellen Kurten, was subject to the limited tort option under the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq.

23. The Plaintiff, Ellen Kurten, did not sustain serious injuries, as defined by the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., as a result of the accident described in the Plaintiffs' Complaint and, therefore, all claims for noneconomic damages are barred.

24. The Plaintiffs have failed to state a cause of action upon which relief may be granted.

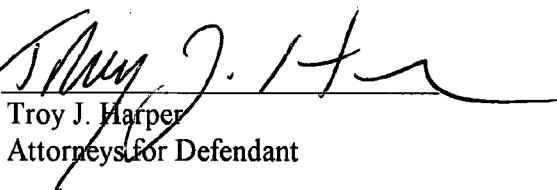
25. All of the Plaintiffs' causes of action are barred by the applicable statute of limitations.

26. The Defendant, Matthew J. Courson, without prejudice to any defense and without any admission of liability, made payment to the Plaintiff, Ellen Kurten, and said plaintiff accepted the same in the amount of Three Thousand Five Hundred and 00/100 (\$3,500.00) for her claim. Said payment is plead as a set off, payment, accord and satisfaction and/or release of any claims by the Plaintiff, Ellen Kurten, including any claim for lost wages.

WHEREFORE, the Defendant, Matthew J. Courson, demands judgment in his favor and against the Plaintiffs. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Defendant

VERIFICATION

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

Matthew J. Courson
Matthew J. Courson

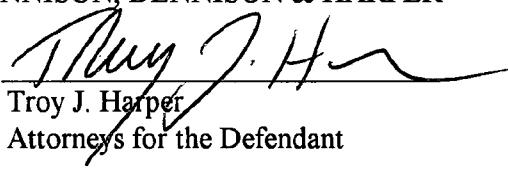
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Answer and New Matter was served on the 21st day of June, 2001, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

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100-11197-100cc
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: 7/9/01

DENNISON, DENNISON & HARPER

By Troy J. Harper
Troy J. Harper,
Attorneys for the Defendant,
Matthew J. Courson

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

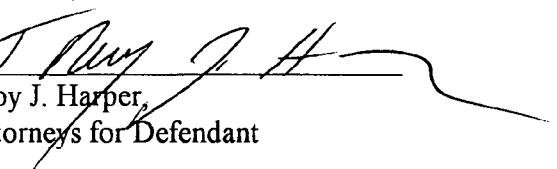
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

*

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

TO: Records Custodian, West Penn Orthopaedics, 211 Beaver Drive, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

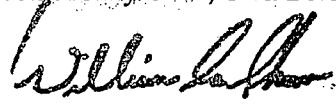
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

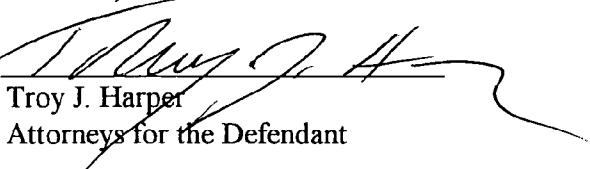
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of Jun E, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

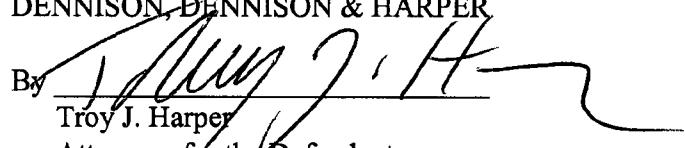
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of July, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Matthew J. Courson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
m 11:27 AM '01
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

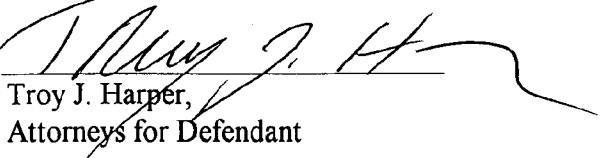
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Records Custodian, DuBois Regional Medical Center, 100 Hospital Avenue,
DuBois, PA 15801 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

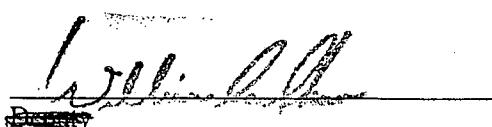
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court



Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

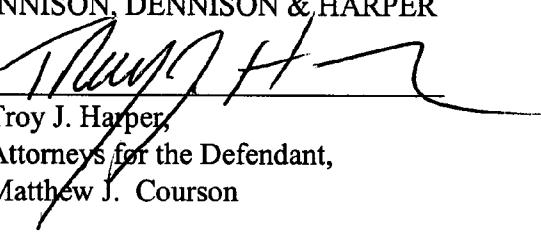
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: 7/9/01

DENNISON, DENNISON & HARPER

By 

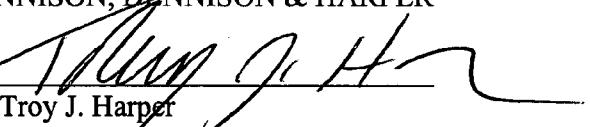
Troy J. Harper,
Attorneys for the Defendant,
Matthew J. Courson

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of JULY, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for the Defendant,
Matthew J. Courson

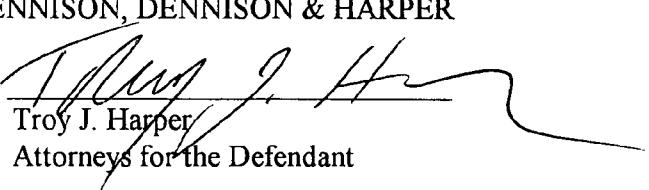
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of June, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

Asst JUL 10 2001
Am 112710cc
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

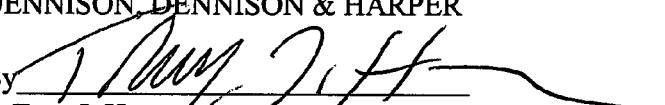
1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: 7/9/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for the Defendant,
Matthey J. Courson

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

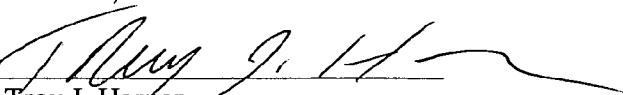
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Records Custodian, DuBois Magnetic Imaging Center, 104 Hospital Avenue,
(Name of Person or Entity)
DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper

ADDRESS: 293 Main Street
Brookville, PA 15825

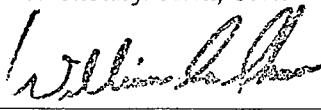
TELEPHONE: (814) 849-8316

SUPREME COURT ID # 74753

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


William A. Shaw

Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

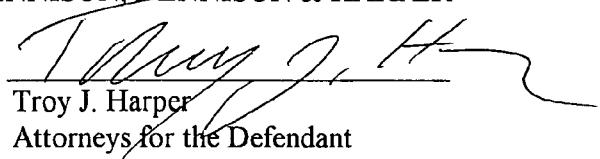
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of JUNE, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of July, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for the Defendant,
Matthew J. Courson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED
b6
b7c
JUL 10 2001
m 11.27/100/C
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: 7/9/01

DENNISON, DENNISON & HARPER

By

Troy J. Harper,
Attorneys for the Defendant,
Matthew J. Courson

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

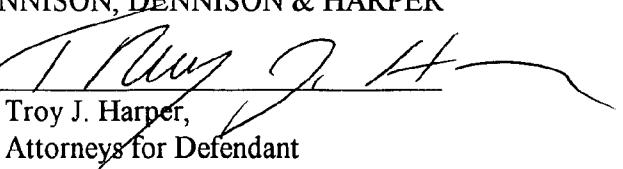
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Dr. Paul F. Doughty, 5 North 3rd Street, Reynoldsville, PA 15851
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court



Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

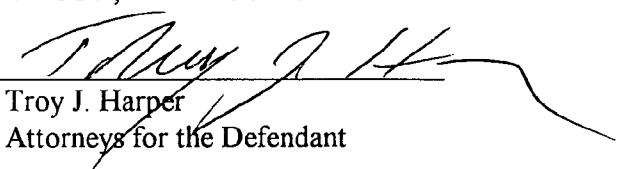
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of JUNE, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

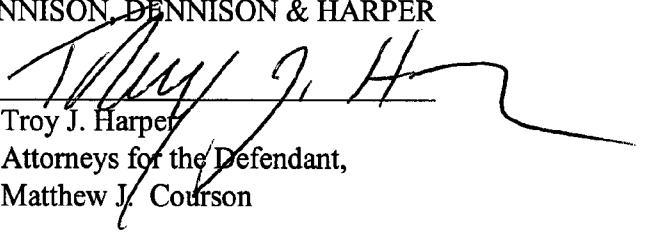
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of July, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Matthew J. Courson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

RECEIVED JUL 10 2001
11:27 AM 2001
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

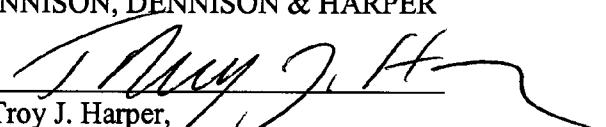
1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: July 9, 2001

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for the Defendant,
Matthew J. Courson

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

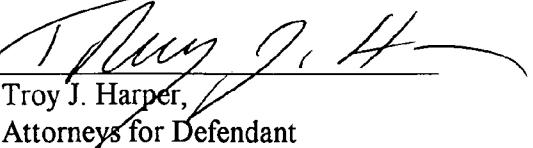
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*
*
No. 2001-00312-CD

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

TO: Personnel Director, Paris Company, 67 Hoover Avenue, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all documents and records contained in any employment file for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to applications for employment, payroll records, disciplinary reports, evaluations, notices, leaves of absence, termination notices, job descriptions, salary information, workman's compensation claims, accident reports and correspondences.

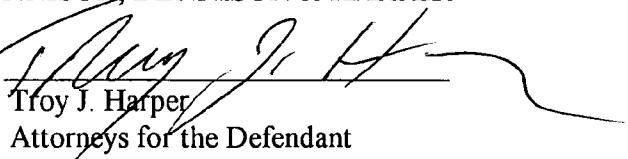
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of JUNE, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

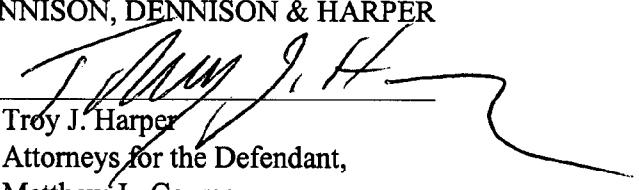
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of July, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Matthew J. Courson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
2001/107/2001
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

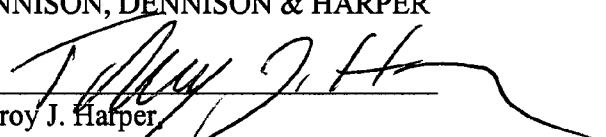
1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: 7/9/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant,
Matthew J. Courson

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

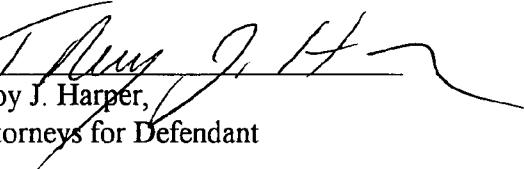
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Records Custodian, Outpatient Therapy, DuBois Regional Medical Center,
(Name of Person or Entity)
100 Hospital Avenue, DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, therapy records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

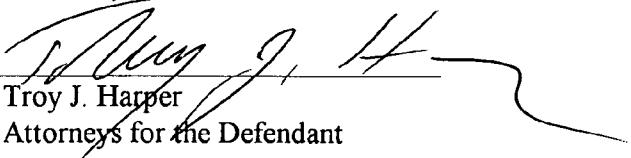
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of JUNE, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By



Troy J. Harper
Attorneys for the Defendant

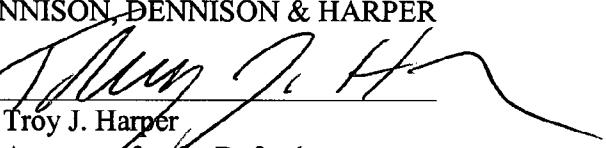
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of July, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Matthew J. Courson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant,
Matthew J. Courson

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
Shaw 127 nosc
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- *
- * Number 2001-312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

Date: 7/9/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper,

Attorneys for the Defendant,
Matthew J. Courson

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

**MATTHEW J. COURSON,
Defendant.**

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

**Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21**

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

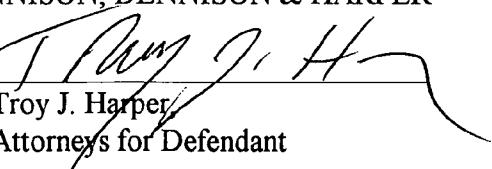
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 6/13/01

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

*

*

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

TO: Records Custodian, State Farm Insurance Companies, 838 Rolling Ridge Drive,
(Name of Person or Entity)
State College, PA 16801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

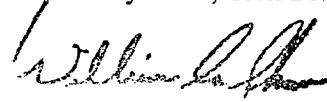
If you fail to produce the documents or things required by this subpoena within twenty (20) days
after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


William A. Shaw
Duly Notified

DATE: Thursday, May 31, 2001
Seal of the Court

Complete copies of any and all documents contained in all claims files, first party benefits files, subrogation files, and/or investigative files, including but not limited to all records, reports, memos, index reports, claim activity logs, reports, medical records, color photographs, recorded statements, payment logs, investigative materials and all correspondences for the following:

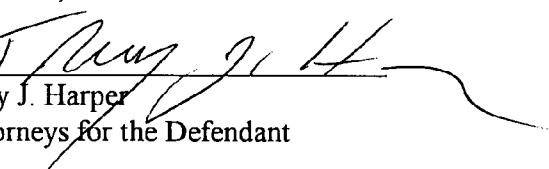
- (1) Accident that occurred on or about March 22, 1999, involving your insured Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, with State Farm Claim Numbers 38-J520-596 and 38-J195-285; and
- (2) Accident that occurred on or about April 14, 1999, involving your insured, Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, with State Farm Claim Number 38-J209-104.

CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of June, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

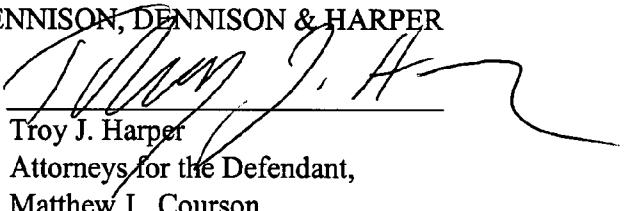
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 9th day of July, 2001, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Matthew J. Courson

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

W.A.S. JUL 10 2001
2001-312 C.D.
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,
vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**NOTICE OF DEPOSITION FOR THE PURPOSE OF
COPYING RECORDS ONLY**

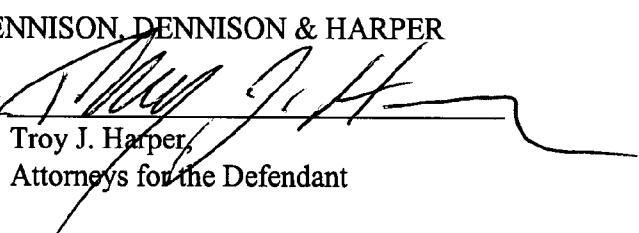
**TO: Records Custodian
DuBois Magnetic Imaging Center
104 Hospital Avenue
DuBois, PA 15801**

PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will take the deposition of the Records Custodian for DuBois Magnetic Imaging Center, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire medical records in his/her possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, and other such documents as set forth on the attached Subpoena, including copies and/or originals of all imaging studies or x-rays.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH HE/SHE SENDS ARE TRUE, ACCURATE
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By 

Troy J. Harper,
Attorneys for the Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten

Eugene S. Kurten III

Plaintiff(s)

Vs.

*

No. 2001-00312-CD

Matthew J. Courson

*

Defendant(s)

*

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

TO: Records Custodian, DuBois Magnetic Imaging Center, 104 Hospital Avenue,
(Name of Person or Entity)
DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper

ADDRESS: 293 Main Street
Brookville, PA 15825

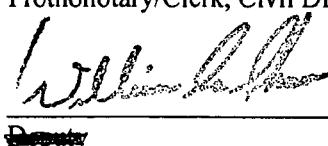
TELEPHONE: (814) 849-8316

SUPREME COURT ID # 74753

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Dated

DATE: Thursday, May 31, 2001

Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of July, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

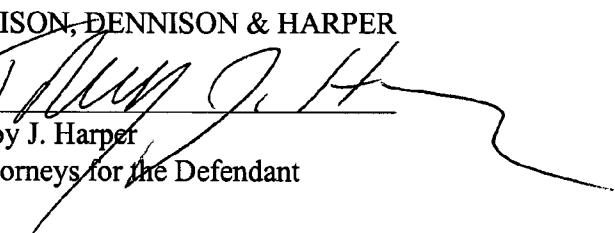
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Records Custodian
DuBois Magnetic Imaging Center
104 Hopital Avenue
DuBois, PA 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

CIVIL ACTION - LAW

Number 2001-312 C.D.

vs.

MATTHEW J. COURSON,
Defendant.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

Shaw
JUL 10 2001
2001-312 C.D.
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,
vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**NOTICE OF DEPOSITION FOR THE PURPOSE OF
COPYING RECORDS ONLY**

**TO: Records Custodian
State Farm Insurance Companies
828 Rolling Ridge Drive,
State College, PA 16801**

PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will take the deposition of the Records Custodian for State Farm Insurance Companies, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

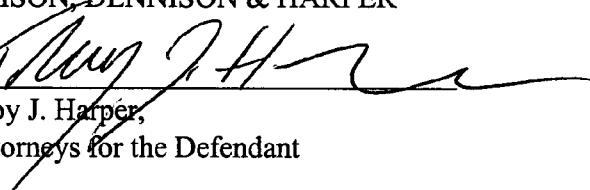
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire first party benefits, claims, and/or investigative file in his/her possession for an accident that occurred on or about March 22, 1999 involving the State Farm insured, Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, with State Farm Claim

Numbers: 38-J520-596 and 38-J195-285. Also, the Deponent is further directed to bring to this deposition copies of the entire first party benefits, claims, and/or investigative file in his/her possession for an accident that occurred on or about April 14, 1999, involving the State Farm insured, Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, with State Farm Claim Number 38-J209-104 and other such documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT CERTIFIES THAT THE RECORDS WHICH HE/SHE SENDS ARE TRUE, ACCURATE AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By


Troy J. Harper,

Attorneys for the Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Records Custodian, State Farm Insurance Companies, 838 Rolling Ridge Drive,
(Name of Person or Entity)
State College, PA 16801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Complete copies of any and all documents contained in all claims files, first party benefits files, subrogation files, and/or investigative files, including but not limited to all records, reports, memos, index reports, claim activity logs, reports, medical records, color photographs, recorded statements, payment logs, investigative materials and all correspondences for the following:

- (1) Accident that occurred on or about March 22, 1999, involving your insured Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, with State Farm Claim Numbers 38-J520-596 and 38-J195-285; and
- (2) Accident that occurred on or about April 14, 1999, involving your insured, Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, with State Farm Claim Number 38-J209-104.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of July, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

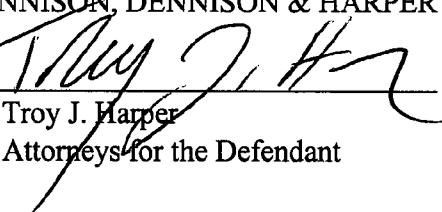
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Records Custodian
State Farm Insurance Companies
838 Rolling Ridge Drive
State College, PA 16801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
wmh/11261noc
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**NOTICE OF DEPOSITION FOR THE PURPOSE OF
COPYING RECORDS ONLY**

**TO: Records Custodian
Outpatient Therapy
DuBois Regional Medical Center
100 Hospital Avenue
DuBois, PA 15801**

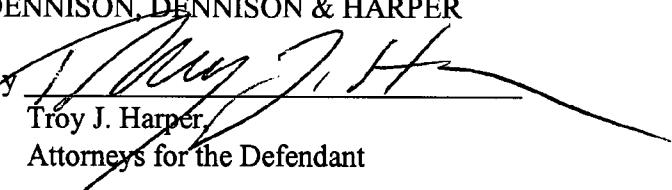
PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will take the deposition of the Records Custodian for Outpatient Therapy, DuBois Regional Medical Center, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire medical records in his/her possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, and other such documents as set forth on the attached Subpoena, including copies and/or originals of all imaging studies or x-rays.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH HE/SHE SENDS ARE TRUE, ACCURATE
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

*

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

TO: Records Custodian, Outpatient Therapy, DuBois Regional Medical Center,
(Name of Person or Entity)
100 Hospital Avenue, DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, therapy records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of July, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

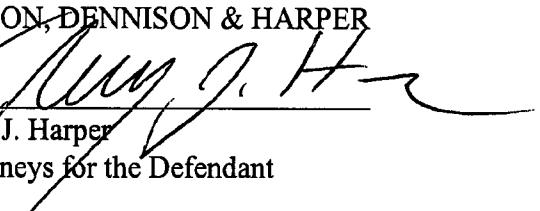
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Records Custodian
Outpatient Therapy
DuBois Regional Medical Center
100 Hospital Avenue
DuBois, PA 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN

Plaintiffs,

CIVIL ACTION - LAW

Number 2001-312 C.D.

vs.

MATTHEW J. COURSON,
Defendant.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
11:24 no cc
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN,

Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant .

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- *
- * Civil Action - Law
- *
- *
- *
- * Number 2001-312 C.D.

**NOTICE OF DEPOSITION FOR THE PURPOSE OF
COPYING RECORDS ONLY**

**TO: Personnel Director
Paris Company
67 Hoover Avenue
DuBois, PA 15801**

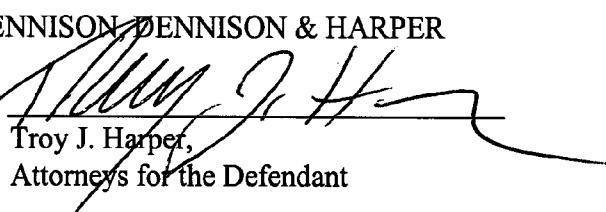
PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will take the deposition of the Personnel Director for Paris Company, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire employment file in his/her possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, and other such documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH HE/SHE SENDS ARE TRUE, ACCURATE
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON DENNISON & HARPER

By


Troy J. Harper,
Attorneys for the Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

*

*

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

TO: Personnel Director, Paris Company, 67 Hoover Avenue, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all documents and records contained in any employment file for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to applications for employment, payroll records, disciplinary reports, evaluations, notices, leaves of absence, termination notices, job descriptions, salary information, workman's compensation claims, accident reports and correspondences.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of July, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

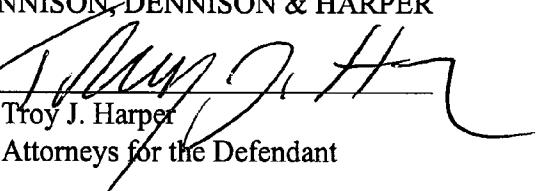
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Personnel Director
Paris Company
67 Hoover Avenue
DuBois, PA 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

CIVIL ACTION - LAW

Number 2001-312 C.D.

vs.

MATTHEW J. COURSON,
Defendant.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
11:26 AM
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant .

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001-312 C.D.

**NOTICE OF DEPOSITION FOR THE PURPOSE OF
COPYING RECORDS ONLY**

**TO: Dr. Paul F. Doughty
5 North 3rd Street
Reynoldsville, PA 15851**

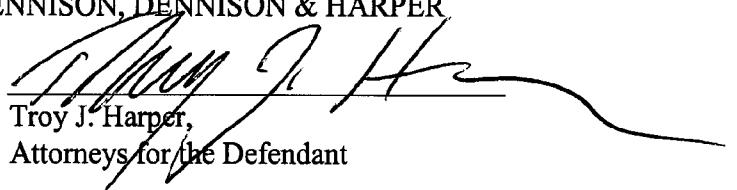
PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will take the deposition of Dr. Paul F. Doughty, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire medical records in his/her possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, and other such documents as set forth on the attached Subpoena, including copies and/or originals of all imaging studies or x-rays.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH HE/SHE SENDS ARE TRUE, ACCURATE
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for the Defendant

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Matthew J. Courson
Defendant(s)

Vs.

*

No. 2001-00312-CD

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

TO: Dr. Paul F. Doughty, 5 North 3rd Street, Reynoldsville, PA 15851
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT;

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court

Levin, LLC

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of JULY, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

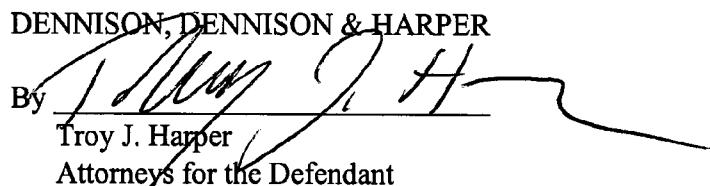
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Dr. Paul F. Doughty
5 North 3rd Street
Reynoldsville, PA 15851

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

CIVIL ACTION - LAW

Number 2001-312 C.D.

vs.

MATTHEW J. COURSON,
Defendant.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JUL 10 2001
11:26 AM
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,
vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
*
* Civil Action - Law
*
*
* Number 2001-312 C.D.

**NOTICE OF DEPOSITION FOR THE PURPOSE OF
COPYING RECORDS ONLY**

**TO: Records Custodian
DuBois Regional Medical Center
100 Hospital Avenue
DuBois, PA 15801**

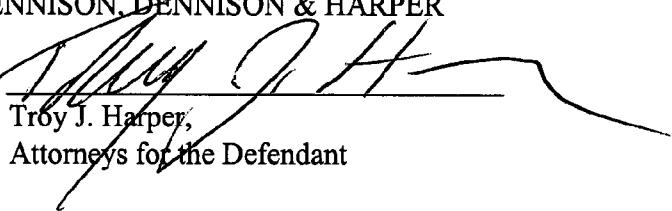
PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will take the deposition of the Records Custodian for DuBois Regional Medical Center, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire medical records in his/her possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, date of birth: 12/26/1959, Social Security Number: 180-52-7967, and other such documents as set forth on the attached Subpoena, including copies and/or originals of all imaging studies or x-rays.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH HE/SHE SENDS ARE TRUE, ACCURATE
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for the Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Records Custodian, DuBois Regional Medical Center, 100 Hospital Avenue,
DuBois, PA 15801 (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

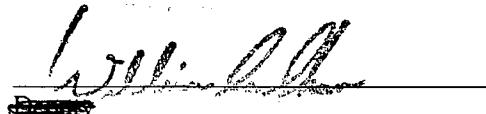
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court



Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of July, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

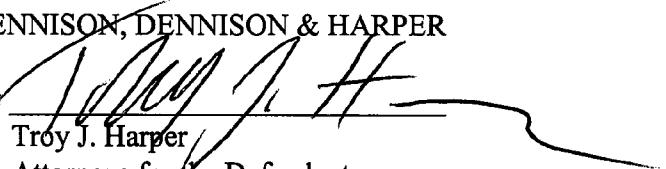
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Records Custodian
DuBois Regional Medical Center
100 Hopital Avenue
DuBois, PA 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

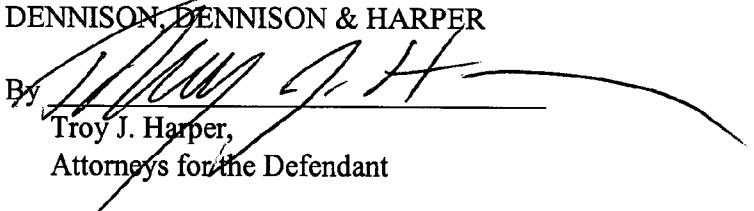
FILED

NO JUL 10 2001
cmh:ws
William A. Shaw
Prothonotary

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
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AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for the Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

*

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

TO: Records Custodian, West Penn Orthopaedics, 211 Beaver Drive, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

see attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

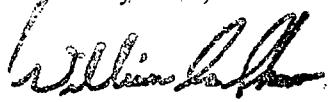
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: (814) 849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, May 31, 2001
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/1959, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
9th day of July, 2001 by United States Mail, First Class, Postage
Prepaid addressed to the following:

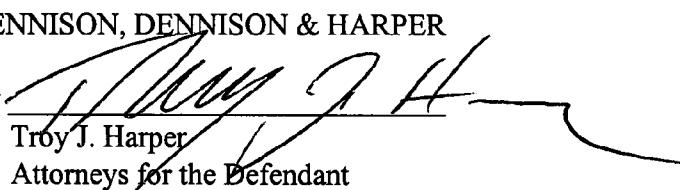
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, PA 15801

and by certified mail, return receipt requested, addressed to the following:

Records Custodian
West Penn Orthopaedics
211 Beaver Drive
DuBois, PA 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Motion to Compel

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

DEC 24 2001

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001-312 C.D.

MOTION TO COMPEL

AND NOW, comes the Defendant, MATTHEW J. COURSON, by his attorneys, Dennison, Dennison & Harper, who file the following Motion to Compel Pursuant to Pa.R.C.P. 4019:

1. The above-captioned action was instituted by Writ of Summons filed by the Plaintiff on or about March 6, 2001.
2. On or about April 17, 2001, the Plaintiffs filed a Complaint alleging that she was injured in a two-vehicle accident on or about March 29, 1999, on State Route 255 near the Treasure Lake subdivision in Sandy Township, Jefferson County, Pennsylvania.
3. On or about June 15, 2001, the Plaintiffs filed an Amended Complaint.
4. On or about June 21, 2001, the Defendant, Matthew J. Courson, filed an Answer and New Matter to the Plaintiffs' Amended Complaint.
5. On or about May 11, 2001, the Defendant, Matthew J. Courson, served a First Set of Interrogatories and a First Set of Request for Production of Documents directed to the Plaintiffs upon counsel for the Plaintiffs. A true and correct copy of the Interrogatories, Request for

Production of Documents and the Certificate of Service are attached hereto as Exhibit "A" and made part hereof.

6. Pursuant to Pa.R.C.P. 4006 (a)(2) and 4009.12, the Plaintiffs' Answers to the Interrogatories and Request for Production of Documents were due on or before June 11, 2001.

7. The Plaintiffs failed to answer the Interrogatories and Request for Production of Documents by June 11, 2001.

8. By letter dated September 21, 2001, directed to counsel for the Plaintiffs, counsel for the Defendant requested that the Plaintiffs respond to the Interrogatories and Request for Production of Documents within twenty (20) days. A true and correct copy of Defendant's counsel's file copy of the letter dated September 21, 2001, is attached hereto as Exhibit "B" and made part hereof.

9. By letter dated November 13, 2001, directed to counsel for the Plaintiffs, counsel for the Defendant requested that the Plaintiffs respond to the Interrogatories and Request for Production of Documents within fifteen (15) days. A true and correct copy of Defendant's counsel's file copy of the letter dated November 13, 2001, is attached hereto as Exhibit "C" and made part hereof.

10. By letter dated December 4, 2001, directed to counsel for the Plaintiffs, counsel for the Defendant requested that the Plaintiffs respond to the Interrogatories and Request for Production of Documents within seven (7) days. A true and correct copy of Defendant's counsel's file copy of the letter dated December 4, 2001, is attached hereto as Exhibit "D" and

made part hereof.

11. To date, the Plaintiffs have failed to respond to the Interrogatories and Request for Production of Documents.

WHEREFORE, the Defendant, Matthew J. Courson, requests this Honorable Court to enter an Order directing the Plaintiffs to file full and complete answers to the Interrogatories and responses to the Request for Production of Documents within twenty (20) days, and, if the Plaintiffs fail to file full and complete answers within the allotted time, to impose appropriate sanctions and such other relief the Court deems appropriate.

DENNISON, DENNISON & HARPER

By

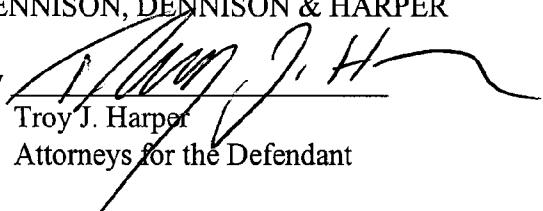

Troy J. Harper
Attorneys for the Defendant

EXHIBIT "A"

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: First Set of Request for
Production of Documents Directed to
Plaintiffs

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS**

TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

You are hereby required to answer the following Request for Production of Documents under oath, pursuant to the Pennsylvania Rules of Civil Procedure, within thirty (30) days after service hereof. This Request for Production of Documents shall be deemed continuing so as to require supplemental answers if further information not contained in the Answers to the following Request for Production of Documents is obtained between the time the Answers hereto are filed and the time of the trial.

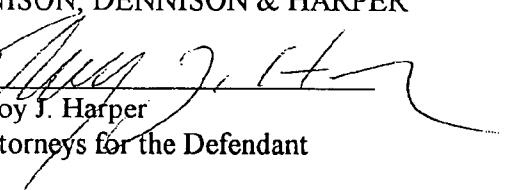
PROVIDE COPIES OF THE FOLLOWING REQUESTED INFORMATION REGARDING
THE ALLEGED INCIDENT AND ALLEGED INJURIES DESCRIBED IN THE
PLAINTIFFS' COMPLAINT:

1. All medical and hospital records, reports, bills and invoices relating to any injuries or damages alleged to have been caused by the occurrence described in Plaintiffs' Complaint.
2. All medical and hospital records, bills and invoices relating to prior or subsequent injuries to the same parts of the body claimed to have been injured as a result of the occurrence described in Plaintiffs' Complaint.
3. All statements; whether written, recorded, signed and/or unsigned, of the Plaintiffs or Defendant.
4. All statements; whether written, recorded, signed and/or unsigned, of all witnesses or potential witnesses.
5. All expert/nonexpert written reports.
6. All photographs, videotapes or other graphic representations relating to the place of the incident or the persons or other things involved.
7. Maps, drawings, charts and sketches relating to the place of the incident or the persons or things involved.
8. Any reports, notes, summaries or memoranda made by you or any person performing any investigation on your behalf or on behalf of your counsel.

9. Any appraisals, estimates, bills or orders for repair, towing or storage of any vehicle involved in the incident described in the Plaintiffs' Complaint.
10. A complete copy of the entire First Party Benefits File and/or Workman's Compensation Claim File for any claim the Plaintiffs made to any insurance company as a result of the incident, including any and all Peer Review Reports.
11. All police reports.

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: First Set of Interrogatories
Directed to Plaintiffs

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFFS

TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

You are hereby required to answer the following Interrogatories under oath, pursuant to the Pennsylvania Rules of Civil Procedure, within thirty (30) days after service hereof. These Interrogatories shall be deemed continuing so as to require supplemental answers if further information not contained in the answers to the following Interrogatories is obtained between the time the answers hereto are filed and the time of the trial.

YOU ARE HEREBY REQUESTED TO ANSWER EACH OF THE FOLLOWING
INTERROGATORIES WITH RESPECT TO THE PLAINTIFF, ELLEN KURTEN, UNLESS
INDICATED OTHERWISE:

1. Please provide the full name, current address, date of birth, social security number, and marital status including the date of any marriages and divorces for each Plaintiff.

2. Please provide the address where each Plaintiff was residing at the time of the incident alleged in the Plaintiffs' Complaint and provide the names, ages and your relationship to every other person residing at said address at that time.

3. Please list the names, addresses and telephone numbers of all physicians and medical care providers seen by you for the injuries which you allege you sustained in the incident described in your Complaint and the dates on which you were treated by that person.

4. Please list the names and addresses of all hospitals, clinics and convalescent homes wherein you received medical attention for the injuries you allege were caused by the incident described in your Complaint and list the dates on which you were treated at each of the institutions listed.

5. Please set forth an itemized list of all charges made by all those medical care providers listed in the answers to Interrogatories 3 and 4 and attach copies of all bills presented to you by the same.

6. If you have ever in your lifetime suffered from any injuries, illnesses, diseases, sicknesses, or abnormalities which required any type of medical treatment involving those portions of your body which you allege were injured in the incident described in your Complaint, including but not limited to your head, neck, back, spine, shoulders, legs, hips, arms and feet set forth the following:

a. the names and addresses of all doctors or hospitals that rendered service in connection therewith and the nature of the service or treatment rendered;

b. the type and/or nature of the injuries, illnesses, diseases, sicknesses, or abnormalities;

c. whether the injuries, illnesses, diseases, sicknesses, or abnormalities were the result of any type of accident;

(1) If the answer to subparagraph c. is yes, please provide the following information:

(a) the date, time, location and nature of the accident; and

(b) whether any lawsuit was filed as the result of the accident, and if so, the name and docket number of the Court where the lawsuit was filed.

7. Please state whether you suffered from any emotional, mental and/or nervous condition prior to the date of the incident described in your Complaint. If yes, please provide the name, address and telephone number of any medical care provider including any doctor, therapist, psychologist or psychiatrist who provided any treatment for such condition.

8. Please provide the names, addresses and telephone numbers of any and all physicians, doctors or medical care providers who have treated you:

a. as your family physician in the last ten (10) years; and

b. for any injury, sickness or disease in the last ten (10) years.

9. Please identify in detail to the following for each person whom you expect to call as an expert witness at trial:

a. full name, home address, business address;

- b. the subject matter on which the expert is expected to testify;
- c. the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

10. Is any Plaintiff making a claim for past, present or future lost wages as a result of the incident described in the Complaint? If so, state the following for each Plaintiff making such claim:

- a. the following information as of the time of the incident described in your Complaint:
 - (1) the name and address of your employer at the time of the incident;
 - (2) the date you started your employment with the employer;
 - (3) the date you last worked for your employer prior to the accident;

- (4) the nature of your work;
- (5) your hourly wage or salary;
- (6) the number of hours you worked on average per week;
- (7) the number of work days lost and the dates of those lost days; and
- (8) the amount of any wages or income lost.

b. the following information at the present time;

- (1) the name and address of your employer;
- (2) the date you started your employment with your current employer;
- (3) your hourly wage or salary; and
- (4) the number of hours you work on average per week.

c. Please attach copies of your Federal Income Tax Returns for years 1995 through 2000.

11. Have you ever made application or claim for any Workmen's Compensation Benefits?

If yes, please state the following for each application:

- a. the name and address of your employer at the time of the application or claim;
- b. the date on which you made any application or claim for such benefits;
- c. the nature and extent of the injury or condition which was the basis for any such application or claim; and
- d. the date on which the injury or condition began which was the basis for any such application or claim.

12. Are you now receiving or have you ever received any income or benefits under any disability, pension or income insurance policy or any Workmen's Compensation from any agency, company, person, corporation, state or governmental agency?

If yes, please state the following:

- a. under what program or policy you received any payment;

- b. the dates you received such payments;

- c. the injuries or disability for which you received any payment and when such injuries or disability arose;

- d. the name of the company, person, corporation or agency which made any payments;

- e. whether you now have any permanent disability as a result of such injuries or disability for which you received any payments, and if so, the nature and extent of the disability;

f. whether you had a disability at the time of the incident referred to in your Complaint, and if so, the nature and extent of the disability.

13. Please provide the name, home address, business address (if any), and your relationship to any person known to you who witnessed the events: (1) immediately before the incident described in your Complaint; (2) at the time of the incident described in your Complaint; and (3) immediately after the incident described in your Complaint.

14. Please state the name, home address, business address (if any) and job classification of all persons whom you intend to call as nonexpert witnesses on your behalf at the trial of this case and the substance on which you expect them to testify.

15. In regard to the date of the incident described in the Complaint, please state in detail your activities and whereabouts for the twenty-four (24) hour period preceding the incident including, but not limited to your place of origin, your destination, and the nature and length of any stops you made.

16. Please state whether or not you had taken any prescription or nonprescription medication within the twenty-four (24) hour period preceding the incident. If yes, please provide the name of the medication and the time it was taken.

17. Please state whether or not you were working within the scope of your employment at the time of the accident. If yes, please provide the following information:

- a. the name, address and telephone number of your employer; and
- b. whether or not you provided any written or recorded report to your employer concerning the events of the accident.

18. Please state in detail and in your own words how the incident described in your Complaint occurred.

19. Have you ever been involved in any other accident involving a motor vehicle including but not limited to as an operator, passenger or pedestrian?

If the answer to this Interrogatory is yes, please provide the following information for each accident:

- a. the date and location of the accident;
- b. the names and addresses of any other persons involved in the accident;
- c. a description in detail of the events of the accident;
- d. the nature of any injuries you received in the accident;
- e. the names and addresses of any medical care providers who treated you for any injuries;

f. whether any lawsuit was filed as the result of the accident, and if so, the name and docket number of the Court where the lawsuit was filed and the name and address of the attorney or law firm which represented you; and

g. Attach a copy of any police report issued as a result of the accident.

20. Identify each automobile policy by insurance company, named insured and policy number in existence within your residence on the date of the incident described in the Complaint and attach copies of the declaration page for each policy.

21. List the tort option(s) by or under which you were covered on any automobile policy(ies) on which you are a named insured or were insured on the date of the incident described in the Complaint.

22. Please state whether any claim for First Party Benefits or like benefits was opened by any insurance company identified in your answer to Interrogatory 20 or any other insurance company as a result of the incident described in your Complaint. If yes, please provide the following information:

- a. the address of the claims office handling the claim;
- b. the name of the adjuster assigned to handle the claim; and
- c. the claim number assigned to the claim.

23. With regard to each Plaintiff, have you ever been charged with or convicted of any crime other than a traffic citation; if yes, please provide the following information:

- a. the date, state and county where the criminal offense took place;
- b. the name and address of the issuing authority, i.e. police department; and

c. the final disposition of the criminal charge.

24. Please provide a detailed list of any incidental or out-of-pocket expenses you allege you incurred as a result of the accident described in your Complaint, including the following information for each of the expenses:

- a. the amount of the expense;
- b. the date of the expense;
- c. a description of what the expense was for;
- d. the name of the person, agency or company the expense was paid to; and
- e. Attach copies of any records in your possession supporting the expenses.

25. With regard to any medical bills you have incurred as a result of the incident described in your Complaint, please state the following:

- a. the name of any insurance company, group program, HMO or other agency which has provided payment for said bills;

b. whether or not you have been notified of any lien and/or subrogation claim in regard to any payments made by any insurance company, group program, HMO, or other agency, and if so, the amount of any such lien and/or subrogation claim. Also, please provide copies of any documents identifying the notice and amount of the lien.

26. Please state whether any representative, investigator, employee of yours or of your attorney has conducted any investigation on your behalf relating to your claims in this matter.

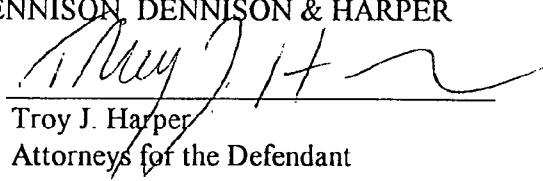
If yes, please provide the following information:

- a. the name, address, employer, job title, position or capacity of each such person; and
- b. whether any such person has prepared any notes, memoranda or summaries in connection with any such investigation.

27. In regard to the vehicle in which the Plaintiffs were present at the time of the accident, please state the name and address of the operator of the vehicle at the time of the accident and state the names, addresses and relationship to the Plaintiffs and location within the vehicle of any other persons.

DENNISON, DENNISON & HARPER

By



Troy J. Harper

Troy J. Harper
Attorneys for the Defendant

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

**ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,**

vs.

MATTHEW J. COURSON,

Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant

Counsel of Record for this Party:

**Troy J. Harper
Supreme Court Number: 74753**

**John C. Dennison, II
Supreme Court Number: 29408**

**DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316**

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001 - 312 C.D.

CERTIFICATE OF SERVICE

I certify that an original and two certified copies of the First Set of Interrogatories
Directed to the Plaintiffs and an original and two certified copies of the First Set of Request for
Production of Documents Directed to the Plaintiffs were served on the 11th day of
May, 2001, by United States Mail, First Class, Postage Prepaid,

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER
By Troy J. Harper
Troy J. Harper
Attorneys for the Defendant

EXHIBIT "B"

September 21, 2001

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

RE: Kurten v. Courson
No. 01 - 312 C.D. (Clearfield County)

Dear Toni:

In reviewing my file, I found that I have not yet received your clients' answers to the discovery requests which I served on May 11, 2001. Please forward your clients' verified answers within the next twenty (20) days.

Thank you for your cooperation.

Very truly yours,

DENNISON, DENNISON & HARPER

Troy J. Harper

EXHIBIT "C"

November 13, 2001

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

RE: Kurten v. Courson
No. 01 - 312 C.D. (Clearfield County)

Dear Toni:

In reviewing my file, I found that I have not yet received your clients' answers to the discovery requests which I served on May 11, 2001. Please forward your clients' verified answers within the next fifteen (15) days so that we can avoid a Motion to Compel.

Thank you for your cooperation.

Very truly yours,

DENNISON, DENNISON & HARPER

Troy J. Harper

EXHIBIT "D"

December 4, 2001

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

RE: Kurten v. Courson
No. 01 - 312 C.D. (Clearfield County)

Dear Toni:

As you know, on May 11, 2001, I served you with a set of discovery requests. To date, despite repeated requests, I have not received your clients' answers to the same.

Please be advised that my client has authorized and directed me to file a Motion to Compel and Request for Sanctions. If I do not receive your clients' answers within the next seven (7) days, I will file the Motion to Compel and Request for Sanctions.

Thank you for your cooperation.

Very truly yours,

DENNISON, DENNISON & HARPER

Troy J. Harper

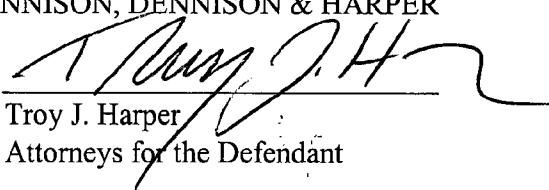
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Compel was served on the 21st day of December, 2001, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
Dubois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,

vs.

MATTHEW J. COURSON,

Defendant

: CIVIL ACTION - LAW.
: No. 2001 - 312 C.D.
:
: Type of Case: CIVIL
:
: Type of Pleading: RELY TO NEW MATTER
:
: Filed on Behalf of: ELLEN KURTEN and
: EUGENE S. KURTEN, III, Plaintiffs
:
: Counsel of Record for these Parties:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

FILED

DEC 26 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

ELLEN KURTEN and	:	CIVIL ACTION - LAW
EUGENE S. KURTEN, III,	:	
	Plaintiffs	No. 2001 - 312 C.D.
	:	
vs.	:	
	:	
MATTHEW J. COURSON,	:	
	Defendant	:

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, ELLEN KURTEN and EUGENE S. KURTEN, III, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and reply to the New Matter of the Defendant as follows:

21. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that the terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701, *et seq.*, bar and/or diminish any claim or cause of action raised by the Plaintiffs in the pleadings filed in this case.

22. DENIED. At no time material hereto was the Plaintiff, ELLEN KURTEN, subject to the limited tort option under the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701, *et seq.*

23. DENIED. On the contrary, the Plaintiff, ELLEN KURTEN, did sustain serious injuries which have resulted in continuing disability and which have impacted on her daily life and routines. Consequently, her claims for non-economic damages are not barred under the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

24. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Plaintiffs have failed to state a cause of action upon which relief may be granted. On the contrary, Plaintiffs have stated a cause of action upon which relief may be granted and Plaintiffs demand damages from Defendant.

25. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that any of Plaintiffs' causes of action are barred by the applicable Statute of Limitations as Plaintiffs have filed this suit well within the time allowed in which to make such claim.

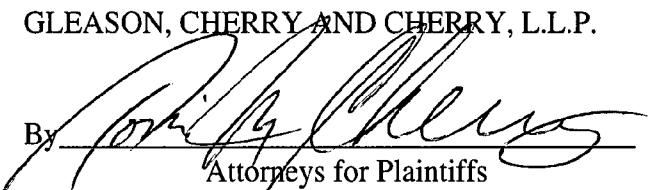
26. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Defendant is entitled to any credit against his liability for the damages claimed by Plaintiffs herein for any monies that might have previously been paid on his behalf and Plaintiffs specifically deny that Defendant is entitled to any set off, payment, accord and satisfaction and/or release of any claims raised herein as a result of said payment.

WHEREFORE, Plaintiffs respectfully request that Defendant's New Matter be dismissed and that judgment be entered in favor of Plaintiffs and against Defendant in a sum greater than \$25,000.00 on each count raised by Plaintiffs in their Complaint and/or Amended Complaint, together with delay damages, interest on the same and costs of suit.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

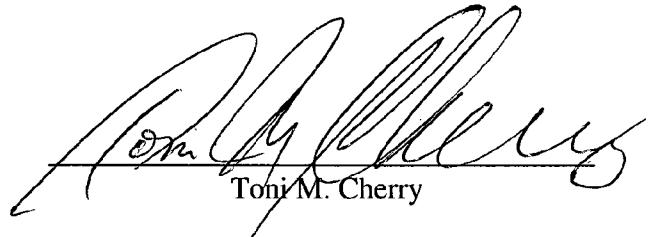

John P. Gleason
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

: SS.

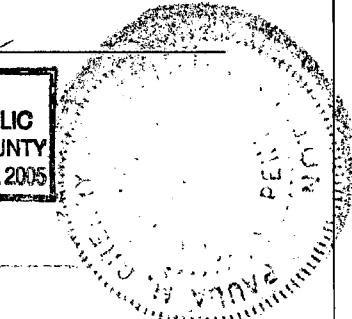
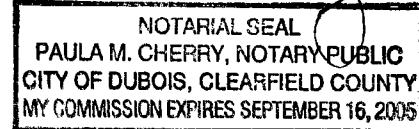
COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for the County and State aforesaid, TONI M. CHERRY, who, being duly sworn according to law, deposes and says that she is the attorney for Plaintiffs in the foregoing Reply to New Matter and that she is authorized to make this Affidavit on behalf of the Plaintiffs and makes this Affidavit on behalf of Plaintiffs and can supply an Affidavit at a later date if required and does depose and say that the facts set forth in the foregoing Reply to New Matter are true and correct to the best of her knowledge, information and belief.



Toni M. Cherry

Sworn to and subscribed before me this 24th day of December, 2001.



IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

ELLEN KURTEN and	:	CIVIL ACTION - LAW
EUGENE S. KURTEN, III,	:	
	Plaintiffs	: No. 2001 - 312 C.D.
	:	
vs.	:	
	:	
MATTHEW J. COURSON,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of December, 2001, a true and correct copy of Plaintiffs' Reply to New Matter was served upon counsel for Defendant, TROY J. HARPER, ESQ., by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

TROY J. HARPER, ESQ.
Dennison, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attnorneys for Plaintiffs

Dated: December 24, 2001

FILED

DEC 26 2001

101037116
William A. Shaw
Prothonotary
Court
Clerk

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JAN 11 2002

William A. Shaw
Prothonotary

ELLEN KURTEN and,
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001-312 C.D.

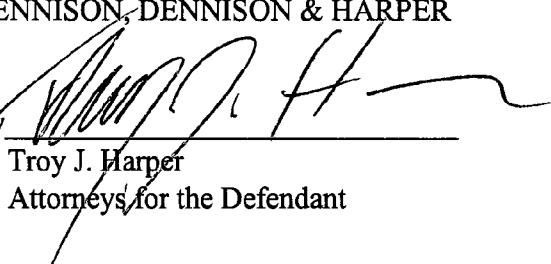
NOTICE OF DEPOSITION

TO: ELLEN KURTEN
c/o Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

Take notice that the deposition of Ellen Kurten will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Friday, January 25, 2002, at 1:30 p.m., in the offices of Gleason, Cherry and Cherry, L.L.P., One North Franklin Street, Dubois, Pennsylvania, at which time and place you are to appear and take such part as shall be fitting and proper.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

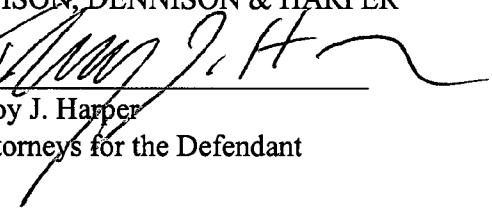
CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Deposition was served on the 10th day of
January, 2002, by United States Mail, First Class, Postage Prepaid, addressed
to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JAN 11 2002

William A. Shaw
Prothonotary

ELLEN KURTEN and,
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001-312 C.D.

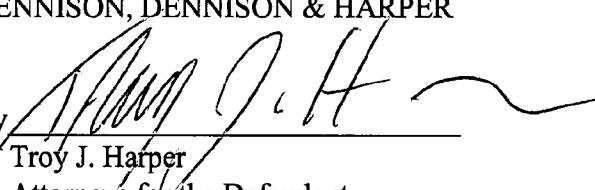
NOTICE OF DEPOSITION

TO: EUGENE S. KURTEN, III
c/o Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

Take notice that the deposition of Eugene S. Kurten, III, will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Friday, January 25, 2002, at 2.00 p.m., in the offices of Gleason, Cherry and Cherry, L.L.P., One North Franklin Street, Dubois, Pennsylvania, at which time and place you are to appear and take such part as shall be fitting and proper.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

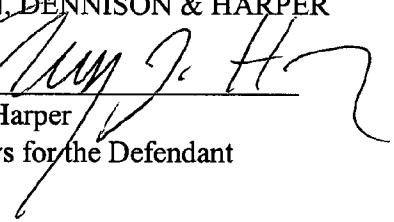
CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Deposition was served on the 10th day of
January, 2002, by United States Mail, First Class, Postage Prepaid, addressed
to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

ELLEN KURTEN and :
EUGENE S. KURTEN, III, :
Plaintiffs :
: No. 2001 - 312 C.D.
vs. :
: MATTHEW J. COURSON, :
Defendant :
:

CERTIFICATE OF SERVICE

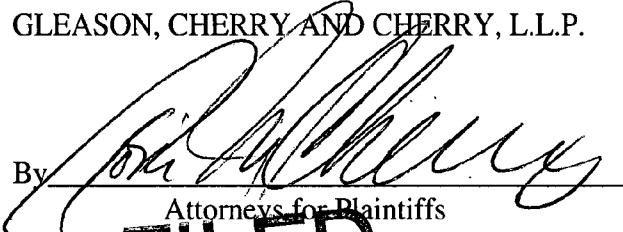
I hereby certify that on this 23rd day of January, 2002, an original and one copy of Answers to First Set of Interrogatories Directed to Plaintiffs were served upon counsel for Defendant, TROY J. HARPER, ESQ., by having the same delivered to him personally at his offices at the following address:

TROY J. HARPER, ESQ.
Dennison, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By


John M. Cherry
Attorneys for Plaintiffs

FILED

Dated: January 23, 2002

JAN 24 2002
m10:56/nc
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

ELLEN KURTEN and :
EUGENE S. KURTEN, III, :
Plaintiffs :
vs. : No. 2001 - 312 C.D.
MATTHEW J. COURSON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2002, the Response to First Set of Request for Production of Documents Directed to Plaintiffs was served upon counsel for Defendant, TROY J. HARPER, ESQ., by having the same delivered to him personally at his offices at the following address:

TROY J. HARPER, ESQ.
Dennison, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Atorneys for Plaintiffs

Dated: January 23, 2002

FILED

JAN 24 2002
M 10:56 AM '02
William A. Shaw
Prothonotary *KB*

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001-312 C.D.

Type of Case: Civil Division

Type of Pleading: Withdrawal of Motion
to Compel

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

FEB 15 2002
m/12:50 AM
William A. Shaw
Prothonotary
No Court copies

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001-312 C.D.

MOTION TO COMPEL

AND NOW, comes the Defendant, MATTHEW J. COURSON, by his attorneys, Dennison, Dennison & Harper, who file the following Withdrawal of Motion to Compel:

1. On or about December 21, 2001, the Defendant, Mathew J. Courson, filed a Motion to Compel in regard to the Plaintiffs' failure to timely respond to outstanding discovery requests.
2. Subsequent to the filing of the Motion to Compel, the Plaintiffs served responses to the outstanding discovery requests.

WHEREFORE, the Defendant, Matthew J. Courson, withdraws the Motion to Compel which was filed on or about December 21, 2001.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

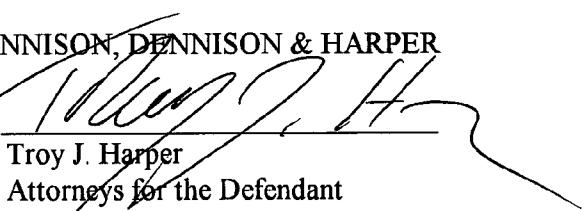
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Withdrawal of Motion to Compel was served on the 14th day of February, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAR 15 2002
7:11:49 AM 2002
William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

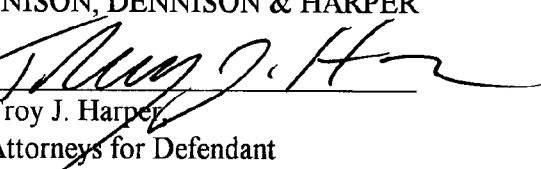
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 3/13/02

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

No. 2001-00312-CD

*

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

TO: Dr. Ann Matthews, Liberty Physical Medicine & Rehabilitation Associates, P.C.
145 Hospital Avenue, (Name of Person or Entity)

Suite 300, DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

See attached

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: 814-849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, January 30, 2002
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/59, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

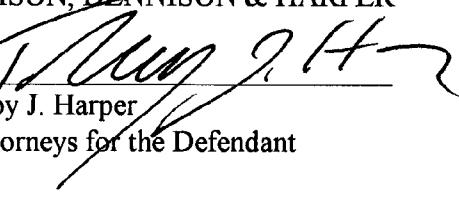
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of March, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAR 15 2002
11:49AMCC
SAC William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

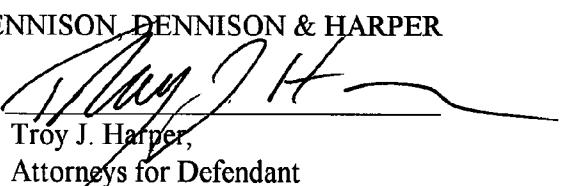
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 3/13/02

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Matthew J. Courson
Defendant(s)

Vs.

*

No. 2001-00312-CD

*

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

TO: Gary Magee, D.C., 28 E. Scribner Avenue, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

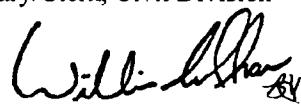
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: 814-849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Wednesday, January 30, 2002
Seal of the Court



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/59, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

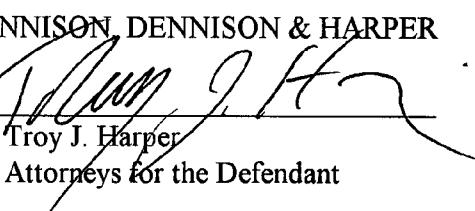
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of March, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAY 23 2002

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

NOTICE OF DEPOSITION FOR THE PURPOSE OF COPYING RECORDS ONLY

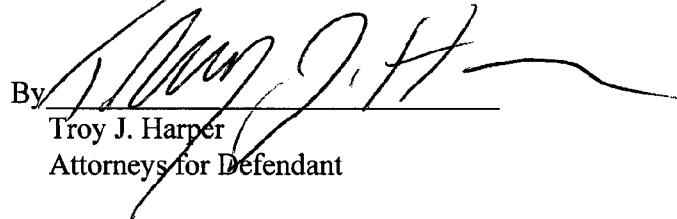
TO: GARY MAGEE, D.C.
28 East Scribner Avenue
DuBois, Pennsylvania 15801

PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will be take the deposition of Gary Magee, D.C., twenty (20) days from the service of this Notice and attached Subpoena upon the same at the offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying medical records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire medical records file in his possession for any medical treatment and/or medical care rendered Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, S.S.N. 180-52-7967, date of birth: 12/26/59, including all imaging films and such other documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE AND
COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Gary Magee, D.C., 28 E. Scribner Avenue, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: 814-849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, January 30, 2002
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/59, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

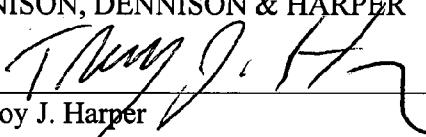
I certify that a true and correct copy of foregoing Notice of Deposition was served on the 22nd day of May, 2002, by United States Mail, First Class, Postage Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

and by Certified Mail, Return Receipt Requested, on the following:

Gary Magee, D.C.
28 East Scribner Avenue
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for
the Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAY 23 2002

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
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- *
- * Number 2001 - 312 C.D.

NOTICE OF DEPOSITION FOR THE PURPOSE OF COPYING RECORDS ONLY

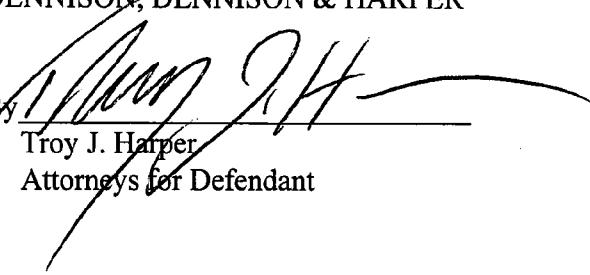
TO: DR. ANN MATTHEWS
Liberty Physical Medicine &
Rehabilitation Associates, P.C.
145 Hospital Avenue, Suite 300
DuBois, Pennsylvania 15801

PLEASE TAKE NOTE that the Defendant, Matthew J. Courson, will be take the deposition of Dr. Ann Matthews, twenty (20) days from the service of this Notice and attached Subpoena upon the same at the offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying medical records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of the entire medical records file in her possession for any medical treatment and/or medical care rendered Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, S.S.N. 180-52-7967, date of birth: 12/26/59, including all imaging films and such other documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT
CERTIFIES THAT THE RECORDS WHICH SHE SENDS ARE TRUE, ACCURATE
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.**

DENNISON, DENNISON & HARPER

By 
Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.
Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Dr. Ann Matthews, Liberty Physical Medicine & Rehabilitation Associates, P.C.
145 Hospital Avenue, (Name of Person or Entity)
Suite 300, DuBois, PA 15801
Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:
See attached

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: 814-849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, January 30, 2002
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/59, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of foregoing Notice of Deposition was served on the
28th day of May, 2002, by United States Mail, First Class, Postage Prepaid,
addressed to the following:

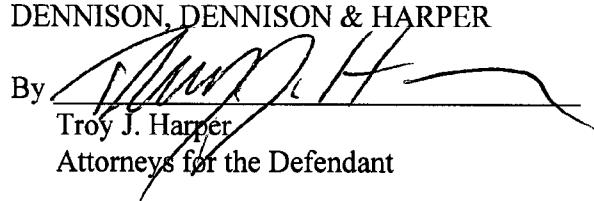
Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

and by Certified Mail, Return Receipt Requested, on the following:

Dr. Ann Matthews
Liberty Physical Medicine &
Rehabilitation Associates, P.C.
145 Hospital Avenue, Suite 300
DuBois, PA 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001- 312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAY 23 2002

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO Pa.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

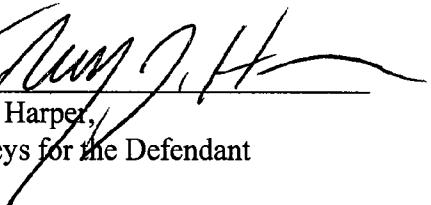
1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

Date: 5/22/02

By


Troy J. Harper,
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- * Civil Action - Law
- *
- *
- *
- *
- * Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

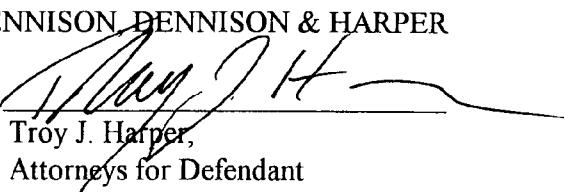
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 3/13/02

DENNISON, DENNISON & HARPER

By


Troy J. Harper,
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten

Eugene S. Kurten III

Plaintiff(s)

Vs.

*

No. 2001-00312-CD

Matthew J. Courson

Defendant(s)

*

*

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

TO: Gary Magee, D.C., 28 E. Scribner Avenue, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

See attached

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper

ADDRESS: 293 Main Street

Brookville, PA 15825

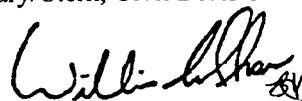
TELEPHONE: 814-849-8316

SUPREME COURT ID # 74753

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, January 30, 2002
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/59, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

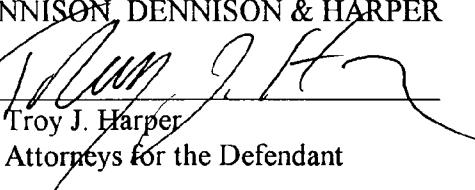
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Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

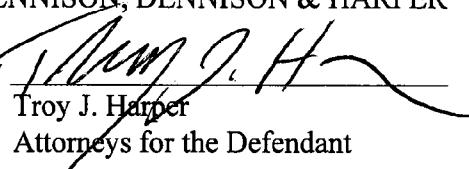
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 22nd day of May, 2002, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001- 312 C.D.

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite
to Service of a Subpoena Pursuant to
Pa.R.C.P. 4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAY 23 2002

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,

Plaintiffs,

vs.

MATTHEW J. COURSON,

Defendant.

- * In the Court of Common Pleas of
- * Clearfield County, Pennsylvania
- *
- *
- *
- *
- * Civil Action - Law
- *
- *
- *
- * Number 2001 - 312 C.D.

**CERTIFICATE PREREQUISITE TO SERVICE OF A
SUBPOENA PURSUANT TO PA.R.C.P. 4009.22**

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant certifies the following pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoena is sought to be served;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

Date: 5/22/02

By Troy J. H.
Troy J. Harper,
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of Intent
to Serve Subpoena to Produce Documents
and Things for Discovery Pursuant to
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO
PA.R.C.P. 4009.21**

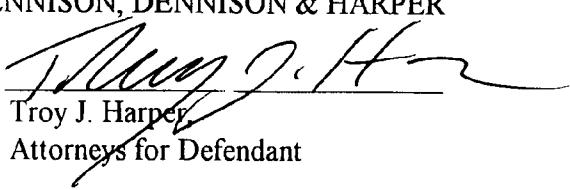
TO : ELLEN KURTEN and EUGENE S. KURTEN, III:

Matthew J. Courson, by and through his attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that 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.

Dated: 3/13/02

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ellen Kurten
Eugene S. Kurten III
Plaintiff(s)

Vs.

Matthew J. Courson
Defendant(s)

*

*

No. 2001-00312-CD

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

TO: Dr. Ann Matthews, Liberty Physical Medicine & Rehabilitation Associates, P.C.
145 Hospital Avenue, (Name of Person or Entity)
Suite 300, DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things:

See attached

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Troy J. Harper
ADDRESS: 293 Main Street
Brookville, PA 15825
TELEPHONE: 814-849-8316
SUPREME COURT ID # 74753
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DATE: Wednesday, January 30, 2002
Seal of the Court

Any and all medical records in your possession for Ellen Kurten, a/k/a Peaches Theakston, a/k/a Ellen Theakston, DOB: 12/26/59, SSN: 180-52-7967, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

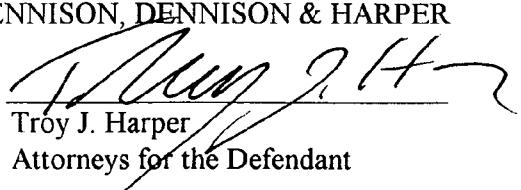
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13th day of March, 2002, by United States Mail, First Class, postage prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

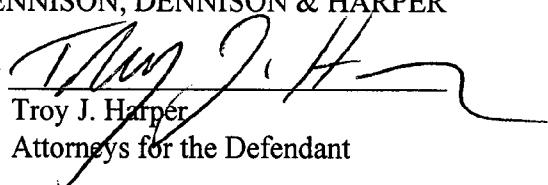
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Certificate Pursuant to Pa.R.C.P. 4009.22 was served on the 28th day of May, 2002, by United States Mail, First Class, Postage Prepaid addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

ELLEN KURTEN and EUGENE S.	:
KURTEN, III,	:
vs.	:
MATTHEW J. COURSON,	:
Plaintiffs	:
Defendant	:
	: No. 01 - 312 C.D.
	:
	:

PRAECIPE FOR CASE TO BE LISTED FOR
JURY TRIAL

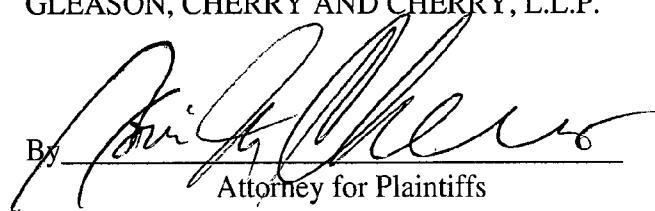
TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Kindly place the above-captioned case on the jury trial list. Certificate of Readiness has been filed.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.



Brian J. Gleason
Attorney for Plaintiffs

FILED

NOV 20 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

(To be executed by Trial
Counsel Only)

November 20, 2002
DATE PRESENTED

CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME
No. 01 - 312 C.D.	(X) Jury () Non-jury () Arbitration	<u>2</u> DAYS

PLAINTIFF(S)

ELLEN KURTEN and EUGENE S. KURTEN, III

()

DEFENDANT(S)

MATTHEW J. COURSON

() Check Block
if a Minor
is a Party
() to the Case

JURY DEMAND FILED BY:

ELLEN KURTEN and EUGENE S. KURTEN, III

DATE JURY DEMAND FILED:

November 20, 2002

AMOUNT AT ISSUE

CONSOLIDATION

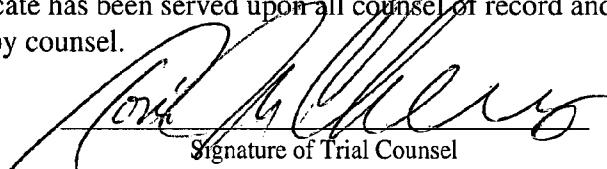
DATE CONSOLIDATION ORDERED

in excess of \$25,000.00, together
with delay damages and costs of
suit

() Yes (X) No

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST:

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.


Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF TONI M. CHERRY, ESQ.	TELEPHONE NUMBER (814) 371-5800
---	------------------------------------

FOR THE DEFENDANT TROY J. HARPER, ESQ.	TELEPHONE NUMBER (814) 849-8316
---	------------------------------------

FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER
--------------------------	------------------

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

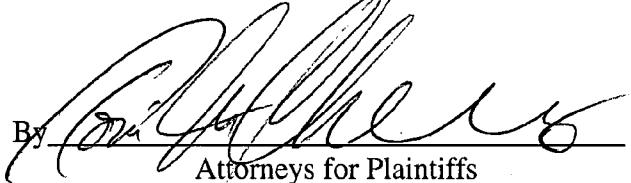
ELLEN KURTEN and EUGENE S. :
KURTEN, III, :
Plaintiffs :
: No. 01 - 312 C.D.
vs. :
: MATTHEW J. COURSON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 20TH day of November, 2002, a true and correct copy of the Certificate of Readiness and Praeclipe For Case to be Listed for Jury Trial was served upon counsel for Defendant, TROY J. HARPER, ESQ., by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

TROY J. HARPER, ESQ.
Dennison, Dennison & Harper
Attorneys at Law
293 Main Street
Brookville, PA 15825

GLEASON, CHERRY AND CHERRY, L.L.P.

By 

Attorneys for Plaintiffs

Dated: November 20, 2002

FILED

NOV 20 2002

O/ 11:37 A.M.

William A. Shaw
Prothonotary

Two (2) CC to City of

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

ELLEN KURTEN and EUGENE S.

*

KURTEN, III,

*

Plaintiffs

*

*

*

vs.

*

NO. 2001-312-C.D.

*

*

MATTHEW J. COURSON,

*

Defendant

*

FILED

JAN 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 17th day of January, 2003, following Pre-Trial Conference with counsel for the parties as set forth above and the Court, it is the ORDER of this Court as follows:

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

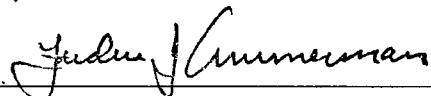
2. Jury Trial is hereby scheduled for Thursday, April 3, 2003 and Friday, April 4, 2003 commencing at 9:00 a.m. each day in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

3. The parties have agreed to stipulate to the authenticity of all medical bills and records without the necessity of producing any medical record's custodian relative the same.

4. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of Trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of Trial.

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

By the Court,



JUDGE FREDRIC J. AMMERMAN

FILED

JAN 20 2003

0111501w

William A. Shaw
Prothonotary/Clerk of Courts



1 certified copies to Toni M. Cherry, Esquire
2 certified copies to Troy J. Harper, Esquire
1 copy to Judge Ammerman
1 copy to Court Administrator

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Motion for Stay Pursuant
to the Soldiers' and Sailors' Civil Relief
Act of 1940

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

JAN 23 2003

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
*
* Number 2001 - 312 C.D.

**MOTION FOR STAY PURSUANT TO THE SOLDIERS' AND SAILORS'
CIVIL RELIEF ACT OF 1940**

AND NOW, comes Troy J. Harper, counsel for the Defendant, MATTHEW J. COURSON, who respectfully requests a stay pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940 of Jury Selection scheduled in the above-captioned matter for January 23, 2003, and the Trial scheduled for April 3, 2003, and, in support hereof, states the following:

1. On January 17, 2003, a Pretrial Conference was conducted in the above-captioned matter before the Honorable Fredric J. Ammerman.
2. At the time of the Pretrial Conference, Jury Selection was scheduled for January 23, 2003, and a two-day Trial was scheduled to begin on April 3, 2003.
3. On January 17, 2003, counsel for the Defendant attempted to contact his client to inform him of the above-mentioned dates.
4. Counsel for the Defendant spoke with the Defendant's mother on the afternoon of January 17, 2003, at which time, the Defendant's mother informed counsel for the Defendant that her son's army reserve unit had just recently been notified that it was being activated to full service and scheduled for deployment overseas.

5. On January 20, 2003, counsel for the Defendant spoke with the Defendant. At that time, the Defendant informed his counsel that he was a member of the reserve unit designated as the 337th Engineering Battalion based out of Punxsutawney, Pennsylvania, and that his unit had just recently been informed that it was being activated to full duty service and was being deployed on or before March 1, 2003. The Defendant was informed that said deployment would include being stationed in Kosovo for an anticipated period of nine (9) months.

6. Attached hereto and made part hereof are two letters from Lt. Curtis Drake dated January 21, 2003, stating that the Defendant's unit is on alert for mobilization for a period from early March 2003 until the late Winter of 2003. Specific dates have not yet been made, and the specific orders are expected in early February.

7. In light of the foregoing, the Defendant will be unavailable for Trial.
8. In light of the foregoing, the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, 50 USCS Appx. §501 et seq. are applicable.

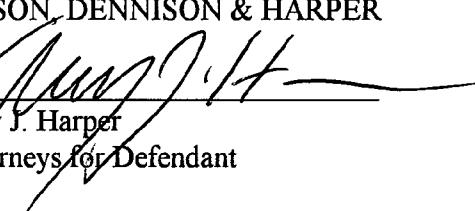
9. Pursuant to Sections 510 and 521 of the Soldiers' and Sailors' Civil Relief Act of 1940, the Defendant requests a stay of the Jury Selection and Trial scheduled in this matter until such time as the Defendant returns from active duty.

10. Counsel for the Plaintiffs has been made aware of the request for a stay and offered no objection to the same.

WHEREFORE, the Defendant, Matthew J. Courson, respectfully requests this Honorable Court to enter an Order staying the Jury Selection and Trial scheduled in this matter until such time as the Defendant returns from overseas active duty.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for Defendant



PENNSYLVANIA ARMY NATIONAL GUARD
COMPANY B, 337 ENGINEER BATTALION
441 NORTH FINDLEY STREET
PUNXSUTAWNEY, PENNSYLVANIA 15767-1499
TELEPHONE: 814-938-8810
FAX: 814-938-0593

January 21, 2003

To whom it may concern,

By the order of the Adjutant General of Pennsylvania and with the consent of the Governor of Pennsylvania, Bravo Company, 337th Engineer Battalion is on Alert for mobilization for a period of early March to late winter. Specific dates are not available at this time. Unit Orders are expected early February and individual Orders mid-February.

The Pennsylvania Army National Guard appreciates your support. I realize the potential challenges these changes may cause for you and your business. The Employer Support for the Guard and Reserve (ESGR) Program has information that may be helpful to you in understanding the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 U.S.C. Chapter 43. To learn more about the ESGR program you can call the toll free number 1-800-336-4590 or check the ESGR website at www.esgr.org. Again, thank you for your support. We could not accomplish our mission without your support. If you have any other questions, please feel free to contact me or my Unit Training NCO, SSG Edward G. Bodenhom at (814) 938 – 8810/5007.

Sincerely,

Curtis R. Drake
1LT, EN, PAARNG
Commanding



PENNSYLVANIA ARMY NATIONAL GUARD
COMPANY B, 337 ENGINEER BATTALION
441 NORTH FINDLEY STREET
PUNXSUTAWNEY, PENNSYLVANIA 15767-1499
TELEPHONE: 814-938-8810
FAX: 814-938-0593

January 21, 2003

To whom it may concern,

By the order of the Adjutant General of Pennsylvania and with the consent of the Governor of Pennsylvania, **Bravo Company, 337th Engineer Battalion**, regularly scheduled July 2003 Annual Training Period will be the **1-5 Feb 03 (Start Time 0750 1 Feb 03 to 1900 5 Feb 03)**.

The Pennsylvania Army National Guard appreciates your support. I realize the potential challenges these changes may cause for you and your business. The Employer Support for the Guard and Reserve (ESGR) Program has information that may be helpful to you in understanding the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 U.S.C. Chapter 43. To learn more about the ESGR program you can call the toll free number 1-800-336-4590 or check the ESGR website at www.esgr.org. Again, thank you for your support. We could not accomplish our mission without your support. If you have any other questions, please feel free to contact me or my Unit Training NCO, SSG Edward G. Bodenhor at (814) 938 – 8810/5007.

Sincerely,

Curtis R. Drake
1LT, EN, PAARNG
Commanding

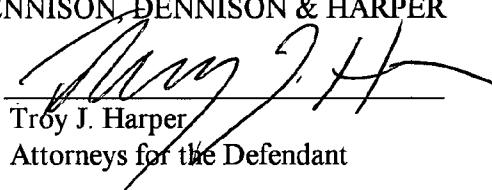
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Stay was served on the
22nd day of January, 2003, by United States Mail, First Class,
Postage Prepaid, addressed to the following:

Toni M. Cherry, Esq.
Gleason, Cherry and Cherry, L.L.P.
One North Franklin Street
P.O. Box 505
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
* Civil Action - Law
*
*
* Number 2001 - 312 C.D.

ORDER

AND NOW, this 24 day of January, 2003, the Defendant, Matthew J. Courson, through his attorney, Troy J. Harper, having filed a Motion for Stay pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940;

IT IS HEREBY ORDERED that said Motion is granted and Jury Selection scheduled for January 23, 2003, and the Trial scheduled to begin on April 3, 2003, are hereby stayed until further Order of Court.

IT IS FURTHER ORDERED that the Defendant shall notify his counsel immediately upon his return from active overseas service in the United States Army and counsel for the Defendant shall immediately notify Counsel for the Plaintiffs and the Court so the stay may be lifted and the matter scheduled for Jury Selection and Trial.

BY THE COURT,

FILED

JAN 24 2003



Fredric J. Ammerman, J.

William A. Shaw
Prothonotary

FILED

1cc

OK 3:55 P.M.

JAN 24 2003

E

APR

Atty Harper

William A. Shaw
Prothonotary

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

ELLEN KURTEN and :
EUGENE S. KURTEN III :
VS. : NO. 01-312-CD
MATTHEW J. COURSON :
:

O R D E R

NOW, this 1st day of April, 2003, this being the date set for Call of the Civil Jury Trial List; upon Motion for Continuance requested on behalf of counsel, it is the ORDER of this Court that said request is hereby granted and the Court Administrator directed to schedule this matter for the next Term of Court.

BY THE COURT,



Judge

FILED

APR 03 2003

William A. Shaw
Prothonotary

FILED

2cc Attn: T. Cherry

01-20781
APR 03 2003

2cc Attn: Harper

William A. Shaw

Prothonotary

645

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

CIVIL ACTION - LAW

Number 2001 - 312 C.D.

Type of Case: Civil Division

Type of Pleading: Praecipe to Discontinue
an Action

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Toni M. Cherry
Supreme Court Number: 30205

GLEASON, CHERRY & CHERRY, L.L.P.
P.O. Box 505
One North Franklin Street
DuBois, Pennsylvania 15801
(814) 371-5800

FILED

FEB 26 2004

William A. Shaw
Prothonotary

ELLEN KURTEN and
EUGENE S. KURTEN, III,
Plaintiffs,

vs.

MATTHEW J. COURSON,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
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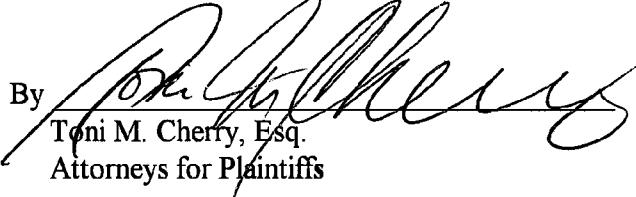
PRAECIPE TO DISCONTINUE AN ACTION

TO: THE PROTHONOTARY OF CLEARFIELD COUNTY:

You are hereby directed to mark the above-captioned action "settled, discontinued and ended".

GLEASON, CHERRY & CHERRY, L.L.P.

By


Toni M. Cherry, Esq.
Attorneys for Plaintiffs

FILED

1-2-00 MA Court to other

FEB 26 2004

CG

William A. Shaw
Prothonotary

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

CIVIL DIVISION

**Ellen Kurten
Eugene S. Kurten III**

**Vs.
Matthew J. Courson**

No. 2001-00312-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 26, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$116.66 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of February A.D. 2004.

William A. Shaw, Prothonotary