

01-559-CD
WILLIAM L. WINGARD et al -vs- KIM WANSON et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

Type of Case - **CIVIL**

No. 01 559 CD

Type of Pleading - **COMPLAINT**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

APR 18 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs

vs.

No. _____

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants

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 Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claim in the Complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

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

William A. Shaw,
Prothonotary
Clearfield County Courthouse
P.O. Box 549
Clearfield, PA 16830
(814) 765-2641

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs

vs.

No. _____

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants

COMPLAINT

AND NOW, come the plaintiffs, WILLIAM L. WINGARD and SUSAN R. WINGARD, individually and as husband and wife, by and through their attorney, NICHOLAS F. LORENZO, JR., ESQ., of LORENZO & GIANVITO, P.C., who presents the following Complaint, of which the facts set forth hereinafter are a true and concise summary:

1. Plaintiff, WILLIAM L. WINGARD, is an adult individual, sui juris, residing at R.D. #1, Box 594, Curwensville, Clearfield County, Pennsylvania, 16833, and is hereinafter referred to as "plaintiff-husband".

2. Plaintiff, SUSAN R. WINGARD, is an adult individual, sui juris, who resides with her husband, WILLIAM L. WINGARD, at the above-noted address, and is hereinafter referred to as "plaintiff-wife".

3. Defendant, KIM WANSON, is an adult individual, *sui juris*, who is employed by the defendant, DUBOIS REGIONAL MEDICAL CENTER, as a registered nurse.

4. Defendant, DUBOIS REGIONAL MEDICAL CENTER, hereinafter referred to as "DRMC", is a medical care provider which holds itself out to the public as a comprehensive health care center capable of arranging and coordinating the total health care of its patients, employing skillful and competent medical staff to meet general health care needs.

5. Defendant, DRMC, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business and hospital facilities located in the City of Dubois, Clearfield County, Pennsylvania.

6. At all times material to this Complaint, defendant KIM WANSON was an agent and/or employee of the defendant DRMC, and at all times material to this Complaint, was acting within the scope of such agency and/or employment.

7. At all times relevant hereto, plaintiff-husband, WILLIAM L. WINGARD, was a patient at the medical facilities of defendant DRMC where, on multiple occasions, various medical services were rendered to plaintiff-husband, as fully specified herein below, by agents, servants, and/or employees of said hospital.

8. On July 19, 1999, at approximately 5:30 p.m., plaintiff-husband, WILLIAM L. WINGARD, a peritoneal dialysis patient, presented himself to the admission desk of defendant-DRMC, for the purpose of having a peritoneal dialysis transfer set replaced. Mr.

Wingard was directed and/or escorted to the fourth floor, where he was admitted to the short procedure unit of defendant's facility.

9. On July 19, 1999, at approximately 7:15 p.m., a nurse from the third floor of defendant's facility, defendant KIM WANSON, R.N., an agent/servant/employee of defendant-DRMC, arrived at the short procedures unit to perform the procedure of changing the plaintiff's transfer set.

10. Defendant KIM WANSON, R.N., was not properly trained in the conduct of this procedure and had no previous experience in performing the transfer procedure.

11. Upon her arrival, Ms. Wanson was advised that she had brought the wrong size pan which was to be used to accomplish the required antibacterial soaking of the transfer set in a betadine solution.

12. Ms. Wanson left to look for the proper size pan, but upon her return, she advised Mr. Wingard that the hospital didn't have the proper pan.

13. Ms. Wanson proceeded to utilize a plastic gauze container as a substitute for the proper soaking pan in order to complete the soaking of the transfer set.

14. In the course of performing the established procedure for the installation of the new transfer set, KIM WANSON, R.N., substituted a scissors-like clamp for the proper clamp, and placed it on the catheter tubing approximately 1 1/4" inch from the exit site on plaintiff's body, and in so doing failed to protect the tubing from damage as was the required procedure.

15. Prior to the completion of the procedure, she removed the substituted clamp and immediately noticed that the improper clamp had cut or breached the tubing of the transfer set, whereupon she notified her supervisor.

16. Upon her arrival, the supervisor examined the installation procedures that had been completed by Ms. Wanson and confirmed that the tubing had been cut, whereupon the plaintiff's doctor was called and notified.

17. Plaintiff's doctor advised the hospital to complete the change of the transfer kit and to instruct the plaintiff to contact him the next day, which instructions were relayed to the plaintiff.

18. Ms. Wanson then continued with the procedure, and attempted to use a transfer set with a "spike" type of connector, rather than a "screw" type which was required by the set Mr. Wingard was currently using. She then advised that DRMC did not have the proper type of transfer set, and that one would have to be located and delivered by courier.

19. At approximately 10:10 p.m., Ms. Wanson completed the procedure, leaving the scissors clamp in place, and advising the plaintiff that it would have to suffice as she was unable to locate the proper type of clamp.

20. Mr. Wingard refused to leave the premises with the scissors clamp in place, due to safety concerns, and was forced to search through his personal supplies to locate a proper clamp to use on the damaged tubing to prevent further damage.

21. On July 21, 1999, on the orders of Sanjeev Anand, M.D., plaintiff-husband's treating nephrologist, Mr. Wingard was seen at DRMC by Dr. Anand and a surgeon, Eric Lundgren, M.D. Dr. Lundgren patched the tubing, did two dialysis exchanges, and injected an antibiotic. Despite these efforts, plaintiff-husband subsequently developed peritonitis caused by the contamination of the catheter, with attendant complications, as noted below.

**General Allegations As To All Damages
Suffered By All Plaintiffs**

22. Paragraphs one (1) through twenty-one (21) are hereby incorporated by reference as though set forth fully herein.

23. As a direct result of negligent and/or careless medical care rendered to plaintiff-husband by defendants on July 19, 1999, said plaintiff suffered or developed at least the following medical injuries/conditions:

- a) recurrent peritonitis of the abdominal cavity;
- b) necessity of undergoing hemodialysis rather than peritoneal dialysis;
- c) multiple hospitalizations for antibiotic therapy;
- d) severe abdominal pain;
- e) spiking fevers;
- f) profound weakness;
- g) necessity of various admissions and outpatient care for the treatment of infections;
- h) anxiety;
- i) depression.

24. As a result of the above-noted injuries, and/or others presently unknown to plaintiffs, plaintiff-husband has had to undergo at least the following medical/surgical treatments

- a) repair of peritoneal catheter on 7/21/99;
- b) hospitalization from 7/24/99 through 8/5/99 for antibiotic treatment of acute peritonitis;
- c) emergency room treatment on 8/13/99 and 8/14/99;
- d) hospitalization 8/18/99 through 8/23/99 for recurrent peritonitis;
- e) hospitalization 9/15/99 through 9/21/99 for removal of peritoneal catheter and surgical insertion of right internal jugular Tesio catheter;
- f) creation of right arm primary radial cephalic arteriovenous fistula on 3/28/00;
- g) hospitalization 5/23/00 for surgical revision of right arm AV fistula;
- h) hospitalization 6/21/00 through 6/26/00 for treatment of sepsis;
- i) hospitalization 6/26/00 through 6/29/00 for two surgical procedures relating to thrombosed right arm AV fistula;
- j) placement on kidney transplant list.

25. As a direct result of the negligence of the defendants, as set forth below, plaintiffs, WILLIAM L. WINGARD and SUSAN R. WINGARD, have been required to expend great sums of money for medical care, treatments, medications, and surgical procedures. To date, such expenditures include at least the following:

03/28/00	West Penn Hosp.	\$ 9,845.97
05/11/00	West Penn Hosp.	982.50
05/23/00	West Penn Hosp.	13,260.15
06/26/00-	West Penn Hosp.	26,559.40
06/29/00		
	Total	\$50,648.02

26. As a direct result of the acts of negligence as set forth below, plaintiff-husband's care and treatment will, in the future, require significant sums of money for medical and surgical treatment, hospitalization, therapy, counseling, and various other goods and services to treat the injuries set forth in this Complaint.

COUNT ONE

William L. Wingard and Susan R. Wingard,
individually, and as husband and wife, plaintiffs
vs.
Kim Wanson, an individual, defendant

NEGLIGENCE

27. Paragraphs one (1) through twenty-six (26) are hereby incorporated by reference as though set forth fully herein.

28. Defendant KIM WANSON was negligent and careless in the following respects:

- a) failure to acquire and maintain the necessary knowledge, skill and proficiency expected of a licensed registered nurse with respect to the procedure attempted;
- b) failing to request or seek proper supervision and guidance through consultation with her supervisor or a physician when she

knew, or should have known, that she did not possess the required knowledge, skill and/or proficiency required to properly complete the procedure attempted;

c) failure to ensure the availability of the proper utensils and other equipment necessary to successfully accomplish the procedure attempted;

d) failure to use the proper utensils and other equipment necessary to ensure the proper antibacterial soaking of the patient's medical equipment that was necessary to prevent infection during the procedure attempted;

e) failure to use the proper clamping devices required to complete the attempted procedure without damaging the equipment and creating a serious risk of infection;

f) utilizing an improper clamping device in an improper manner during the attempted procedure, thereby causing damage to the equipment's rubber tubing and creating a serious risk of infection;

g) failing to ensure the availability of the proper connectors for the type of medical equipment utilized by the patient prior to beginning the attempted procedure, thereby causing undue delay in completing the procedure and creating a serious risk of infection;

h) failing to ensure the availability and/or to utilize proper clamping devices in completing the attempted procedure, thereby forcing the plaintiff/patient to rely on his own knowledge and supplies as to the proper clamp to be applied to the medical equipment;

i) attempting a procedure for which she had insufficient skill, training or experience.

29. Any and/or all of the acts of negligence set forth in the preceding paragraphs directly caused the injuries and damages sustained by the plaintiffs; or in the alternative, all of the acts of negligence set forth in the preceding paragraphs increased the risk of harm to the plaintiffs and, pursuant to law, thereby caused the injuries and damages sustained by plaintiffs.

WHEREFORE, plaintiffs demand judgment against this defendant, individually, jointly and/or severally with the other named defendant, for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

COUNT TWO

William L. Wingard and Susan R. Wingard,
individually and as husband and wife, Plaintiffs

vs.

Dubois Regional Medical Center, a Corporation, Defendant

NEGLIGENCE

30. Paragraphs one (1) through twenty-six (26) are hereby incorporated as though set forth fully herein.

31. The acts of negligence fully described herein before and incorporated herein by reference, were the acts of agents/servants/ employees of this defendant, acting within the scope of their agency and/or employment, for which this defendant is vicariously liable.

WHEREFORE, plaintiffs demand judgment against this defendant, individually, jointly and/or severally with the other named defendant, for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

COUNT THREE

William L. Wingard and Susan R. Wingard,
individually and as husband and wife, Plaintiffs
vs.
Dubois Regional Medical Center, a Corporation, Defendant

NEGLIGENCE

32. Paragraphs one (1) through twenty-six (26) are incorporated herein by reference as though set forth fully and at length.

33. The defendant, DUBOIS REGIONAL MEDICAL CENTER, was negligent and careless by virtue of the conduct of its nursing staff, and thus failed to ensure the plaintiff's safety and well being while he was a patient at the hospital in the following respects:

a) the hospital failed to maintain adequate facilities and equipment in the form of soaking pans, clamps, connectors and transfer kits necessary to complete the changing of peritoneal dialysis equipment which had been ordered by the plaintiff's physician, when it knew, or should have known, that such equipment was required to properly deliver such health care services;

b) the hospital failed to ensure that its employees were properly trained, and/or failed to ensure that its employees

maintained proficiency with regards to the delivery of medical services to its patients;

c) the hospital failed to maintain proper supervision over its nursing personnel;

d) the hospital failed to maintain proper supervision over the procedures herein described;

e) the hospital failed to control the quality of care given by the defendant nurse;

f) the hospital failed to formulate and enforce proper rules with respect to nursing consults, and/or the conduct of procedures which involve the risk of serious internal infection for its patients;

g) the hospital failed to formulate and enforce proper rules and procedures to be followed for the protection of its patients in the event of procedural irregularities that place patients at increased risk of harm to their overall health and well being;

h) the hospital failed to prepare, disseminate, and require nursing procedures that would require consultation from or referral of patients to a specialty care center, such as dialysis/kidney care units.

34. Any and/or all of the acts of negligence set forth in the preceding paragraphs directly caused the injuries and damages sustained by the plaintiffs; or in the alternative, all of the acts of negligence set forth in the preceding paragraphs increased the risk of harm to the plaintiffs and, pursuant to law, thereby caused the injuries and damages sustained by plaintiffs.

WHEREFORE, plaintiffs demand judgment against this defendant, individually, jointly and/or severally with the other named defendant, for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

COUNT FOUR

Susan R. Wingard, an individual, Plaintiff
vs.
Kim Wanson, an individual, and
Dubois Regional Medical Center,
a Corporation, Defendants

LOSS OF CONSORTIUM

35. Paragraphs one (1) through thirty-four (34) are incorporated herein by reference as though set forth fully and at length.

36. At all times prior to July 19, 1999, William L. Wingard and Susan R. Wingard lived happily as husband and wife.

37. Plaintiff, Susan R. Wingard, derived comfort, aid, and assistance from her husband and engaged in the customary marital acts with normal and usual frequency.

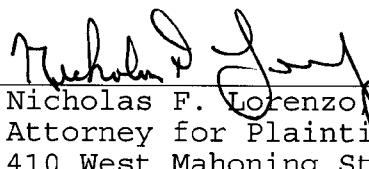
38. As a result of the aforescribed injuries to her husband, plaintiff-wife was deprived of the comfort, aid, assistance and enjoyment of her husband which she, since the date of his injuries, ought to have had.

39. Plaintiff-wife has suffered, since the aforescribed injuries to her husband, and will continue to suffer in the future, great mental stress and anguish, all to the damage of plaintiff-wife.

WHEREFORE, plaintiff demands judgment against defendant for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

LORENZO & GIANVITO, P.C.

By: 
Nicholas F. Lorenzo Jr., Esq.
Attorney for Plaintiffs
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

STATE OF PENNSYLVANIA
SS:
COUNTY OF JEFFERSON

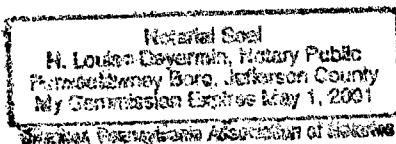
Plaintiffs, WILLIAM L. WINGARD and SUSAN R. WINGARD, individually and as husband and wife, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their information, knowledge and belief.

Wm L Wingard
William L. Wingard

Susan R. Wingard
Susan R. Wingard

Sworn and subscribed before me
this 16th day of April, 2001.

H. Louise Deyermen
Notary Public



FILED

APR 18 2001
1234567890
William A. Shaw
Prothonotary

pd \$80.00

cc Schmidt

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

..... No. 2001 – 559 – CD

..... **ISSUE:**
..... PRAECIPE FOR APPEARANCE

Plaintiffs

..... vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

..... Filed on Behalf of Defendants,
..... DUBOIS REGIONAL MEDICAL
..... CENTER and KIM WANSON

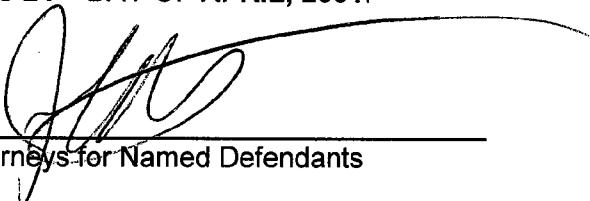
Defendants

..... **Attorney of Record for These Parties:**

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

..... (814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 24TH DAY OF APRIL, 2001.



Attorneys for Named Defendants

FILED

APR 27 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
:

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

JURY TRIAL DEMANDED

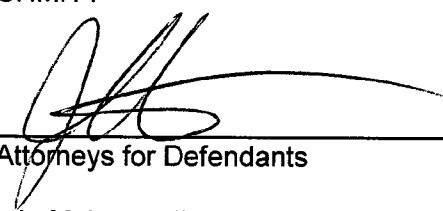
PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my Appearance as counsel of record for **Defendants, DUBOIS
REGIONAL MEDICAL CENTER and KIM WANSON**, in the above-captioned action.

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By


Attorneys for Defendants

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

FILED

APR 27 2001
M 144 119 CC
William A. Shaw
Prothonotary
KCB

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10906

WINGARD, WILLIAM L & SUSAN R.

01-559-CD

VS.

WANSON, KIM AND DUBOIS REGIONAL MEDICAL CENTER

COMPLAINT

SHERIFF RETURNS

NOW APRIL 20, 2001 AT 9:35 AM DST SERVED THE WITHIN COMPLAINT ON KIM WANSON, DEFENDANT AT EMPLOYMENT, DRMC WEST, OFF MAPLE AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARGE KENNIS, RISK MANAGEMENT, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: SNYDER

NOW APRIL 20, 2001 T 9:35 AM DST SERVED THE WITHIN COMPLAINT ON DUBOIS REGIONAL MEDICAL CENTER WEST, OFF MAPLE AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARGE KENNIS, RISK MANAGEMENT, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: SNYDER

Return Costs

Cost	Description
34.22	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

FILED
04-27-01
APR 21 2001
C. A. Hawkins

**William A. Shaw
Prothonotary**

Sworn to Before Me This

27th Day Of April 2001
William A. Shaw

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

So Answers,

*Chester A. Hawkins
by Margey Harris*
Chester A. Hawkins
Sheriff

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 – 559 – CD

ISSUE:

ANSWER AND NEW MATTER
TO PLAINTIFFS' COMPLAINT

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

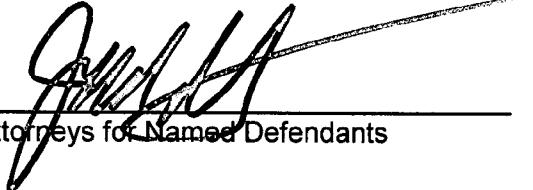
Attorney of Record for These Parties:

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

(814) 696-3581

Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 8th DAY OF JUNE, 2001.



Attorneys for Named Defendants

FILED

JUN 11 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
:

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :
:

Defendants

JURY TRIAL DEMANDED

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, come the Defendants, KIM WANSON, an individual, and DUBOIS REGIONAL MEDICAL CENTER, a corporation, through their attorneys, PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT, and file the following Answer and New Matter to the plaintiffs' Complaint and in support set forth the following:

1-2. In response to paragraphs 1 and 2 of the plaintiffs' Complaint, it is admitted that William and Susan Wingard are the plaintiffs in the within action.

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. In response to paragraph 7 of the plaintiffs' Complaint, it is admitted that William Wingard was a patient at DuBois Regional Medical Center on various occasions and that medical services were appropriately provided.

8. In response to paragraph 8 of the plaintiffs' Complaint, it is admitted that on July 19, 1999, at approximately 5:30 p.m., William L. Wingard arrived at DRMC for the purpose of having a peritoneal dialysis transfer set replaced. It is admitted that he was directed to the short procedure unit of DRMC.

9. In response to paragraph 9 of the plaintiffs' Complaint, it is admitted that at approximately 7:15 p.m. on July 19, 1999, Kim Wanson, a RN, arrived to perform the changing of the transfer set.

10. In response to paragraph 10 of the plaintiffs' Complaint, said allegations are denied in accordance with Pa. R.C.P. 1029 and strict proof of same is demanded at the time of trial.

11. In response to paragraph 11 of the plaintiffs' Complaint, said allegations are denied as stated. Kim Wanson did not bring the wrong pan. A sterile basin was provided by Central Supply.

12. In response to paragraph 12 of the plaintiffs' Complaint, Kim Wanson was looking for a transfer set which comes in prepackaged kits. Ms. Wanson never advised Mr. Wingard that the hospital did not have an appropriate pan to perform the required soaking. Strict proof of plaintiffs' allegations is demanded at trial.

13. In response to paragraph 13 of the plaintiffs' Complaint, it is admitted that Kim Wanson used a sterile container to perform the soaking process in order to complete the transfer.

14. In response to paragraph 14 of the plaintiffs' Complaint, said allegations are admitted in part and denied in part. It is admitted that Kim Wanson used a hemostat, placing it on the catheter tubing, in an effort to complete said transfer. The remaining allegations are denied as stated.

15. In response to paragraph 15 of the plaintiffs' Complaint, it is admitted that Kim Wanson removed the hemostat and noticed a small leak. She immediately notified her supervisor. It is denied that Kim Wanson used an improper clamp and strict proof of plaintiffs' allegations in paragraph 15 is demanded at trial.

16. In response to paragraph 16 of the plaintiffs' Complaint, it is admitted that the supervisor examined the tubing and noticed that there was a small leak. Dr. Anand was promptly notified. Dr. Anand did not provide any instructions to do anything other than to complete the process. Dr. Anand did not come and see the patient. Dr. Anand did not provide any specific orders or indicate that there was any concern.

17. In response to paragraph 17 of the plaintiffs' Complaint, it is admitted that Kim Wanson was instructed to complete the process, to drain and clamp the tubing, which she did and provide instructions to the plaintiff. This was all carried out by Nurse Wanson. Dr. Anand did not offer to come and see the patient, provide any orders as to fluids or other items and did not indicate or express any concern.

18. In response to paragraph 18 of the plaintiffs' Complaint, it is admitted that Nurse Wanson was unable to locate a transfer set. One had to be located and delivered. This was accomplished. All of the within occurred and was handled appropriately by Nurse Wanson.

19. In response to paragraph 19 of the plaintiffs' Complaint, it is denied that Ms. Wanson left any scissors or other metal type clamps in place. To the contrary, Kim Wanson used a plastic clamp on the tubing. Strict proof of the allegations in paragraph 19 is demanded at trial.

20. In response to paragraph 20 of the plaintiffs' Complaint, it is specifically denied that Mr. Wingard refused to leave the premises with scissors in place. To the contrary, no scissors were used. The plaintiff had a plastic clamp placed on the tube. It is admitted that Mr. Wingard brought supplies with him. Strict proof of the allegations in paragraph 20 is demanded at trial.

21. In response to paragraph 21 of the plaintiffs' Complaint, it is admitted that on July 21, 1999, the plaintiff returned to see Dr. Anand, at the request of the doctor. As to the remainder of said averments, this answering defendant is without sufficient knowledge or information so as to form a belief as to the truth or falsity of same and strict proof is demanded at trial.

22. In response to paragraph 22 of the plaintiffs' Complaint, these answering defendants hereby incorporate by reference the answers to paragraphs 1 through 21, as though the same were set forth at length.

23-26. In response to paragraphs 23, 24, 25 and 26 of the plaintiffs' Complaint pertaining to plaintiffs' claims for injuries and damages, after reasonable investigation these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments and strict proof of all claims for injuries and damages as set forth in paragraphs 23, 24, 25 and 26 is demanded at the time of trial.

COUNT ONE

27. In response to paragraph 27 of the plaintiffs' Complaint, Kim Wanson hereby incorporates by reference her prior answers to paragraphs 1 through 26, as though the same were set forth at length.

28. In response to paragraph 28 of the plaintiffs' Complaint, said averments that Kim Wanson, RN was negligent and careless constitute legal conclusions to which no response is required. By way of further answer, all averments in paragraph 28 are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at trial. At all times, Kim Wanson had the appropriate knowledge and skill of a licensed registered nurse with regard to the procedure in question; at all times Kim Wanson used the appropriate and proper utensils and equipment in performing the procedure in question; at all times Kim Wanson handled the above in accordance with the appropriate standards. Strict proof of all allegations in paragraph 28 and said subparagraphs is demanded at the time of trial.

29. In response to paragraph 29 of the plaintiffs' Complaint, said allegations constitute legal conclusions to which no response is required. Insofar as a response is required, it is denied that any action or inaction on the part of Nurse Wanson caused or contributed to the injuries and damages complained of by the plaintiffs and strict proof of same is demanded at the time of trial.

WHEREFORE, the Defendant, Kim Wanson, RN, respectfully requests that Count I of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in her favor.

COUNT TWO

30. In response to paragraph 30 of the plaintiffs' Complaint, DuBois Regional Medical Center incorporates by reference its prior answers to paragraphs 1 through 26, as though the same were set forth at length.

31. In response to paragraph 31 of the plaintiffs' Complaint, said allegations constitute a legal conclusion to which no response is required. Insofar as a response is required, DRMC admits that it is responsible for the actions of Kim Wanson, RN. It is denies that it is responsible for the actions of any other persons, insofar as none have been identified, contrary to the Pennsylvania Rules of Civil Procedure. Strict proof of all averments as set forth in paragraph 31 is demanded at trial.

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

COUNT THREE

32. In response to paragraph 32 of the plaintiffs' Complaint, DuBois Regional Medical Center hereby incorporates by reference its prior answers to paragraphs 1 through 26, as though the same were set forth at length.

33. In response to paragraph 33 of the plaintiffs' Complaint, said averments constitute legal conclusions to which no response is required. DuBois Regional Medical Center denies that it is responsible for the acts of all of its nursing staff, insofar as no other personnel have been identified. DuBois Regional Medical Center is vicariously responsible for the actions of Kim Wanson, RN. All of the allegations in paragraph 33 and said subparagraphs are denied in accordance with Pa. R.C.P. 1029(e) and strict

proof is demanded at trial. By way of further answer, at all times the hospital maintained adequate facilities and equipment with regard to the procedure in question; the hospital at all times appropriately trained and supervised its nursing personnel with regard to the procedures described in the plaintiffs' Complaint; at all times, the hospital appropriately controlled the quality of care given by its nurses, including Kim Wanson, RN; at all times, the hospital had appropriate rules and procedures with regard to consults and performance of the procedure in question; and at all times, DuBois Regional Medical Center had appropriate nursing rules and procedures with regard to performance of the procedure in question and/or obtaining appropriate consultations. Strict proof of all claims in paragraph 33 and said subparagraphs is demanded at the time of trial.

34. In response to paragraph 34 of the plaintiffs' Complaint, said averments constitute a legal conclusion to which no response is required. Insofar as a response is required, it is denied that any action or inaction on the part of DuBois Regional Medical Center or its agents, servants or employees, caused or contributed to or increased the risk of harm to the plaintiffs and strict proof of same is demanded at the time of trial.

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

COUNT FOUR

35. In response to paragraph 35 of the plaintiffs' Complaint, the above answering defendants hereby incorporate by reference their answers to paragraphs 1 through 34, as though the same were set forth at length.

36-39. In response to paragraphs 36, 37, 38 and 39 of the plaintiffs' Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of Susan Wingard's claims for loss of consortium and strict proof of all claims for injuries and loss of consortium on behalf of Susan R. Wingard is demanded at the time of trial.

WHEREFORE, the Defendants, Kim Wanson, RN and DuBois Regional Medical Center, respectfully request that Count Four of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in its favor.

NEW MATTER

By way of further answer and in the nature of affirmative defenses, these answering defendants set forth the following:

40. These answering defendants are entitled to all defenses and immunities under the Health Care Qualities Improvement Act.

41. These answering defendants are entitled to all defense and immunities under the Pennsylvania Health Care Services Malpractice Act.

42. In the event any damages occurred, then the same were caused by others acting on their own behalf, and not these answering defendants.

43. Upon information and belief, on July 19, 1999, William Wingard attempted to have the peritoneal dialysis transfer set replaced at the dialysis center, and he was refused.

44. It is believed and therefore averred that said dialysis center is responsible in failing to appropriately and timely provide the replacement.

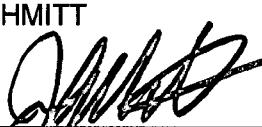
45. On July 19, 1999, plaintiff's doctor, Dr. Anand, either refused to or failed to see the plaintiff to determine whether any problems occurred which would necessitate his involvement or treatment.

46. At all times, Dr. Anand was aware of the problems and complications which occurred to the tube in question. Dr. Anand failed to take any action until July 21, 1999.

WHEREFORE, the Defendants, Kim Wanson, RN and DuBois Regional Medical Center, respectfully request that plaintiffs' Complaint be dismissed with prejudice and judgment entered in their favor.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

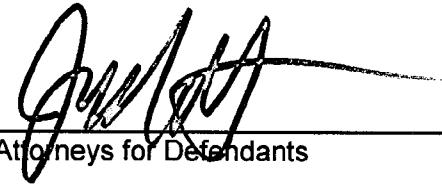
By 

Atorneys for Defendants,
KIM WANSON, RN and DUBOIS
REGIONAL MEDICAL CENTER

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

**TO: WILLIAM L. WINGARD and
SUSAN R. WINGARD, Plaintiffs**

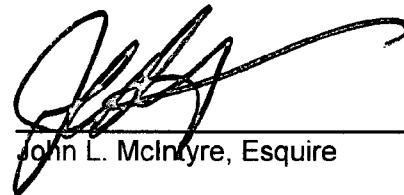
**YOU ARE HEREBY NOTIFIED TO FILE A
WRITTEN RESPONSE TO THE ENCLOSED
PRELIMINARY OBJECTIONS WITHIN
TWENTY (20) DAYS FROM SERVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST
YOU.**



Attorneys for Defendants

VERIFICATION

I, JOHN L. McINTYRE, ESQUIRE, being the attorney of record for Defendants, KIM WANSON and DUBOIS REGIONAL MEDICAL CENTER, verify that I am authorized to make this verification on behalf of said Defendants in the within action, and that the statements made in the foregoing **ANSWER AND NEW MATTER** are true and correct to the best of my knowledge, information, and belief.



John L. McIntyre, Esquire

Date: June 8, 2001

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

No. 2001 - 559 - CD

ISSUE:

PRAECIPE FOR WRIT OF SUMMONS
TO JOIN ADDITIONAL DEFENDANTS

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

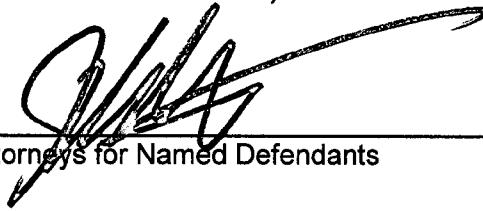
Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

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

Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 8th DAY OF JUNE, 2001.


Attorneys for Named Defendants

FILED

JUN 11 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

No. 2001 - 559 - CD

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

JURY TRIAL DEMANDED

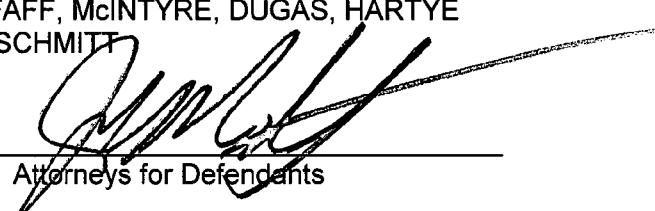
PRAECIPE FOR WRIT OF SUMMONS TO JOIN ADDITIONAL DEFENDANTS

TO: PROTHONOTARY

Kindly issue a Writ of Summons to Join **Sanjeen Anand, M.D., 90 Beaver Drive, DuBois, PA 15801** and **Gambro Health Care, Sandy Plaza, DuBois, PA 15801** as Additional Defendants in the above-captioned action on behalf of Defendants, Kim Wanson and DuBois Regional Medical Center.

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By


Attorneys for Defendants

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

FILED

JUN 11 2001 /cc Sheriff w/
MBSOL Qwrtz John
William A. Shaw
Prothonotary

add. Dg. of
to Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WRIT TO JOIN ADDITIONAL DEFENDANT

COPY

William L. Wingard, an individual;
Susan R. Wingard , an individual; and
William L. Wingard and Susan R. Wingard
as husband and wife,

Plaintiff(s)

Vs.

Kim Wanson, an individual; and
DuBois Regional Medical Center;
a corporation

2001-00559-CD

Defendant(s)

Vs.

Sanjeen Anand, M.D. and
Gambro Health Care

Additional Defendant(s)

To: Sanjeen Anand, M.D. and Gambro Health Care

You are notified that Defendants, Kim Wanson and DuBois Regional Medical Center have joined you as additional defendants in this action, which you are required to defend.

Dated: June 11, 2001

Prothonotary

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading - **REPLY TO NEW MATTER OF DEFENDANTS**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

JUN 13 2001

**William A. Shaw
Prothonotary**

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs

vs.

No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants

PLAINTIFFS' REPLY TO NEW MATTER
OF DEFENDANTS

AND NOW, come the plaintiffs, **WILLIAM L. WINGARD, et ux.**, by and through their counsel, **LORENZO & GIANVITO, P.C.**, who files the following Reply to New Matter of Defendants:

40. Plaintiffs are unable to respond to the allegations set forth in paragraph 40 of defendants' New Matter, as defendants contend they are entitled to all defenses and immunities under the Health Care Qualities Improvement Act, but fail to specifically state which defenses and/or immunities they seek to use. Plaintiffs, by way of response, allege that any and all defenses and/or immunities under said Act either do not apply to the subject

case, or have no effect on plaintiffs' cause of action as set forth in plaintiffs' Complaint.

41. Plaintiffs are unable to respond to the allegations set forth in paragraph 41 of defendants' New Matter, as defendants contend they are entitled to all defenses and immunities under the Pennsylvania Health Care Services Malpractice Act, but fail to specifically state which defenses and/or immunities they seek to use. Plaintiffs, by way of response, allege that any and all defenses and/or immunities under said Act either do not apply to the subject case, or have no effect on plaintiffs' cause of action as set forth in plaintiffs' Complaint.

42. In paragraph 42 of defendants' New Matter, it is alleged that if damages occurred, they were caused by others acting on their own behalf, and not the answering defendants. Answering defendants have not identified what other persons and/or entities were acting on their own behalf, or in what manner they were acting. To the extent that a response is required to such a vague and uncertain allegation, plaintiffs incorporate by reference herein the allegations set forth in plaintiffs' Complaint, that the damages therein delineated were suffered by the careless conduct of the named defendants.

43. The allegations set forth in paragraph 43 of defendants' New Matter contend that a dialysis center refused treatment to plaintiff. Such an allegation is immaterial to the cause of action pled by plaintiffs in plaintiffs' Complaint, which is incorporated herein by reference, and sets forth with particularity the manner

in which the named defendants herein failed to meet their applicable standard of care, resulting in harm to plaintiff. To the extent that this irrelevant allegation requires an answer, plaintiffs are without information and knowledge relative to any refusal of treatment, and demand strict proof of same at the time of trial.

44. The allegation set forth in paragraph 44 of defendants' New Matter constitutes a legal conclusion relative to the responsibility for providing medical care. Allegations setting forth conclusions of law require no answer. To the extent that an answer is required, the conclusory allegation is both irrelevant to the issues framed in plaintiffs' Complaint, which is incorporated herein by reference, and/or denied that any conduct of the dialysis center in any way shields or diminishes the named defendants in this matter from liability.

45. Plaintiffs are without any information so as to form a reasonable opinion and/or belief as to the conduct of Dr. Anand on July 19, 1999. According, proof of the same is demanded at trial. By way of further answer, the conduct of Dr. Anand is irrelevant to the factual issues set forth in plaintiffs' Complaint, as plaintiff, at the time of the injurious events, was an outpatient who deserved reasonable medical care from the named defendants.

46. The allegation in paragraph 46 of defendants' New Matter, which contends that Dr. Anand possessed certain knowledge and failed to take action until July 21, 1999, are facts which are unknown by plaintiffs, and accordingly, strict proof of same is demanded at the time of trial.

in which the named defendants herein failed to meet their applicable standard of care, resulting in harm to plaintiff. To the extent that this irrelevant allegation requires an answer, plaintiffs are without information and knowledge relative to any refusal of treatment, and demand strict proof of same at the time of trial.

44. The allegation set forth in paragraph 44 of defendants' New Matter constitutes a legal conclusion relative to the responsibility for providing medical care. Allegations setting forth conclusions of law require no answer. To the extent that an answer is required, the conclusory allegation is both irrelevant to the issues framed in plaintiffs' Complaint, which is incorporated herein by reference, and/or denied that any conduct of the dialysis center in any way shields or diminishes the named defendants in this matter from liability.

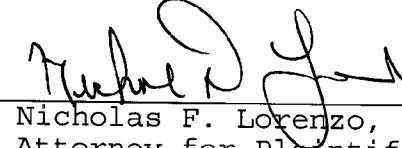
45. Plaintiffs are without any information so as to form a reasonable opinion and/or belief as to the conduct of Dr. Anand on July 19, 1999. Accordingly, proof of the same is demanded at trial. By way of further answer, the conduct of Dr. Anand is irrelevant to the factual issues set forth in plaintiffs' Complaint, as plaintiff, at the time of the injurious events, was an outpatient who deserved reasonable medical care from the named defendants.

46. The allegation in paragraph 46 of defendants' New Matter, which contends that Dr. Anand possessed certain knowledge and failed to take action until July 21, 1999, are facts which are

unknown by plaintiffs, and accordingly, strict proof of same is demanded at the time of trial.

WHEREFORE, plaintiffs respectfully request that defendants' New Matter be dismissed.

LORENZO & GIANVITO, P.C.

By: 

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2001, a true and correct copy of the foregoing Plaintiffs' Reply to New Matter of Defendants was forwarded via first-class mail, postage prepaid, to the following:

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


Nicholas F. Lorenzo, Jr., Esq.

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

vs. No. 2001 - 559 - CD

Plaintiffs

ISSUE:
VERIFICATIONS IN SUPPORT OF
ANSWER AND NEW MATTER TO
PLAINTIFFS' COMPLAINT

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

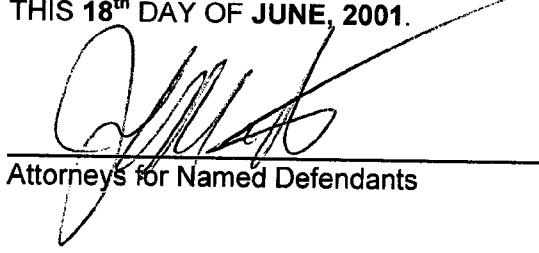
Defendants

Attorney of Record for These Parties:

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

(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 18th DAY OF JUNE, 2001.



Attorneys for Named Defendants

FILED

JUN 20 2001

WILLIAM A. SHAW
Prothonotary

No C/C E/KS

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
:

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :

Defendants

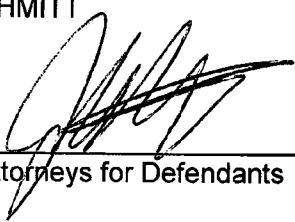
JURY TRIAL DEMANDED

**VERIFICATIONS IN SUPPORT OF DEFENDANTS'
ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT**

Defendants, KIM WANSON and DUBOIS REGIONAL MEDICAL CENTER
hereby supplement their Answer and New Matter to Plaintiffs' Complaint previously filed
in the above-captioned case by attaching hereto Verifications in support thereof.

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

By


Attnorneys for Defendants

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

VERIFICATION

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

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

DUBOIS REGIONAL MEDICAL CENTER



Gregory Volpe, Risk Manager

Date: 6-8-01

File # MIIIX 107 MH

VERIFICATION

I, KIM WANSON, RN, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

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



Kim Wanson, RN

Date:

6/5/01

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11109

WINGARD, WILLIAM L. al

01-559-CD

VS.

WANSON, KIM -vs ANAND, SANJEEN al

WRIT TO JOIN ADDITIONAL DEFENDANT

SHERIFF RETURNS

NOW JUNE 18, 2001 AT 10:20 AM DST SERVED THE WITHIN WRIT TO JOIN ADDITIONAL DEFENDANT ON SANJEEAN ANAND, M.D., DEFENDANT AT EMPLOYMENT, 90 BEAVER DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LORANIA ROSSI, PIC, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT TO JOIN ADDITIONAL DEFENDANT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: SNYDER

NOW JUNE 27, 2001 AT 12:32 PM DST SERVED THE WITHIN WRIT TO JOIN ADDITIONAL DEFENDANT ON GAMBRO HEALTH CARE, DEFENDANT AT EMPLOYMENT, SANDY PLAZA, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY LAJEUNESSE, HEAD SECRETARY, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT TO JOIN ADDITIONAL DEFENDANT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: COUDRIET

Return Costs

Cost Description

44.10 SHFF. HAWKINS PAID BY: ATTY.

20.00 SURCHARGE PAID BY: ATTY.

FILED
03/04/01
JUL 03 2001
E.G.D.
William A. Shaw
Prothonotary

Sworn to Before Me This

3rd Day Of July 2001
William A. Shaw

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

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WRIT TO JOIN ADDITIONAL DEFENDANT

William L. Wingard, an individual;
Susan R. Wingard, an individual; and
William L. Wingard and Susan R. Wingard
as husband and wife,

Plaintiff(s)

Vs.

Kim Wanson, an individual; and
DuBois Regional Medical Center;
a corporation

2001-00559-CD

Defendant(s)

Vs.

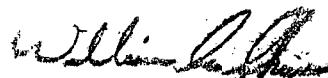
Sanjeen Anand, M.D. and
Gambro Health Care

Additional Defendant(s)

To: Sanjeen Anand, M.D. and Gambro Health Care

You are notified that Defendants, Kim Wanson and DuBois Regional Medical Center have joined you as additional defendants in this action, which you are required to defend.

Dated: June 11, 2001



Prothonotary

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

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

WILLIAM L. WINGARD, an individual	)	No.: 2001-00559 CD
SUSAN R. WINGARD, an individual; and)	
WILLIAM L. WINGARD and SUSAN	)	Type of Case: Civil Action
R. WINGARD, as husband and wife,)	
	)	JURY TRIAL DEMANDED
)	
Plaintiffs,	)	Type of Pleading:
vs.	)	PRAECIPE FOR ENTRY OF APPEARANCE
)	
KIM WANSON, an individual; and)	
DUBOIS REGIONAL MEDICAL)	
CENTER, a corporation,)	
)	
Defendants,	)	Filed on behalf of Defendant
	)	Sanjeev Anand, M.D.
vs.)	
)	
SANJEEV ANAND, M.D. and)	
GAMBRO HEALTH CARE,	)	Counsel of Record for this
	)	Party: JOHN W. BLASKO
Additional Defendants.	)	Court I.D. No.: 06787
)	
)	
	)	McQUAIDE, BLASKO, SCHWARTZ,
	)	FLEMING & FAULKNER, INC.
)	
	)	811 University Drive
	)	State College, PA 16801
	)	(814) 238-4926
)	
)	
	)	Counsel of Record for
	)	Adverse Party:
	)	NICHOLAS F. LORENZO, JR.
	)	JOHN L. McINTYRE

Dated: 7/6/01

FILED

JUL 09 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, SANJEEV ANAND, M.D., in the above matter.

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

By: JW
JOHN W. BLASKO
Attorneys for Defendant
Sanjeev Anand, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: 7/6/01

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
)
Plaintiffs,)
)
vs.) JURY TRIAL DEMANDED
)
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
)
Defendants,)
)
vs.)
)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Praeclipe for Entry of Appearance, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 6th day of July, 2001, to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767 and John L. McIntyre, P.O. Box 533, Hollidaysburg, PA 16648.

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

By:


JOHN W. BLASKO
Attorneys for Defendant
Sanjeev Anand, M.D.

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

WILLIAM L. WINGARD, an individual	)	No.: 2001-00559 CD
SUSAN R. WINGARD, an individual; and	)	Type of Case: Civil Action
WILLIAM L. WINGARD and SUSAN	)	JURY TRIAL DEMANDED
R. WINGARD, as husband and wife,)	
)	
Plaintiffs,	)	Type of Pleading:
vs.	)	PRAECIPE FOR RULE TO FILE A
	)	COMPLAINT
KIM WANSON, an individual; and)	
DUBOIS REGIONAL MEDICAL)	
CENTER, a corporation,)	
)	
Defendants,	)	Filed on behalf of Defendant
	)	Sanjeev Anand, M.D.
vs.)	
)	
SANJEEV ANAND, M.D. and)	
GAMBRO HEALTH CARE,	)	Counsel of Record for this
	)	Party: JOHN W. BLASKO
Additional Defendants.	)	Court I.D. No.: 06787
)	
)	
	)	McQUAIDE, BLASKO, SCHWARTZ,
	)	FLEMING & FAULKNER, INC.
)	
	)	811 University Drive
	)	State College, PA 16801
	)	(814) 238-4926
)	
)	
	)	Counsel of Record for
	)	Adverse Party:
	)	NICHOLAS F. LORENZO, JR.
	)	JOHN L. McINTYRE

Dated: 7/6/01

FILED

JUL 09 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED)
KIM WANSON, an individual; and) NO. 2001-00559-CD)
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

PRAEICE FOR RULE TO FILE A COMPLAINT

TO THE PROTHONOTARY:

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

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

By: 
JOHN W. BLASKO
Attorneys for Defendant,
Sanjeev Anand, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: 7/6/01

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe for Rule to File a Complaint, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 6th day of July, 2001, to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767 and John L. McIntyre, P.O. Box 533, Hollidaysburg, PA 16648.

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

By: 
JOHN W. BLASKO
Attorneys for Defendant
Sanjeev Anand, M.D.

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

RULE

TO: KIM WANSON and DUBOIS REGIONAL HEALTH CENTER
c/o John L. McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

PROTHONOTARY

Dated: 7/9/01

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

WILLIAM L. WINGARD, an individual)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN)
R. WINGARD, as husband and wife,)
Plaintiffs,)
vs.)
KIM WANSON, an individual; and)
DUBOIS REGIONAL MEDICAL)
CENTER, a corporation,)
Defendants,)
vs.)
SANJEEV ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)
)
McQUAIDE, BLASKO, SCHWARTZ,)
FLEMING & FAULKNER, INC.)
811 University Drive)
State College, PA 16801)
(814) 238-4926)
Counsel of Record for)
Adverse Party:)
NICHOLAS F. LORENZO, JR.)
JOHN L. McINTYRE)
Dated: 7/11/01

Dated: 7/11/01

FILED

JUL 12 2001

William A. Shaw
Prothonotary

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

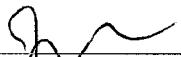
WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEV ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that the original Rule to File a Complaint, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 11th day of July, 2001, to John L. McIntyre, P.O. Box 533, Hollidaysburg, PA 16648 and true and correct copy of same to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767.

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

By:


JOHN W. BLASKO
Attorneys for Defendant
Sanjeev Anand, M.D.

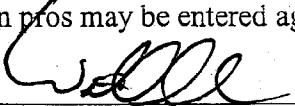
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

RULE

TO: KIM WANSON and DUBOIS REGIONAL HEALTH CENTER
c/o John L. McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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


PROTHONOTARY

Dated: JULY 9, 2001

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

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Anand's Expert Interrogatories, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 1st day of August, 2001, to John L. McIntyre, Esquire, P.O. Box 533, Hollidaysburg, PA 16648, Nicholas F. Lorenzo, Jr., Esquire, 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767 and Gambr Healthcare, Sandy Plaza Shopping Center, Route 255 & Shaffer Road, DuBois, PA 15801.

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

By: 

JOHN W. BLASKO
Attorneys for Defendant
Sanjeev Anand, M.D.

FILED

AUG 07 2001

William A. Shaw
Prothonotary

FILED

AUG 02 2001
William A. Shaw
Prothonotary
Rece

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 - 559 - CD

: ISSUE:
COMPLAINT TO JOIN
ADDITIONAL DEFENDANTS

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

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

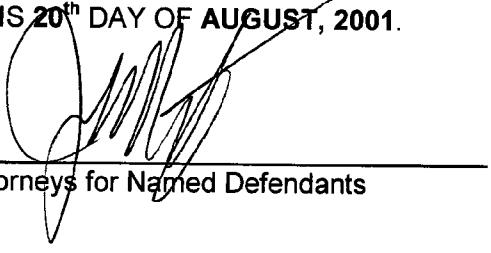
Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

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



Attorneys for Named Defendants

FILED

AUG 21 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife,	:	No. 2001 - 559 - CD
Plaintiffs		
vs.		
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation,	:	
Defendants		JURY TRIAL DEMANDED
vs.		
SANJEEN ANAND, M.D. and GAMBRO HEALTH CARE,	:	
Additional Defendants.		

COMPLAINT TO JOIN ADDITIONAL DEFENDANTS

AND NOW, come the defendants, KIM WANSON, an individual, and DUBOIS REGIONAL MEDICAL CENTER, a corporation, by and through their attorneys, PFAFF, MCINTYRE, DUGAS, HARTYE & SCHMITT, and file the following Complaint to Join Additional Defendants and in supports sets forth the following:

1. The plaintiffs are William L. Wingard and Susan R. Wingard who live in Curwensville, Clearfield County, Pennsylvania.
2. The defendants are Kim Wanson and DuBois Regional Medical Center.
3. The additional defendant Sanjeen Anand, M.D. is a physician who

practices medicine and specializes in nephrology, having a principle place of business at 90 Beaver Drive, DuBois, PA.

4. The additional defendant, Gambro Health Care, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principle place of business and facilities located in the Sandy Place, DuBois, Clearfield County, Pennsylvania.

5. At all times material to this Complaint, Sanjeen Anand, M.D. and/or Gambro Health Care had a physician/medical relationship with the plaintiff, William L. Wingard.

6. At all times relevant hereto, the Gambro Health Care provided medical services and William L. Wingard received services at the medical facilities of this additional defendant, on multiple occasions, where he was a peritoneal dialysis patient.

7. At all times relevant hereto, William L. Wingard, was a patient and had a patient/physician relationship with Sanjeen Anand, M.D.

8. On July 19, 1999 at approximately 5:00 p.m. or shortly thereafter, William L. Wingard, a peritoneal dialysis patient, presented himself to Gambro Health Care, for the purpose of having a peritoneal dialysis transfer set replaced.

9. At or about 5:00 p.m., upon presenting to Gambro Health Care, William L. Wingard was turned away and refused treatment.

10. As a result of the failure of Gambro Health Care to provided dialysis treatment, as requested by Mr. Wingard, he was sent to and directed to DuBois Regional Medical Center.

11. As a result of treatment at DuBois Regional Medical Center William L. and Susan R. Wingard filed a Complaint against Kim Wanson and DuBois Regional Medical Center. Attached hereto and made a part hereof is a true and correct copy of said Complaint and marked Exhibit No. 1.

12. Kim Wanson and DuBois Regional Medical Center filed an Answer and New Matter to the plaintiffs' Complaint. Attached hereto and made a part hereof is a true and correct copy of the Answer and New Matter to plaintiffs' Complaint and marked Exhibit No. 2.

13. The original defendants joined Gambro Health Care and Sanjeen Anand, M.D. upon the cause of action declared and set forth in the plaintiffs' Complaint. These defendants incorporate by reference, all of the averments pertaining to complained of injuries and damages, as though the same were set forth at length.

14. On July 19, 1999 Gambro Health Care did not provide services to William L. Wingard and was negligent and careless in the following respects:

- a. In failing to provide a peritoneal dialysis transfer set as requested by Mr. Wingard;
- b. In refusing treatment to Mr. Wingard;
- c. In breaching its duty to a patient with regard to the maintenance of the peritoneal dialysis equipment;
- d. In failing to provide medical services as requested, and in closing the business, instead of providing the requested changing of the transfer set;
- e. In failing to have appropriate peritoneal dialysis transfer sets available;
- f. In not being responsive to the requests and needs of William L. Wingard with regard to the replacement of the peritoneal dialysis transfer set;

g. In abandoning or otherwise failing to provide any treatment to William L. Wingard, in accordance with accepted standards of care pertaining to the replacement of peritoneal dialysis transfer sets; and

h. In failing to adequately, timely, and appropriately provide the replacement for the peritoneal dialysis transfer set.

15. It is believed and therefore averred that Gambro Health Care is responsible for the injuries and damages complained of in the plaintiffs' Complaint, for the reasons set forth above. These defendants incorporate the plaintiffs' claims for damages, as though the same were set forth at length.

16. After encountering difficulties with the replacement of the peritoneal transfer set, Kim Wanson contacted Dr. Anand advising him of the problems she encountered with the replacement of the transfer set. Dr. Anand did not provide any medical care to William L. Wingard.

17. Dr. Anand was negligent and careless in responding to Ms. Wanson and failing to provide appropriate medical care to William L. Wingard in the following particulars:

a. In failing to come to DuBois Regional Medical Center to examine William L. Wingard;

b. In failing to give appropriate instructions to Kim Wanson with regard to the replacement of the peritoneal transfer set;

c. In failing to order appropriate tests;

d. In failing to order and/or provide antibiotics after learning that the tubing had pierced;

e. In failing to render appropriate medical care and treatment to William L. Wingard, after learning that the tubing had been pierced during the attempt to replace the transfer set;

f. In failing to provide appropriate instructions to William L. Wingard, after learning that the transfer set had been pierced;

g. In failing to provide proper and adequate medical care and treatment after becoming aware of the problems and complications which occurred with the tube in question;

h. In failing to timely take action and see or otherwise examine the patient until July 21, 1999;

i. In negligently failing to see or otherwise examine William L. Wingard on July 19, to determine whether the problems would necessitate further care on his part; and

j. In failing to adequately evaluate the situation which existed on July 19, 1999 when William L. Wingard was having the transfer set replaced at DuBois Regional Medical Center.

18. It is believed and therefore averred that if the plaintiff sustained any injuries and damages, that they occurred solely as a result of the conduct of Dr. Anand as set forth above.

19. Kim Wanson and DuBois Regional Medical Center deny, that they were in any way negligent or careless with regard to the changing of the peritoneal dialysis transfer set.

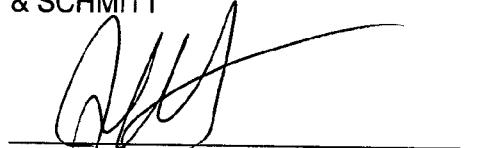
20. In the event that it is determined that Kim Wanson and/or DuBois Regional Medical Center are negligent to the plaintiff, which is denied in accordance with the Answer and New Matter, then it is believed and therefore averred that Gambro Health Care and/or Sanjeen Anand, M.D. are solely liable to the plaintiff upon the causes of action set forth in the Complaint.

21. In the alternative, in the event that these original defendants are liable to the plaintiff, then it is averred that the additional defendants are jointly liable with these

answering defendants, or in the alternative, are liable over to the original defendants upon the cause of action declared by the plaintiff, for contribution and/or indemnification.

WHEREFORE, the defendants, KIM WANSON, an individual, and DUBOIS REGIONAL MEDICAL CENTER, a corporation, respectfully request that judgment be entered against the additional defendants, upon the causes of action declared upon by the plaintiffs in their Complaint.

PFAFF, MCINTYRE, DUGAS, HARTYE
& SCHMITT



Attorney for Defendants
Kim Wanson and DuBois Regional
Medical Center

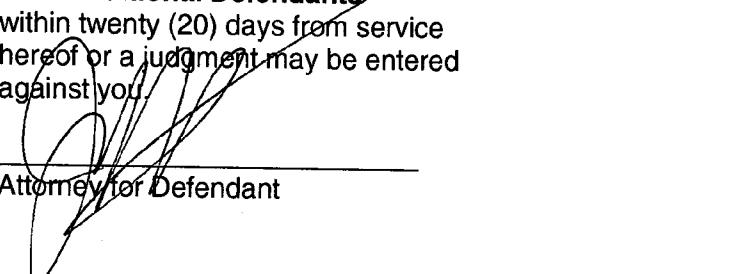
JOHN L. MCINTYRE, ESQUIRE
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

Notice to Plead

To: Sanjeen Anand, M.D. and
Gambro Health Care

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

Attorney for Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation,

Defendants

Type of Case - CIVIL

No. 01-559-CO

Type of Pleading - COMPLAINT

Filed on Behalf of - PLAINTIFFS

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

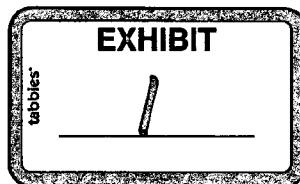
JURY TRIAL DEMANDED

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

APR 18 2001

Attest:

William L. Brown
Prothonotary



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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs

vs.

No. _____

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants

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 Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claim in the Complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

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

William A. Shaw,
Prothonotary
Clearfield County Courthouse
P.O. Box 549
Clearfield, PA 16830
(814) 765-2641

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs

vs.

No. _____

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants

COMPLAINT

AND NOW, come the plaintiffs, **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, individually and as husband and wife, by and through their attorney, **NICHOLAS F. LORENZO, JR., ESQ.**, of **LORENZO & GIANVITO, P.C.**, who presents the following Complaint, of which the facts set forth hereinafter are a true and concise summary:

1. Plaintiff, **WILLIAM L. WINGARD**, is an adult individual, *sui juris*, residing at R.D. #1, Box 594, Curwensville, Clearfield County, Pennsylvania, 16833, and is hereinafter referred to as "plaintiff-husband".

2. Plaintiff, **SUSAN R. WINGARD**, is an adult individual, *sui juris*, who resides with her husband, **WILLIAM L. WINGARD**, at the above-noted address, and is hereinafter referred to as "plaintiff-wife".

3. Defendant, KIM WANSON, is an adult individual, *sui juris*, who is employed by the defendant, DUBOIS REGIONAL MEDICAL CENTER, as a registered nurse.

4. Defendant, DUBOIS REGIONAL MEDICAL CENTER, hereinafter referred to as "DRMC", is a medical care provider which holds itself out to the public as a comprehensive health care center capable of arranging and coordinating the total health care of its patients, employing skillful and competent medical staff to meet general health care needs.

5. Defendant, DRMC, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business and hospital facilities located in the City of Dubois, Clearfield County, Pennsylvania.

6. At all times material to this Complaint, defendant KIM WANSON was an agent and/or employee of the defendant DRMC, and at all times material to this Complaint, was acting within the scope of such agency and/or employment.

7. At all times relevant hereto, plaintiff-husband, WILLIAM L. WINGARD, was a patient at the medical facilities of defendant DRMC where, on multiple occasions, various medical services were rendered to plaintiff-husband, as fully specified herein below, by agents, servants, and/or employees of said hospital.

8. On July 19, 1999, at approximately 5:30 p.m., plaintiff-husband, WILLIAM L. WINGARD, a peritoneal dialysis patient, presented himself to the admission desk of defendant-DRMC, for the purpose of having a peritoneal dialysis transfer set replaced. Mr.

Wingard was directed and/or escorted to the fourth floor, where he was admitted to the short procedure unit of defendant's facility.

9. On July 19, 1999, at approximately 7:15 p.m., a nurse from the third floor of defendant's facility, defendant KIM WANSON, R.N., an agent/servant/employee of defendant-DRMC, arrived at the short procedures unit to perform the procedure of changing the plaintiff's transfer set.

10. Defendant KIM WANSON, R.N., was not properly trained in the conduct of this procedure and had no previous experience in performing the transfer procedure.

11. Upon her arrival, Ms. Wanson was advised that she had brought the wrong size pan which was to be used to accomplish the required antibacterial soaking of the transfer set in a betadine solution.

12. Ms. Wanson left to look for the proper size pan, but upon her return, she advised Mr. Wingard that the hospital didn't have the proper pan.

13. Ms. Wanson proceeded to utilize a plastic gauze container as a substitute for the proper soaking pan in order to complete the soaking of the transfer set.

14. In the course of performing the established procedure for the installation of the new transfer set, KIM WANSON, R.N., substituted a scissors-like clamp for the proper clamp, and placed it on the catheter tubing approximately 1 1/4" inch from the exit site on plaintiff's body, and in so doing failed to protect the tubing from damage as was the required procedure.

15. Prior to the completion of the procedure, she removed the substituted clamp and immediately noticed that the improper clamp had cut or breached the tubing of the transfer set, whereupon she notified her supervisor.

16. Upon her arrival, the supervisor examined the installation procedures that had been completed by Ms. Wanson and confirmed that the tubing had been cut, whereupon the plaintiff's doctor was called and notified.

17. Plaintiff's doctor advised the hospital to complete the change of the transfer kit and to instruct the plaintiff to contact him the next day, which instructions were relayed to the plaintiff.

18. Ms. Wanson then continued with the procedure, and attempted to use a transfer set with a "spike" type of connector, rather than a "screw" type which was required by the set Mr. Wingard was currently using. She then advised that DRMC did not have the proper type of transfer set, and that one would have to be located and delivered by courier.

19. At approximately 10:10 p.m., Ms. Wanson completed the procedure, leaving the scissors clamp in place, and advising the plaintiff that it would have to suffice as she was unable to locate the proper type of clamp.

20. Mr. Wingard refused to leave the premises with the scissors clamp in place, due to safety concerns, and was forced to search through his personal supplies to locate a proper clamp to use on the damaged tubing to prevent further damage.

21. On July 21, 1999, on the orders of Sanjeev Anand, M.D., plaintiff-husband's treating nephrologist, Mr. Wingard was seen at DRMC by Dr. Anand and a surgeon, Eric Lundgren, M.D. Dr. Lundgren patched the tubing, did two dialysis exchanges, and injected an antibiotic. Despite these efforts, plaintiff-husband subsequently developed peritonitis caused by the contamination of the catheter, with attendant complications, as noted below.

General Allegations As To All Damages
Suffered By All Plaintiffs

22. Paragraphs one (1) through twenty-one (21) are hereby incorporated by reference as though set forth fully herein.

23. As a direct result of negligent and/or careless medical care rendered to plaintiff-husband by defendants on July 19, 1999, said plaintiff suffered or developed at least the following medical injuries/conditions:

- a) recurrent peritonitis of the abdominal cavity;
- b) necessity of undergoing hemodialysis rather than peritoneal dialysis;
- c) multiple hospitalizations for antibiotic therapy;
- d) severe abdominal pain;
- e) spiking fevers;
- f) profound weakness;
- g) necessity of various admissions and outpatient care for the treatment of infections;
- h) anxiety;
- i) depression.

24. As a result of the above-noted injuries, and/or others presently unknown to plaintiffs, plaintiff-husband has had to undergo at least the following medical/surgical treatments

- a) repair of peritoneal catheter on 7/21/99;
- b) hospitalization from 7/24/99 through 8/5/99 for antibiotic treatment of acute peritonitis;
- c) emergency room treatment on 8/13/99 and 8/14/99;
- d) hospitalization 8/18/99 through 8/23/99 for recurrent peritonitis;
- e) hospitalization 9/15/99 through 9/21/99 for removal of peritoneal catheter and surgical insertion of right internal jugular Tesio catheter;
- f) creation of right arm primary radial cephalic arteriovenous fistula on 3/28/00;
- g) hospitalization 5/23/00 for surgical revision of right arm AV fistula;
- h) hospitalization 6/21/00 through 6/26/00 for treatment of sepsis;
- i) hospitalization 6/26/00 through 6/29/00 for two surgical procedures relating to thrombosed right arm AV fistula;
- j) placement on kidney transplant list.

25. As a direct result of the negligence of the defendants, as set forth below, plaintiffs, WILLIAM L. WINGARD and SUSAN R. WINGARD, have been required to expend great sums of money for medical care, treatments, medications, and surgical procedures. To date, such expenditures include at least the following:

03/28/00	West Penn Hosp.	\$ 9,845.97
05/11/00	West Penn Hosp.	982.50
05/23/00	West Penn Hosp.	13,260.15
06/26/00-	West Penn Hosp.	26,559.40
06/29/00		
	Total	<u>\$50,648.02</u>

26. As a direct result of the acts of negligence as set forth below, plaintiff-husband's care and treatment will, in the future, require significant sums of money for medical and surgical treatment, hospitalization, therapy, counseling, and various other goods and services to treat the injuries set forth in this Complaint.

COUNT ONE

William L. Wingard and Susan R. Wingard,
individually, and as husband and wife, plaintiffs
vs.
Kim Wanson, an individual, defendant

NEGLIGENCE

27. Paragraphs one (1) through twenty-six (26) are hereby incorporated by reference as though set forth fully herein.

28. Defendant KIM WANSON was negligent and careless in the following respects:

- a) failure to acquire and maintain the necessary knowledge, skill and proficiency expected of a licensed registered nurse with respect to the procedure attempted;
- b) failing to request or seek proper supervision and guidance through consultation with her supervisor or a physician when she

knew, or should have known, that she did not possess the required knowledge, skill and/or proficiency required to properly complete the procedure attempted;

c) failure to ensure the availability of the proper utensils and other equipment necessary to successfully accomplish the procedure attempted;

d) failure to use the proper utensils and other equipment necessary to ensure the proper antibacterial soaking of the patient's medical equipment that was necessary to prevent infection during the procedure attempted;

e) failure to use the proper clamping devices required to complete the attempted procedure without damaging the equipment and creating a serious risk of infection;

f) utilizing an improper clamping device in an improper manner during the attempted procedure, thereby causing damage to the equipment's rubber tubing and creating a serious risk of infection;

g) failing to ensure the availability of the proper connectors for the type of medical equipment utilized by the patient prior to beginning the attempted procedure, thereby causing undue delay in completing the procedure and creating a serious risk of infection;

h) failing to ensure the availability and/or to utilize proper clamping devices in completing the attempted procedure, thereby forcing the plaintiff/patient to rely on his own knowledge and supplies as to the proper clamp to be applied to the medical equipment;

i) attempting a procedure for which she had insufficient skill, training or experience.

29. Any and/or all of the acts of negligence set forth in the preceding paragraphs directly caused the injuries and damages sustained by the plaintiffs; or in the alternative, all of the acts of negligence set forth in the preceding paragraphs increased the risk of harm to the plaintiffs and, pursuant to law, thereby caused the injuries and damages sustained by plaintiffs.

WHEREFORE, plaintiffs demand judgment against this defendant, individually, jointly and/or severally with the other named defendant, for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

COUNT TWO

William L. Wingard and Susan R. Wingard,
individually and as husband and wife, Plaintiffs

vs.

Dubois Regional Medical Center, a Corporation, Defendant

NEGLIGENCE

30. Paragraphs one (1) through twenty-six (26) are hereby incorporated as though set forth fully herein.

31. The acts of negligence fully described herein before and incorporated herein by reference, were the acts of agents/servants/ employees of this defendant, acting within the scope of their agency and/or employment, for which this defendant is vicariously liable.

WHEREFORE, plaintiffs demand judgment against this defendant, individually, jointly and/or severally with the other named defendant, for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

COUNT THREE

William L. Wingard and Susan R. Wingard,
individually and as husband and wife, Plaintiffs

vs.

Dubois Regional Medical Center, a Corporation, Defendant

NEGLIGENCE

32. Paragraphs one (1) through twenty-six (26) are incorporated herein by reference as though set forth fully and at length.

33. The defendant, DUBOIS REGIONAL MEDICAL CENTER, was negligent and careless by virtue of the conduct of its nursing staff, and thus failed to ensure the plaintiff's safety and well being while he was a patient at the hospital in the following respects:

a) the hospital failed to maintain adequate facilities and equipment in the form of soaking pans, clamps, connectors and transfer kits necessary to complete the changing of peritoneal dialysis equipment which had been ordered by the plaintiff's physician, when it knew, or should have known, that such equipment was required to properly deliver such health care services;

b) the hospital failed to ensure that its employees were properly trained, and/or failed to ensure that its employees

maintained proficiency with regards to the delivery of medical services to its patients;

c) the hospital failed to maintain proper supervision over its nursing personnel;

d) the hospital failed to maintain proper supervision over the procedures herein described;

e) the hospital failed to control the quality of care given by the defendant nurse;

f) the hospital failed to formulate and enforce proper rules with respect to nursing consults, and/or the conduct of procedures which involve the risk of serious internal infection for its patients;

g) the hospital failed to formulate and enforce proper rules and procedures to be followed for the protection of its patients in the event of procedural irregularities that place patients at increased risk of harm to their overall health and well being;

h) the hospital failed to prepare, disseminate, and require nursing procedures that would require consultation from or referral of patients to a specialty care center, such as dialysis/kidney care units.

34. Any and/or all of the acts of negligence set forth in the preceding paragraphs directly caused the injuries and damages sustained by the plaintiffs; or in the alternative, all of the acts of negligence set forth in the preceding paragraphs increased the risk of harm to the plaintiffs and, pursuant to law, thereby caused the injuries and damages sustained by plaintiffs.

WHEREFORE, plaintiffs demand judgment against this defendant, individually, jointly and/or severally with the other named defendant, for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

COUNT FOUR

Susan R. Wingard, an individual, Plaintiff
vs.
Kim Wanson, an individual, and
Dubois Regional Medical Center,
a Corporation, Defendants

LOSS OF CONSORTIUM

35. Paragraphs one (1) through thirty-four (34) are incorporated herein by reference as though set forth fully and at length.

36. At all times prior to July 19, 1999, William L. Wingard and Susan R. Wingard lived happily as husband and wife.

37. Plaintiff, Susan R. Wingard, derived comfort, aid, and assistance from her husband and engaged in the customary marital acts with normal and usual frequency.

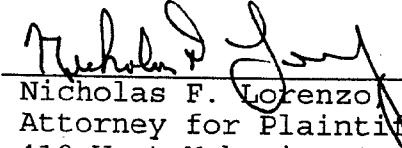
38. As a result of the aforescribed injuries to her husband, plaintiff-wife was deprived of the comfort, aid, assistance and enjoyment of her husband which she, since the date of his injuries, ought to have had.

39. Plaintiff-wife has suffered, since the aforescribed injuries to her husband, and will continue to suffer in the future, great mental stress and anguish, all to the damage of plaintiff-wife.

WHEREFORE, plaintiff demands judgment against defendant for an amount in excess of the maximum jurisdictional amount requiring mandatory arbitration.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

LORENZO & GIANVITO, P.C.

By: 

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

STATE OF PENNSYLVANIA
SS:
COUNTY OF JEFFERSON

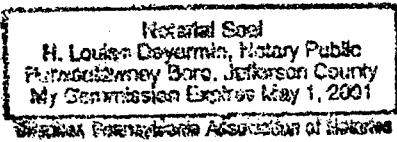
Plaintiffs, WILLIAM L. WINGARD and SUSAN R. WINGARD, individually and as husband and wife, being duly sworn according to law, depose and say that the facts set forth in the foregoing Complaint are true and correct to the best of their information, knowledge and belief.

Wm L Wingard
William L. Wingard

Susan R. Wingard
Susan R. Wingard

Sworn and subscribed before me
this 16th day of April, 2001.

H. Louden Deyarmin
Notary Public



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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 - 559 - CD

: **ISSUE:**

: ANSWER AND NEW MATTER
TO PLAINTIFFS' COMPLAINT

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

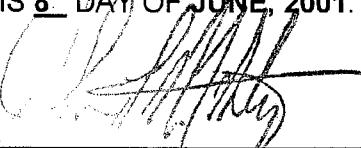
: **Attorney of Record for These Parties:**

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

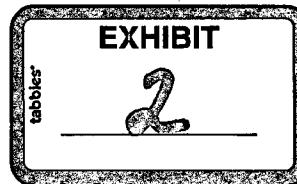
: (814) 696-3581

Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 8th DAY OF JUNE, 2001.



Attorneys for Named Defendants



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

WILLIAM L. WINGARD, an individual;	:	No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and	:	
WILLIAM L. WINGARD and SUSAN R.	:	
WINGARD, as husband and wife,	:	
Plaintiffs		
vs.	:	
KIM WANSON, an individual; and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation,	:	
Defendants	:	JURY TRIAL DEMANDED

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, come the Defendants, KIM WANSON, an individual, and DUBOIS REGIONAL MEDICAL CENTER, a corporation, through their attorneys, PFAFF, McINTYRE, DUGAS, HARTYE & SCHMITT, and file the following Answer and New Matter to the plaintiffs' Complaint and in support set forth the following:

- 1-2. In response to paragraphs 1 and 2 of the plaintiffs' Complaint, it is admitted that William and Susan Wingard are the plaintiffs in the within action.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. In response to paragraph 7 of the plaintiffs' Complaint, it is admitted that William Wingard was a patient at DuBois Regional Medical Center on various occasions and that medical services were appropriately provided.

8. In response to paragraph 8 of the plaintiffs' Complaint, it is admitted that on July 19, 1999, at approximately 5:30 p.m., William L. Wingard arrived at DRMC for the purpose of having a peritoneal dialysis transfer set replaced. It is admitted that he was directed to the short procedure unit of DRMC.

9. In response to paragraph 9 of the plaintiffs' Complaint, it is admitted that at approximately 7:15 p.m. on July 19, 1999, Kim Wanson, a RN, arrived to perform the changing of the transfer set.

10. In response to paragraph 10 of the plaintiffs' Complaint, said allegations are denied in accordance with Pa. R.C.P. 1029 and strict proof of same is demanded at the time of trial.

11. In response to paragraph 11 of the plaintiffs' Complaint, said allegations are denied as stated. Kim Wanson did not bring the wrong pan. A sterile basin was provided by Central Supply.

12. In response to paragraph 12 of the plaintiffs' Complaint, Kim Wanson was looking for a transfer set which comes in prepackaged kits. Ms. Wanson never advised Mr. Wingard that the hospital did not have an appropriate pan to perform the required soaking. Strict proof of plaintiffs' allegations is demanded at trial.

13. In response to paragraph 13 of the plaintiffs' Complaint, it is admitted that Kim Wanson used a sterile container to perform the soaking process in order to complete the transfer.

14. In response to paragraph 14 of the plaintiffs' Complaint, said allegations are admitted in part and denied in part. It is admitted that Kim Wanson used a hemostat, placing it on the catheter tubing, in an effort to complete said transfer. The remaining allegations are denied as stated.

15. In response to paragraph 15 of the plaintiffs' Complaint, it is admitted that Kim Wanson removed the hemostat and noticed a small leak. She immediately notified her supervisor. It is denied that Kim Wanson used an improper clamp and strict proof of plaintiffs' allegations in paragraph 15 is demanded at trial.

16. In response to paragraph 16 of the plaintiffs' Complaint, it is admitted that the supervisor examined the tubing and noticed that there was a small leak. Dr. Anand was promptly notified. Dr. Anand did not provide any instructions to do anything other than to complete the process. Dr. Anand did not come and see the patient. Dr. Anand did not provide any specific orders or indicate that there was any concern.

17. In response to paragraph 17 of the plaintiffs' Complaint, it is admitted that Kim Wanson was instructed to complete the process, to drain and clamp the tubing, which she did and provide instructions to the plaintiff. This was all carried out by Nurse Wanson. Dr. Anand did not offer to come and see the patient, provide any orders as to fluids or other items and did not indicate or express any concern.

18. In response to paragraph 18 of the plaintiffs' Complaint, it is admitted that Nurse Wanson was unable to locate a transfer set. One had to be located and delivered. This was accomplished. All of the within occurred and was handled appropriately by Nurse Wanson.

19. In response to paragraph 19 of the plaintiffs' Complaint, it is denied that Ms. Wanson left any scissors or other metal type clamps in place. To the contrary, Kim Wanson used a plastic clamp on the tubing. Strict proof of the allegations in paragraph 19 is demanded at trial.

20. In response to paragraph 20 of the plaintiffs' Complaint, it is specifically denied that Mr. Wingard refused to leave the premises with scissors in place. To the contrary, no scissors were used. The plaintiff had a plastic clamp placed on the tube. It is admitted that Mr. Wingard brought supplies with him. Strict proof of the allegations in paragraph 20 is demanded at trial.

21. In response to paragraph 21 of the plaintiffs' Complaint, it is admitted that on July 21, 1999, the plaintiff returned to see Dr. Anand, at the request of the doctor. As to the remainder of said averments, this answering defendant is without sufficient knowledge or information so as to form a belief as to the truth or falsity of same and strict proof is demanded at trial.

22. In response to paragraph 22 of the plaintiffs' Complaint, these answering defendants hereby incorporate by reference the answers to paragraphs 1 through 21, as though the same were set forth at length.

23-26. In response to paragraphs 23, 24, 25 and 26 of the plaintiffs' Complaint pertaining to plaintiffs' claims for injuries and damages, after reasonable investigation these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments and strict proof of all claims for injuries and damages as set forth in paragraphs 23, 24, 25 and 26 is demanded at the time of trial.

COUNT ONE

27. In response to paragraph 27 of the plaintiffs' Complaint, Kim Wanson hereby incorporates by reference her prior answers to paragraphs 1 through 26, as though the same were set forth at length.

28. In response to paragraph 28 of the plaintiffs' Complaint, said averments that Kim Wanson, RN was negligent and careless constitute legal conclusions to which no response is required. By way of further answer, all averments in paragraph 28 are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at trial. At all times, Kim Wanson had the appropriate knowledge and skill of a licensed registered nurse with regard to the procedure in question; at all times Kim Wanson used the appropriate and proper utensils and equipment in performing the procedure in question; at all times Kim Wanson handled the above in accordance with the appropriate standards. Strict proof of all allegations in paragraph 28 and said subparagraphs is demanded at the time of trial.

29. In response to paragraph 29 of the plaintiffs' Complaint, said allegations constitute legal conclusions to which no response is required. Insofar as a response is required, it is denied that any action or inaction on the part of Nurse Wanson caused or contributed to the injuries and damages complained of by the plaintiffs and strict proof of same is demanded at the time of trial.

WHEREFORE, the Defendant, Kim Wanson, RN, respectfully requests that Count I of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in her favor.

COUNT TWO

30. In response to paragraph 30 of the plaintiffs' Complaint, DuBois Regional Medical Center incorporates by reference its prior answers to paragraphs 1 through 26, as though the same were set forth at length.

31. In response to paragraph 31 of the plaintiffs' Complaint, said allegations constitute a legal conclusion to which no response is required. Insofar as a response is required, DRMC admits that it is responsible for the actions of Kim Wanson, RN. It is denies that it is responsible for the actions of any other persons, insofar as none have been identified, contrary to the Pennsylvania Rules of Civil Procedure. Strict proof of all averments as set forth in paragraph 31 is demanded at trial.

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

COUNT THREE

32. In response to paragraph 32 of the plaintiffs' Complaint, DuBois Regional Medical Center hereby incorporates by reference its prior answers to paragraphs 1 through 26, as though the same were set forth at length.

33. In response to paragraph 33 of the plaintiffs' Complaint, said averments constitute legal conclusions to which no response is required. DuBois Regional Medical Center denies that it is responsible for the acts of all of its nursing staff, insofar as no other personnel have been identified. DuBois Regional Medical Center is vicariously responsible for the actions of Kim Wanson, RN. All of the allegations in paragraph 33 and said subparagraphs are denied in accordance with Pa. R.C.P. 1029(e) and strict

proof is demanded at trial. By way of further answer, at all times the hospital maintained adequate facilities and equipment with regard to the procedure in question; the hospital at all times appropriately trained and supervised its nursing personnel with regard to the procedures described in the plaintiffs' Complaint; at all times, the hospital appropriately controlled the quality of care given by its nurses, including Kim Wanson, RN; at all times, the hospital had appropriate rules and procedures with regard to consults and performance of the procedure in question; and at all times, DuBois Regional Medical Center had appropriate nursing rules and procedures with regard to performance of the procedure in question and/or obtaining appropriate consultations. Strict proof of all claims in paragraph 33 and said subparagraphs is demanded at the time of trial.

34. In response to paragraph 34 of the plaintiffs' Complaint, said averments constitute a legal conclusion to which no response is required. Insofar as a response is required, it is denied that any action or inaction on the part of DuBois Regional Medical Center or its agents, servants or employees, caused or contributed to or increased the risk of harm to the plaintiffs and strict proof of same is demanded at the time of trial.

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

COUNT FOUR

35. In response to paragraph 35 of the plaintiffs' Complaint, the above answering defendants hereby incorporate by reference their answers to paragraphs 1 through 34, as though the same were set forth at length.

36-39. In response to paragraphs 36, 37, 38 and 39 of the plaintiffs' Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of Susan Wingard's claims for loss of consortium and strict proof of all claims for injuries and loss of consortium on behalf of Susan R. Wingard is demanded at the time of trial.

WHEREFORE, the Defendants, Kim Wanson, RN and DuBois Regional Medical Center, respectfully request that Count Four of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in its favor.

NEW MATTER

By way of further answer and in the nature of affirmative defenses, these answering defendants set forth the following:

40. These answering defendants are entitled to all defenses and immunities under the Health Care Qualities Improvement Act.

41. These answering defendants are entitled to all defense and immunities under the Pennsylvania Health Care Services Malpractice Act.

42. In the event any damages occurred, then the same were caused by others acting on their own behalf, and not these answering defendants.

43. Upon information and belief, on July 19, 1999, William Wingard attempted to have the peritoneal dialysis transfer set replaced at the dialysis center, and he was refused.

44. It is believed and therefore averred that said dialysis center is responsible in failing to appropriately and timely provide the replacement.

45. On July 19, 1999, plaintiff's doctor, Dr. Anand, either refused to or failed to see the plaintiff to determine whether any problems occurred which would necessitate his involvement or treatment.

46. At all times, Dr. Anand was aware of the problems and complications which occurred to the tube in question. Dr. Anand failed to take any action until July 21, 1999.

WHEREFORE, the Defendants, Kim Wanson, RN and DuBois Regional Medical Center, respectfully request that plaintiffs' Complaint be dismissed with prejudice and judgment entered in their favor.

Respectfully submitted,

PFAFF, McINTYRE, DUGAS, HARTYE
& SCHMITT

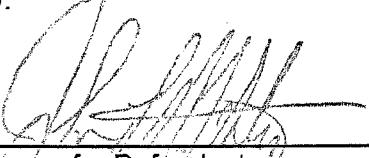
By 

Attorneys for Defendants,
KIM WANSON, RN and DUBOIS
REGIONAL MEDICAL CENTER

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

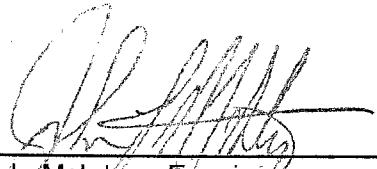
**TO: WILLIAM L. WINGARD and
SUSAN R. WINGARD, Plaintiffs**

**YOU ARE HEREBY NOTIFIED TO FILE A
WRITTEN RESPONSE TO THE ENCLOSED
PRELIMINARY OBJECTIONS WITHIN
TWENTY (20) DAYS FROM SERVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST
YOU.**


**_____
Attorneys for Defendants**

VERIFICATION

I, JOHN L. McINTYRE, ESQUIRE, being the attorney of record for Defendants, KIM WANSON and DUBOIS REGIONAL MEDICAL CENTER, verify that I am authorized to make this verification on behalf of said Defendants in the within action, and that the statements made in the foregoing **ANSWER AND NEW MATTER** are true and correct to the best of my knowledge, information, and belief.



John L. McIntyre, Esquire

Date: June 8, 2001

VERIFICATION

I, **GREGORY VOLPE, Risk Manager**, do hereby verify that I have read the foregoing **COMPLAINT TO JOIN ADDITIONAL DEFENDANTS**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

DUBOIS REGIONAL MEDICAL CENTER



Gregory Volpe, Risk Manager

Date: 8-14-01

FILED

AUG 21 2001
SAC
MURDOCK
William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual	)	No.: 2001-00559 CD
SUSAN R. WINGARD, an individual; and)	
WILLIAM L. WINGARD and SUSAN	)	Type of Case: Civil Action
R. WINGARD, as husband and wife,)	
	)	JURY TRIAL DEMANDED
Plaintiffs,)	
vs.)	
KIM WANSON, an individual; and)	
DUBOIS REGIONAL MEDICAL)	
CENTER, a corporation,)	
Defendants,	)	Filed on behalf of Defendant
	)	Sanjeev Anand, M.D.
vs.)	
SANJEEV ANAND, M.D. and)	
GAMBRO HEALTH CARE,	)	Counsel of Record for this
Additional Defendants.	)	Party: JOHN W. BLASKO
	)	Court I.D. No.: 06787
	)	RICHARD K. LAWS
	)	Court I.D. No. 82369
	)	McQUAIDE, BLASKO, SCHWARTZ,
	)	FLEMING & FAULKNER, INC.
	)	811 University Drive
	)	State College, PA 16801
	)	(814) 238-4926
)	
	)	Counsel of Record for
	)	Adverse Party:
	)	NICHOLAS F. LORENZO, JR.
	)	JOHN L. McINTYRE

Dated: 10/3/01

FILED

OCT 04 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
)
Plaintiffs,)
)
vs.) JURY TRIAL DEMANDED
)
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
)
Defendants,)
)
vs.)
)
SANJEEV ANAND, M.D. and)
GAMBRO HEALTH CARE,)
)
Additional Defendants.)

NOTICE TO PLEAD

TO: Kim Wanson and DuBois Regional Medical Center, Defendants
c/o John McIntyre, Esquire

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

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

By: 

JOHN W. BLASKO
RICHARD K. LAWS
Attorney for Defendant
Sanjeev Anand, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: 10/3/01

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

WILLIAM L. WINGARD, an individual;)	
SUSAN R. WINGARD, an individual; and)	
WILLIAM L. WINGARD and SUSAN R.)	
WINGARD, as husband and wife,)	
)	
Plaintiffs,)	
)	
vs.	)	JURY TRIAL DEMANDED
)	
KIM WANSON, an individual; and)	
DUBOIS REGIONAL MEDICAL CENTER;)	
a corporation;)	
)	
Defendants,)	
)	
vs.)	
)	
SANJEEN ANAND, M.D. and)	
GAMBRO HEALTH CARE,)	
)	
Additional Defendants.)	

**ANSWER AND NEW MATTER OF ADDITIONAL DEFENDANT,
SANJEEN ANAND, M.D., TO ORIGINAL DEFENDANTS, KIM WANSON AND
DUBOIS REGIONAL MEDICAL CENTER'S, JOINDER COMPLAINT**

AND NOW, comes Additional Defendant, Sanjeev Anand, M.D., by and through his Attorneys, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and responds to Defendants, Kim Wanson and Dubois Regional Medical Center's, Joinder Complaint as follows:

- 1-2. Admitted.
3. Admitted.
4. The averments of Paragraph 4 pertain to a Defendant other than that answering herein, and, thus, no affirmative response is necessary.

5. The averments of Paragraph 5 pertain to a Defendant other than that answering herein and/or set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, the averments of Paragraph 5 are admitted only to the extent that they are consistent with the Plaintiff-husband's medical records, which are incorporated herein by reference.

6. The averments of Paragraph 6 pertain to a Defendant other than that answering herein, and, thus, no affirmative response is necessary.

7. The averments of Paragraph 7 set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, the averments of Paragraph 7 are admitted only to the extent that they are consistent with the Plaintiff-husband's medical records, which are incorporated herein by reference.

8-10. The averments of Paragraphs 8 through 10 pertain to a Defendant other than that answering herein and/or set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, the averments of Paragraphs 8 through 10 are denied and/or denied as stated. In response thereto, the Plaintiff-husband's medical records are incorporated herein by reference, with all inconsistent averments of Paragraphs 8 through 10 being denied pursuant to Pa.R.C.P. 1029(e).

11. The averments of Paragraph 11 are denied as stated in that the underlying Complaint allegations against Original Defendants speak for themselves.

12. The averments of Paragraph 12 are denied as stated in that the underlying Complaint allegations against Original Defendants, as well as Original Defendants' Answer and New Matter thereto, speak for themselves.

13. The averments of Paragraph 13 pertain to a Defendant other than that answering herein and/or set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, the averments of Paragraph 13 are denied and/or denied as stated in that the underlying Complaint allegations by original Plaintiffs speak for themselves and are a matter of interpretation. Defendant denies the averments of Paragraph 13 of Original Defendants' Joinder Complaint and any and all allegations incorporated therein pursuant to Pa.R.C.P. 1029(e).

14-15. The averments of Paragraphs 14 and 15 pertain to a Defendant other than that answering herein and/or set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, Defendant denies the averments of Paragraphs 14 and 15 of Original Defendants' Joinder Complaint and any and all allegations incorporated therein pursuant to Pa.R.C.P. 1029(e).

16. The averments of Paragraph 16 set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, Defendant denies the averments of Paragraph 16 of Original Defendants' Joinder Complaint and any and all allegations incorporated therein pursuant to Pa.R.C.P. 1029(e).

17. The averments of Paragraph 17 (including subparagraphs (a) through (j)) set forth statements of Original Defendants' legal position and/or conclusions of law, and, thus, no affirmative response is necessary. To the extent that a response is deemed necessary, Defendant denies the averments of Paragraph 17 (including subparagraphs (a) through (j)) of Original Defendants' Joinder Complaint and any and all allegations incorporated therein pursuant to Pa.R.C.P. 1029(e).

18-21. The averments of Paragraphs 18 through 21 are denied as stated in that the underlying Complaint allegations by original Plaintiffs speak for themselves and are a matter of interpretation. Furthermore, the averments of Paragraphs 18 through 21 are denied in that they contain statements of Original Defendants' legal position and/or conclusions of law to which no response is necessary. To the extent that the averments of Paragraphs 18 through 21 allege that there is, or may be, any basis for liability of Answering Defendant, same are denied generally and specifically pursuant to and consistent with Pa.R.C.P. 1029(e).

WHEREFORE, Additional Defendant, Sanjeev Anand, M.D., respectfully requests entry of judgment in his favor and that Original Defendants' Joinder Complaint against him be dismissed, with prejudice.

NEW MATTER

22. The averments of Paragraphs 1 through 21 of this Answer with New Matter are incorporated herein by reference.

23. The averments of original Plaintiffs' Complaint are denied generally pursuant to and consistent with Pa.R.C.P. 1029(e), and, in that, after reasonable investigation Answering Defendant is without knowledge or information sufficient to form the belief as to the truth of said averments except as indicated hereinbefore.

24. While specifically denying any liability to original Plaintiffs and/or any other party Defendant in this matter, Answering Defendant hereby seeks to preserve and, therefore, assert his rights to contribution or indemnity against joining Defendants and/or other Additional Defendants on the basis of the Complaint and/or the Joinder Complaint allegations which are incorporated herein by reference without adoption or admission.

25. The claims against Answering Defendant are barred in whole or in part by the applicable statute of limitations, including but not limited to any claims of sole liability and/or direct liability to the original Plaintiff herein.

WHEREFORE, Additional Defendant, Sanjeev Anand, M.D., respectfully requests entry of judgment in his favor and that the Original Defendants' Joinder Complaint against him be dismissed, with prejudice.

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

Dated: 10/3/01

By:



JOHN W. BLASKO
RICHARD K. LAWS
Counsel for Additional Defendant
Sanjeev Anand, M.D.
811 University Drive
State College, PA 16801
(814)238-4926

Wingard vs. Wanson vs. Anand

VERIFICATION

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



SANJEEV ANAND, M.D.

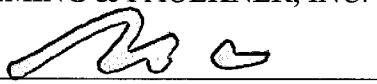
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
)
Plaintiffs,)
)
vs.) JURY TRIAL DEMANDED
)
KIM WANSON, an individual; and)
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
)
Defendants,)
)
vs.)
)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Answer and New Matter of Additional Defendant, Sanjeev Anand, M.D., to Original Defendants, Kim Wanson and DuBois Regional Medical Center's Joinder Complaint, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 3 day of October, 2001, to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767, John L. McIntyre, P.O. Box 533, Hollidaysburg, PA 16648 and Gambro Health Care, Sandy Plaza, DuBois, PA 15801.

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

By: 

JOHN W. BLASKO
RICHARD K. LAWS
Attorneys for Defendant
Sanjeev Anand, M.D.

FILED

OCT 04 2001
20 NOCC
William A. Shaw
Prothonotary

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By: Frederic Roller
Identification No. 65513
1845 Walnut Street
Philadelphia, PA 19103
(215) 575-2770

Attorney for: Additional Defendant,
Gambro Healthcare

WILLIAM L. WINGARD, an Individual;	:	COURT OF COMMON PLEAS
SUSAN R. WINGARD, an Individual; and	:	CLEARFIELD COUNTY
SILLIAM L. WINGRAD and SUSAN R.	:	
WINGARD, as husband and wife	:	
	:	
V.	:	
	:	
KIM WANSON, an Individual; and DUBOIS	:	
REGIONAL MEDICAL CENTER, a corporation	:	
	:	
V.	:	
	:	
SANJEEAN ANAND, M.D. and	:	
GAMBRO HEALTH CARE	:	NO. 2001-00559-CD

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of additional defendant, Gambro Healthcare, in connection with the above-captioned matter.

FILED

DEC 07 2001

1/2/02 p.m.

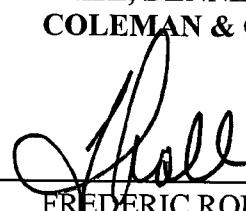
William A. Shaw

Prothonotary

1cc to a/c GJB

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By


FREDERIC ROLLER

Attorney for Additional Defendant,
Gambro Healthcare

DATE: 12/5/01

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

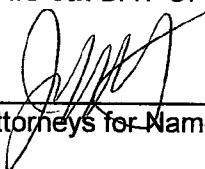
Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 6th DAY OF DECEMBER, 2001.



Attorneys for Named Defendants

: No. 2001 - 559 - CD

ISSUE:

NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS
DATED 12/6/01
Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

DEC 10 2001

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
Plaintiffs :
:

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :
Defendants : JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS DATED 12/6/01**

TO: PROTHONOTARY

You are hereby notified that on the **6TH** day of **DECEMBER, 2001**, Defendants,
Kim Wanson and DuBois Regional Medical Center, served Interrogatories and Request
for Production of Documents Directed to Plaintiffs Dated 12/6/01 by mailing the original
of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Nicholas Lorenzo, Jr., Esquire
410 West Mahoning Street
Punxsutawney, PA 15767

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendants

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

FILED

DEC 10 2001

MJL/0201ncc

William A. Shaw
Prothonotary

WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading - **NOTICE OF SERVICE OF DISCOVERY RESPONSES**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

JAN 15 2002

M1010/ncc

William A. Shaw
Prothonotary



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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs

vs.

No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

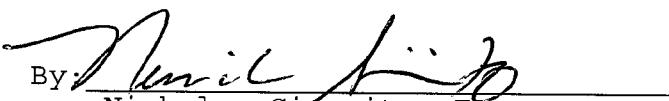
Defendants

NOTICE OF SERVICE OF DISCOVERY RESPONSES

TO THE PROTHONOTARY:

Please be advised that Plaintiffs' Answers to Interrogatories and Response to Request for Production of Documents of Defendants, Kim Wanson and Dubois Regional Medical Center, were served upon said defendants, c/o their counsel: John L. McIntyre, Esq., P.O. Box 533, Hollidaysburg, Pa., 16648, this 14th day of January, 2002, via first-class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

By: 
Nicholas Gianvito, Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of January, 2002, true and correct copies of the foregoing Notice of Service were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103


Nicholas Gianvito, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading - **NOTICE OF SERVICE OF DISCOVERY REQUESTS TO DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

Defendants

vs.

SANJEEV ANAND, M.D. and **GAMBRO HEALTH CARE**,

JURY TRIAL DEMANDED

Add'l Defendants.

FILED

JAN 15 2002

10401000

William A. Shaw
Prothonotary



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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEV ANAND, M.D. and
GAMBRO HEALTH CARE,

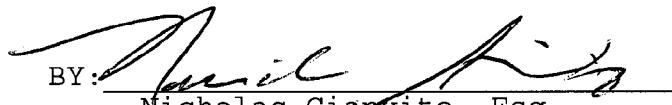
Add'l Defendants.

NOTICE OF SERVICE OF DISCOVERY REQUESTS

TO THE PROTHONOTARY:

Please be advised that Plaintiffs' First Set of
Interrogatories and First Request for Production of Documents to
Defendant, Dubois Regional Medical Center, were served upon said
defendant, c/o their counsel: John L. McIntyre, Esq., P.O. Box
533, Hollidaysburg, Pa., 16648, this _____ day of January, 2002,
via first-class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

BY: 

Nicholas Gianvito, Esq.
Attorney for Plaintiffs

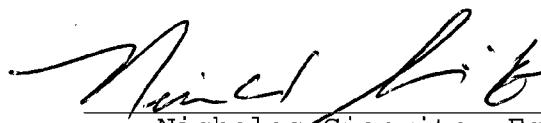
CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of January, 2002, true and correct copies of the foregoing Notice of Service of Discovery Requests were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggins
1845 Walnut St.
Philadelphia, PA 19103


Nicholas Gianvito, Esq.

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

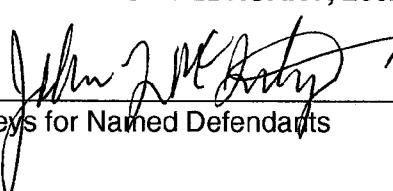
Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 15th DAY OF FEBRUARY, 2002.



Attorneys for Named Defendants

: No. 2001 - 559 - CD

: **ISSUE:**

: NOTICE OF SERVICE OF ANSWERS
TO DEFENDANT ANAND'S EXPERT
INTERROGATORIES

: **Filed on Behalf of Defendants,**
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

: **Attorney of Record for These Parties:**

: John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

FEB 19 2002

William A. Shaw
Prothonotary

WILLIAM L. WINGARD, an individual;	:	IN THE COURT OF COMMON PLEAS
SUSAN R. WINGARD, an individual; and	:	CLEARFIELD COUNTY, PENNSYLVANIA
WILLIAM L. WINGARD and SUSAN R.	:	
WINGARD, as husband and wife,	:	
Plaintiffs	:	
vs.	:	No. 2001 - 559 - CD
KIM WANSON, an individual; and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation,	:	
Defendants	:	
vs.	:	
SANJEEAN ANAND, M.D. and	:	
GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO
DEFENDANT ANAND'S EXPERT INTERROGATORIES**

TO: PROTHONOTARY

You are hereby notified that on the **15TH** day of **FEBRUARY, 2002**, Defendants, Kim Wanson and DuBois Regional Medical Center, served Answers to Defendant Anand's Expert Interrogatories by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Nicholas Lorenzo, Jr., Esquire
410 West Mahoning Street
Punxsutawney, PA 15767

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendants, KIM WANSON and
DUBOIS REGIONAL MEDICAL CENTER
JOHN L. MCINTYRE, ESQUIRE
PA I.D #: 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

FILED

NO CC

1:58 PM
FEB 19 2002
SFC

William A. Shaw
Prothonotary

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

**By: Frederic Roller
Identification No. 65513
1845 Walnut Street
Philadelphia, PA 19103
(215) 575-2770**

Attorney for: Additional Defendant,
Gambro Healthcare

WILLIAM L. WINGARD, an Individual; : COURT OF COMMON PLEAS
SUSAN R. WINGARD, an Individual; and : CLEARFIELD COUNTY
SILLIAM L. WINGRAD and SUSAN R. :
WINGARD, as husband and wife :
:

V.

KIM WANSON, an Individual; and DUBOIS
REGIONAL MEDICAL CENTER, a corporation

V.

SANJEEV ANAND, M.D. and
GAMBRO HEALTH CARE

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

FILED

FEB 27 2002

11/13/2006
William A. Shaw
Prothonotary

NO. 2001-00559-CD

**ANSWER OF ADDITIONAL DEFENDANT,
GAMBRO HEALTHCARE, TO JOINDER
COMPLAINT OF ORIGINAL DEFENDANTS,
KIM WANSON AND DUBOIS REGIONAL
MEDICAL CENTER, WITH NEW MATTER
AND NEW MATTER CROSSCLAIM PURSUANT TO 2252(d)**

AND NOW, comes additional defendant, Gambro Healthcare (“Gambro”), by and through its attorneys, Marshall, Dennehey, Warner, Coleman & Goggin, to answer the Joinder Complaint of original defendants, Kim Wanson and DuBois Regional Medical Center, and, in support thereof, avers as follows:

1. Admitted in part, denied in part. It is admitted that William L. Wingard and Susan R. Wingard are plaintiffs in the within action, as more fully set forth in the original Complaint of plaintiffs. As to the remaining allegations of paragraph 1 of the Joinder Complaint, after reasonable investigation, answering additional defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Joinder Complaint and, therefore said allegations are denied and strict proof thereof is demanded at the time of trial.

2. Admitted.

3. The allegations set forth in paragraph 3 of the Joinder Complaint are directed to a party other than answering additional defendant, and therefore, no responsive pleading is required.

4. Admitted.

5. Admitted in part, denied in part. To the extent the allegations of paragraph 5 of the Joinder Complaint are directed to a party other than answering additional defendant, no responsive pleading is required. As to the remaining allegations of paragraph 5 of the Joinder Complaint, it is admitted that plaintiff, William L. Wingard (“Wingard”), received peritoneal dialysis treatment at Gambro.

6. Denied as stated. The medical records of Gambro which detail the services provided to plaintiff are incorporated by reference herein as though fully set forth at length and speak for themselves.

7. To the extent the allegations of paragraph 7 of the Joinder Complaint are directed to parties other than answering additional defendant, no responsive pleading is required.

8. Denied. After reasonable investigation, answering additional defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Joinder Complaint and, therefore said allegations are denied and strict proof thereof is demanded at the time of trial. By way of further answer, the allegations of paragraph 8 of the Joinder Complaint are denied in accordance with Pa. R.C.P. 1029(e).

9. Denied. After reasonable investigation, answering additional defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Joinder Complaint and, therefore said allegations are denied and strict proof thereof is demanded at the time of trial. By way of further answer, the allegations of paragraph 9 of the Joinder Complaint are denied in accordance with Pa. R.C.P. 1029(e).

10. Denied. After reasonable investigation, answering additional defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Joinder Complaint and, therefore said allegations are denied and strict proof thereof is demanded at the time of trial. By way of further answer, the allegations of paragraph 10 of the Joinder Complaint are denied in accordance with Pa. R.C.P. 1029(e).

11. Admitted. By way of further answer, the Complaint of Plaintiffs as to defendants, DuBois Regional Medical Center and Kim Wanson, is incorporated by reference herein as though fully forth at length and speaks for itself.

12. Admitted in part, denied in part. It is admitted that original defendants, Kim Wanson and DuBois Regional Medical Center, filed an Answer and New Matter to Complaint of Plaintiffs, which was attached to the Joinder Complaint as Exhibit "2". Gambio denies the accuracy and/or validity of the Answer and New Matter on behalf of original defendants.

13. Admitted in part, denied in part. It is admitted that original defendants filed a Joinder Complaint naming both Gambio Healthcare and Sanjeen Anand, M.D. Gambio denies all of the allegations set forth both in the Joinder Complaint, as well as the incorporation by reference of the averments and allegations of the original Complaint as they may relate to Gambio.

14. Denied. The allegations set forth in paragraph 14 of the Joinder Complaint are conclusions of law to which no responsive pleading is required. By way of further answer, after reasonable investigation , answering additional defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Joinder Complaint and, therefore said allegations are denied and strict proof thereof is demanded at the time of trial. It is specifically denied that Gambro was in any way negligent as set forth in paragraphs 14 (a – h), in accordance with Pa. R.C.P. 1029(e).

15. Denied. The allegations set forth in paragraph 15 of the Joinder Compliant are conclusions of law to which no responsive pleading is required. By way of further answer, it is specifically denied that Gambro committed any act or omission which, in any way, caused or contributed to any of the injuries and/or damages of plaintiff as set forth in the original Complaint of plaintiffs.

16. To the extent the allegations of paragraph 16 of the Joinder Complaint are directed to parties other than answering additional defendant, no responsive pleading is required.

17. To the extent the allegations of paragraph 17 of the Joinder Complaint are directed to parties other than answering additional defendant, no responsive pleading is required.

18. To the extent the allegations of paragraph 18 of the Joinder Complaint are directed to parties other than answering additional defendant, no responsive pleading is required.

19. Denied. It is specifically averred that original defendants, Kim Wanson and DuBois Regional Medical Center, were, in fact, negligent and/or careless for any of the injuries or damages resulting to plaintiff as set forth in the original Complaint of plaintiffs, which is incorporated by reference herein as though fully set forth at length.

20. Denied. The allegations of paragraph 20 of the Joinder Complaint are conclusions of law to which no responsive pleading is required.

21. Denied. The allegations of paragraph 21 of the Joinder Complaint are conclusions of law to which no responsive pleading is required.

WHEREFORE, defendant, Gambro Healthcare, respectfully demands judgment in its favor.

NEW MATTER

22. The nature, origin, causation, amount and extent of injuries, damages and losses claimed are at issue and answering additional defendant demands proof of same of original defendants as required by law.

23. The injuries and/or damages as alleged in the Joinder Complaint of original defendants are not the result of negligent conduct on the part of Gambro Healthcare.

24. The Joinder Complaint of original defendants is barred by the applicable Statute of Limitations.

25. Answering additional defendant is not responsible for persons, events, circumstances or conditions reasonably beyond its control.

26. The Joinder Complaint of original defendants fails to state a cause of action upon which relief can be granted.

27. Any and all treatment and care provided by answering additional defendant was in accordance with the standard of care set forth in the medical community.

28. At all times material hereto, answering additional defendant provided proper and appropriate care and treatment to plaintiff.

29. Any injuries alleged and/or suffered by plaintiff were the result of negligent and/or careless acts and/or omissions by persons and/or entities over whom answering additional defendant exercised no control.

30. The claims of plaintiff may be barred by the Doctrine of Superceding and Intervening Cause.

31. No act or omission on the part of Gambro Healthcare could be considered the legal cause of any of the damages as set forth in the Joinder Complaint.

WHEREFORE, defendant, Gambro Healthcare, respectfully demands judgment in its favor.

NEW MATTER CROSSCLAIM PURSUANT TO PA R.C.P. 2252(d)

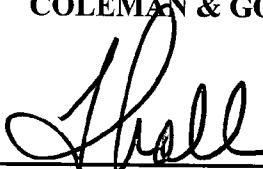
32. Additional defendant, Gambro Healthcare, specifically denies that they were in any way negligent and/or careless with regard to treatment of plaintiff as averred in the Joinder Complaint of original defendants.

33. In the event that it is determined that Gambro was negligent to plaintiff, which is denied in accordance with the Answer and New Matter, it is believed and therefore averred that original defendants, Kim Wanson and DuBois Regional Medical Center, are solely liable to plaintiffs upon the causes of action as set forth in the Complaint.

34. In the alternative, in the event that additional defendant is liable to plaintiffs, than it is averred that original defendants are jointly and severally liable with answering additional defendant, or, in the alternative, are liable over to additional defendant upon the cause of action declared by plaintiffs for contribution and/or indemnification.

WHEREFORE, additional defendant, Gambro Healthcare, respectfully requests that judgment be entered in its favor and against original defendants, Kim Wanson and DuBois Regional Medical Center, upon the cause of action declared by original defendants in the Joinder Complaint.

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By 

FREDERIC ROLLER

Attorney for Additional Defendant,
Gambro Healthcare

DATE: 2/25/02

28750-00404

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By: Frederic Roller
Identification No. 65513
1845 Walnut Street
Philadelphia, PA 19103
(215) 575-2770

Attorney for: Additional Defendant,
Gambro Healthcare

WILLIAM L. WINGARD, an Individual;	:	COURT OF COMMON PLEAS
SUSAN R. WINGARD, an Individual; and	:	CLEARFIELD COUNTY
SILLIAM L. WINGRAD and SUSAN R.	:	
WINGARD, as husband and wife	:	
	:	
v.	:	
KIM WANSON, an Individual; and DUBOIS	:	
REGIONAL MEDICAL CENTER, a corporation	:	
	:	
v.	:	
SANJEEAN ANAND, M.D. and	:	
GAMBRO HEALTH CARE	:	NO. 2001-00559-CD

CERTIFICATION OF SERVICE

I hereby certify that I have served upon all persons listed below a true and correct copy of Answer with New Matter and New Matter Crossclaim Pursuant to Pa. R.C.P. 2252(d) of additional defendant, Gambro Healthcare, in the above-captioned matter this date by regular mail:

John L. McIntyre, Esquire
Post Office Box 533
Hollidaysburg, PA 16648

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo & Gianuito
410 W. Mahoning Street
Post Office Box 495
Punxsutawney, PA 15767

John Blasco, Esquire
McQuaid, Blasco
811 University Drive
State College, PA 16801

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By


FREDERIC ROLLER

Attorney for Additional Defendant,
Gambro Healthcare

DATE: 2/25/02

VERIFICATION

Cyndi Barham verifies that he/she is a representative of Gambro Healthcare, additional defendant in this lawsuit, and as such is authorized to take this verification on behalf of Gambro Healthcare, that he/she has reviewed the foregoing Answer with New Matter and New Matter Pursuant to Pa. R.C.P. 2252(d), that the answers are based on information furnished to counsel and/or information which has been gathered by counsel in the course of this lawsuit. The language is that of counsel and not of signer. Signer verifies that he/she has read the answers and that they are true and correct to the best of his/her knowledge, information and belief. To the extent that the contents are that of counsel, signer has relied upon counsel in taking this Verification.

This Verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Cyndi Barham

DATE: 2-25-02

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 26TH DAY OF APRIL, 2002.

Atorneys for Named Defendants

: No. 2001 - 559 - CD

: NOTICE OF SERVICE OF
: ANSWERS TO SUPPLEMENTAL
: INTERROGATORIES OF ADDITIONAL
: DEFENDANT, GAMBRO HEALTHCARE

: Filed on Behalf of Defendants,
: DUBOIS REGIONAL MEDICAL
: CENTER and KIM WANSON

: Attorney of Record for These Parties:

: John L. McIntyre, Esquire
: McINTYRE, DUGAS, HARTYE
: & SCHMITT
: PA. ID. No. 28015
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

FILED

APR 29 2002
mjl:151 no CC
William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

vs. No. 2001 – 559 – CD

ISSUE:
REPLY TO NEW MATTER

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

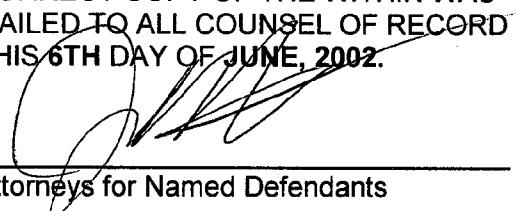
Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 6TH DAY OF JUNE, 2002.



Attorneys for Named Defendants

FILED

JUN 07 2002

ml:12/noc

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;	:	No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and	:	
WILLIAM L. WINGARD and SUSAN R.	:	
WINGARD, as husband and wife,	:	
Plaintiffs,		
vs.	:	
KIM WANSON, an individual; and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation,	:	
Defendants,		
vs.	:	
SANJEEAN ANAND, M.D. and	:	
GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

REPLY TO NEW MATTER

AND NOW, comes the original defendants, DUBOIS REGIONAL MEDICAL CENTER and KIM WANSON, an individual, and file the following Reply to New Matter of Dr. Sajeev Anand and in support set forth the following:

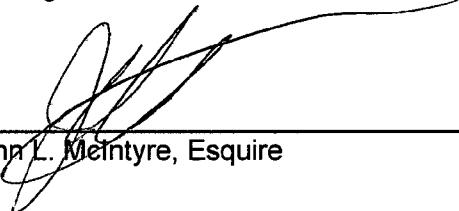
22. In response to Paragraph 22 of Dr. Anand's New Matter, the same constitute legal conclusions to which no response is required.

23. In response to Paragraph 24 of the New Matter of Dr. Anand, said averments constitute legal conclusions to which no response is required.

24-25. In response to Paragraphs 24 and 25 of the New Matter of Dr. Anand, the same constitute legal conclusions. Insofar as a response is required, it is denied that Dr. Anand is entitled to contribution or indemnification from the within defendant. Further, as to Paragraph 25, it is denied that any claims against him are barred in whole or in part by the statute of limitations,

VERIFICATION

I, John L. McIntyre, Esquire, being the attorney of record for DuBois Regional Medical Center and Kim Wanson, verify that I am authorized to make this verification on behalf of said Defendants in the within action, and that the statements made in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information, and belief.


John L. McIntyre, Esquire

Date: June 6, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
NOTICE OF DEPOSITIONS

Filed on Behalf of - **PLAINTIFFS**

Filed by -

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

JURY TRIAL DEMANDED

Add'l Defendants

FILED

AUG 16 2002
010:52/1cc att/Lorenzo
William A. Shaw
Prothonotary
E
KPS

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEEN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

NOTICE OF DEPOSITIONS

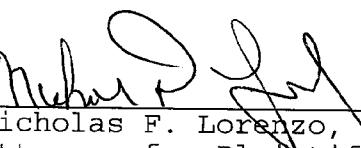
TO: **KIM WANSON, RN**
PRISCILLA MUTH, RN
c/o **JOHN L. MCINTYRE, ESQ.**
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, **WILLIAM L. WINGARD, et ux**, plaintiffs herein, give notice that the depositions of **KIM WANSON, RN**, and **PRISCILLA MUTH, RN**, will be taken on **Monday, September 30, 2002, beginning at 10:00 a.m.**, at Dubois Regional Medical Center, Dubois, Pa., 15801.

The depositions will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: 8/15/02

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2002, true and correct copies of the foregoing Notice of Depositions were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggins
1845 Walnut St.
Philadelphia, PA 19103

Sargent Court Reporting
210 Main Street
Johnstown, PA 15901


Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
NOTICE OF DEPOSITION

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

AUG 16 2002

01052/icc/atty Lorenzo
William A. Shaw
Prothonotary
C
Ked

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: 8/15/02

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

NOTICE OF DEPOSITION

TO: **RENE MOORE, RN**
c/o **FREDERIC ROLLER, ESQ.**
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, **WILLIAM L. WINGARD, et ux**, plaintiffs herein, give notice that the deposition of **RENE MOORE, RN**, will be taken on **Monday, September 30, 2002, beginning at 1:00 p.m.**, at Dubois Regional Medical Center, Dubois, Pa., 15801.

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2002, true and correct copies of the foregoing Notice of Deposition were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103

Sargent Court Reporting
210 Main Street
Johnstown, PA 15901


Nicholas F. Lorenzo, Jr., Esq.

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

: No. 2001 - 559 - CD

ISSUE:

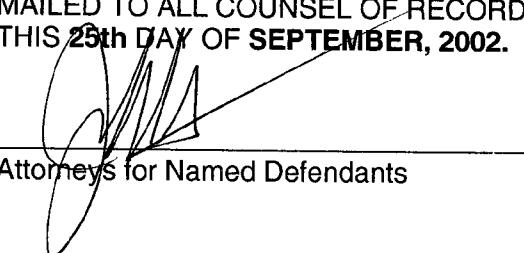
: NOTICE OF SERVICE OF ANSWERS
: TO PLAINTIFFS' FIRST SET OF
: INTERROGATORIES AND
: RESPONSES TO FIRST SET OF
: REQUEST FOR PRODUCTION OF
: DOCUMENTS

: **Filed on Behalf of Defendants,**
: DUBOIS REGIONAL MEDICAL
: CENTER and KIM WANSON

Attorney of Record for These Parties:

: John L. McIntyre, Esquire
: McINTYRE, DUGAS, HARTYE
: & SCHMITT
: PA. ID. No. 28015
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 25th DAY OF SEPTEMBER, 2002.



Attorneys for Named Defendants

FILED

SEP 26 2002

William A. Shaw
Prothonotary

WILLIAM L. WINGARD, an individual;	:	IN THE COURT OF COMMON PLEAS
SUSAN R. WINGARD, an individual; and	:	CLEARFIELD COUNTY, PENNSYLVANIA
WILLIAM L. WINGARD and SUSAN R.	:	
WINGARD, as husband and wife,	:	
Plaintiffs	:	
vs.	:	No. 2001 - 559 - CD
KIM WANSON, an individual; and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation,	:	
Defendants	:	
vs.	:	
SANJEEAN ANAND, M.D. and	:	
GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

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

TO: PROTHONOTARY

You are hereby notified that on the 25th day of September, 2002, Defendants, Kim Wanson and DuBois Regional Medical Center, served Answers to Supplemental Plaintiffs' First Set of Interrogatories and Response to First Request for Production of Documents, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Nicholas F. Lorenzo, Jr., Esquire
 LORENZO & GIANVITO, P.C.
 410 West Mahoning Street
 P.O. Box 495
 Punxsutawney, PA 15767

McINTYRE, DUGAS/ HARTYE & SCHMITT

 Atorneys for Defendants, KIM WANSON and
 DUBOIS REGIONAL MEDICAL CENTER
 JOHN L. MCINTYRE, ESQUIRE
 PA I.D #: 28015
 P.O. Box 533
 Hollidaysburg, PA 16648-0533

FILED

NO
cc

M 11:39 AM
SEP 26 2002

CR
HES

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

: No. 2001 – 559 – CD

ISSUE:

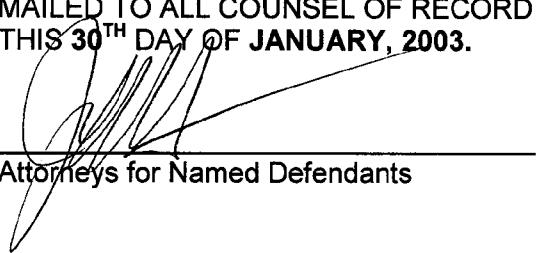
NOTICE OF SERVICE OF
SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 30TH DAY OF JANUARY, 2003.



Attorneys for Named Defendants

FILED

JAN 31 2003

William A. Shaw
Prothonotary

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and PENNSYLVANIA	IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife,	
Plaintiffs	
vs.	No. 2001 - 559 - CD
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation,	
Defendants	
vs.	
SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE,	
Additional Defendants.	JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF SUPPLEMENTAL RESPONSES TO PLAINTIFFS'
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: PROTHONOTARY

You are hereby notified that on the 30TH day of JANUARY, 2003, Defendants, Kim Wanson and DuBois Regional Medical Center, served Supplemental Responses to Plaintiffs' First Request for Production of Documents, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Nicholas F. Lorenzo, Jr., Esquire
LORENZO & GIANVITO, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendants, KIM WANSON
and DUBOIS REGIONAL MEDICAL
CENTER

JOHN L. MCINTYRE, ESQUIRE
PA I.D #: 28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

FILED

NO
M 11-2284
JAN 3 1 2003

CC
S
FED

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

No. 2001 - 559 - CD

ISSUE:

NOTICE OF SERVICE OF
SUPPLEMENTAL ANSWERS TO
PLAINTIFFS' INTERROGATORIES

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

John L. McIntyre, Esquire
MCINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 28TH DAY OF FEBRUARY, 2003.

Michael John L. McIntyre, Esq.
Attorneys for Named Defendants

FILED

MAR 03 2003

William A. Shaw
Prothonotary

WILLIAM L. WINGARD, an individual; : IN THE COURT OF COMMON PLEAS
SUSAN R. WINGARD, an individual; and : CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife,

Plaintiffs

vs.

No. 2001 - 559 - CD

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF SUPPLEMENTAL ANSWERS TO
PLAINTIFFS' INTERROGATORIES**

TO: PROTHONOTARY

You are hereby notified that on the 28TH day of FEBRUARY, 2003, Defendants,
Kim Wanson and DuBois Regional Medical Center, served Supplemental Answers to
Plaintiffs' Interrogatories, by mailing the original of same via First Class U.S. Mail,
postage prepaid, addressed to the following:

Nicholas F. Lorenzo, Jr., Esquire
LORENZO & GIANVITO, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

McINTYRE, DUGAS, HARTYE & SCHMITT

John L. McIntyre /mas
Attorneys for Defendants, KIM VANSON
and DUBOIS REGIONAL MEDICAL
CENTER

JOHN L. MCINTYRE, ESQUIRE
PA I.D #: 28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

FILED

NO
cc

MAR 11 2003
MAR 03 2003
EKA

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
NOTICE OF DEPOSITION

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

MAR 07 2003

11:30 AM (243)
m/
William A. Shaw
Prothonotary
3 clear to Atty

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

NOTICE OF DEPOSITION

TO: **RENE MOORE, RN**
c/o **FREDERIC ROLLER, ESQ.**
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103

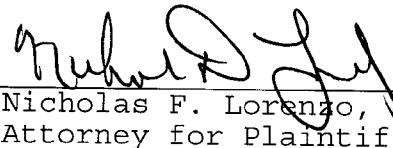
PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, **WILLIAM L. WINGARD, et ux**, plaintiffs herein, give notice that the deposition of **RENE MOORE, RN**, will be taken on **Tuesday, April 22, 2003, beginning at 1:00 p.m.**, at Dubois Regional Medical Center, Dubois, Pa., 15801.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 3/5/03

BY:


Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March, 2003, true and correct copies of the foregoing Notice of Deposition were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggins
1845 Walnut St.
Philadelphia, PA 19103

Sargent Court Reporting
210 Main Street
Johnstown, PA 15901


Nicholas F. Lorenzo, Jr., Esq.

2003.03.05 AM

WES
VIA CERTIFIED MAIL

FILED

MAR 07 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
NOTICE OF DEPOSITIONS

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

MAR 07 2003

William A. Shaw
Prothonotary
RDA

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

~~MAR 07 2003~~

~~Attest.~~

~~John A. Shaw
Prothonotary/
Clerk of Courts~~

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

NOTICE OF DEPOSITIONS

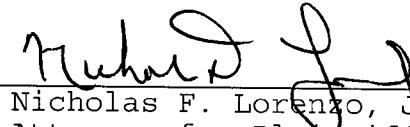
TO: **KIM WANSON, RN**
PRISCILLA MUTH, RN
c/o JOHN L. MCINTYRE, ESQ.
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, **WILLIAM L. WINGARD, et ux**, plaintiffs herein, give notice that the depositions of **KIM WANSON, RN**, and **PRISCILLA MUTH, RN**, will be taken on **Tuesday, April 22, 2003, beginning at 10:00 a.m.**, at Dubois Regional Medical Center, Dubois, Pa., 15801.

The depositions will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 3/05/03

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

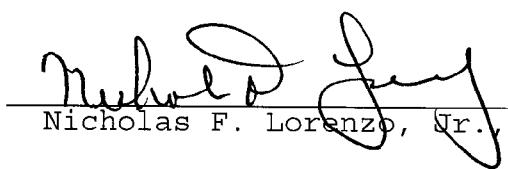
I hereby certify that on the 5th day of March, 2003, true and correct copies of the foregoing Notice of Depositions were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103

Sargent Court Reporting
210 Main Street
Johnstown, PA 15901



Nicholas F. Lorenzo, Jr., Esq.

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

: No. 2001 – 559 – CD

: **ISSUE:**

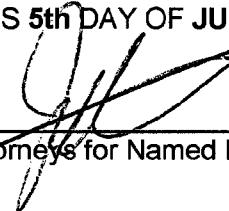
: NOTICE OF SERVICE OF
INTERROGATORIES DIRECTED
TO ADDITIONAL DEFENDANTS
DATED: 6/5/03

: **Filed on Behalf of Defendants,**
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

: **Attorney of Record for These Parties:**

: John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 5th DAY OF JUNE 2003.



Attorneys for Named Defendants

FILED

JUN 06 2003

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; : No. 2001 – 559 – CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
:

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :

Defendants

vs.

SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE, :

Additional Defendants. : JURY TRIAL DEMANDED

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

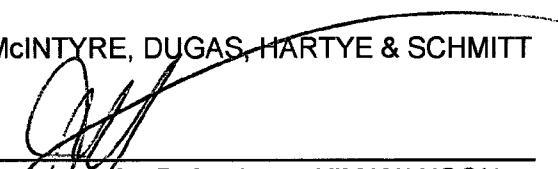
TO: PROTHONOTARY

You are hereby notified that on the 5th day of June, 2003, Defendants, Kim Wanson and DuBois Regional Medical Center, served Interrogatories and Request for Production of Documents on the Additional Defendants, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

John W. Blasko, Esquire
McQuaide, Blasko Schwartz,
Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801
(Attorney for Sanjeen Anand, M.D.)

Frederick Roller, Esquire
Marshall, Dennehey, Warner
Coleman & Goggin, PC
1845 Walnut Street
Philadelphia, PA 19103-4797

McINTYRE, DUGAS, HARTYE & SCHMITT


Attorneys for Defendants, KIM WANSON
and DUBOIS REGIONAL MEDICAL
CENTER
JOHN L. MCINTYRE, ESQUIRE
PA I.D #: 28015
P.O. Box 533
Hollidaysburg, PA 16648-0533

RECEIVED
NOV 12 2003
JUL 8 2003
EPA

A. Shaw
Notary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
RESCHEDULED NOTICE OF DEPOSITIONS

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

AUG 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual, and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

RESCHEDULED NOTICE OF DEPOSITIONS

TO: **KIM WANSON, RN**
PRISCILLA MUTH, RN
c/o JOHN L. MCINTYRE, ESQ.
P.O. Box 533
Hollidaysburg, PA 16648

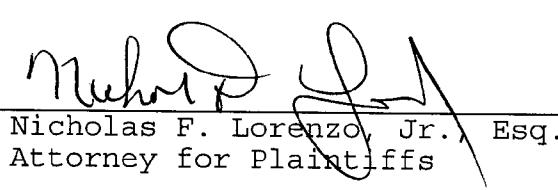
PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, **WILLIAM L. WINGARD, et ux**, plaintiffs herein, give notice that the depositions of **KIM WANSON, RN**, and **PRISCILLA MUTH, RN**, will be taken on **Thursday, September 18, 2003, beginning at 10:00 a.m.**, at Dubois Regional Medical Center, Dubois, Pa., 15801.

The depositions will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 8/13/03

BY:


Nicholas F. Lorenzo, Jr. Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of August, 2003, true and correct copies of the foregoing Rescheduled Notice of Depositions were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggins
1845 Walnut St.
Philadelphia, PA 19103

Sargent Court Reporting
210 Main Street
Johnstown, PA 15901



Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
RESCHEDULED NOTICE OF DEPOSITION

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

AUG 14 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

RESCHEDULED NOTICE OF DEPOSITION

TO: RENE MOORE, RN
c/o **FREDERIC ROLLER, ESQ.**
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules of Civil Procedure, **WILLIAM L. WINGARD, et ux**, plaintiffs herein, give notice that the deposition of **RENE MOORE, RN**, will be taken on **Thursday, September 18, 2003, beginning at 1:00 p.m.**, at Dubois Regional Medical Center, Dubois, Pa., 15801.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 8/13/03

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of August, 2003, true and correct copies of the foregoing Rescheduled Notice of Deposition was forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggins
1845 Walnut St.
Philadelphia, PA 19103

Sargent Court Reporting
210 Main Street
Johnstown, PA 15901



Nicholas F. Lorenzo Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - CIVIL

No. 2001-559-CD

Type of Pleading -
PRAECIPE FOR TRIAL LIST

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

DEC 23 2003

Vernon A. Smith
Prothonotary - Clerk of Courts

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

PRAECIPE FOR TRIAL LIST

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next available
trial list.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 12/22/03

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

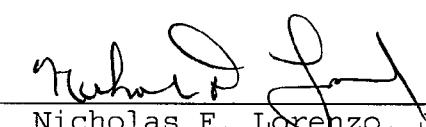
CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2003, true and correct copies of the foregoing Praeclipe for Trial List were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103



Nicholas F. Lorenzo, Jr., Esq.

FILED
m
DEC 23 2003
cc
Copy to CIA
William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 - 559 - CD

: **ISSUE:**
OBJECTIONS TO PRAECIPE FOR
TRIAL LIST

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

: **Filed on Behalf of Defendants,**
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Defendants

vs.

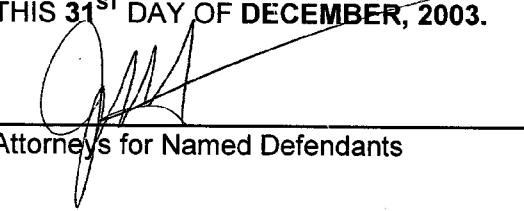
SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

: **Attorney of Record for These Parties:**

: John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

Additional Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 31ST DAY OF DECEMBER, 2003.



Attorneys for Named Defendants

FILED

JAN 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

OBJECTIONS TO PRAECIPE FOR TRIAL LIST

AND NOW, come the Defendants, KIM WANSON, an individual, and DUBOIS
REGIONAL MEDICAL CENTER, and file the following Objections to the Plaintiffs' listing
of the case for trial and in support set forth the following:

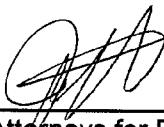
1. Plaintiffs' counsel never certified that all discovery was completed.
2. Discovery has not been completed, and in fact, the plaintiffs' depositions
need to be taken.
3. The plaintiffs have not yet produced an expert report and the same is
required in this medical malpractice case.

4. In addition to the depositions of the plaintiffs, the deposition of Dr. Anand needs to be scheduled and taken.

WHEREFORE, the Defendants, KIM WANSON and DUBOIS REGIONAL MEDICAL CENTER, respectfully request that the Praecipe for Trial List be dismissed and the case not placed on the next trial list.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

By 

Atorneys for Defendants,
KIM WANSON and DUBOIS
REGIONAL MEDICAL CENTER

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

FILED
M 1-30-04
JAN 05 2004
William A. Shaw
Prothonotary/Clerk of Courts
copy to CIA
EAS

CH

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

WILLIAM L. WINGARD, an individual; :
SUSAN R. WINGARD, an individual, and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife :
: vs. : No. 01-559-CD
: :
KIM WANSON, an individual, and :
DUBOIS REGIONAL MEDICAL :
CENTER, a corporation :
: vs. :
: :
SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE :
:

FILED

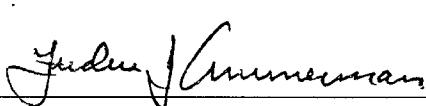
JAN 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

OR D E R

NOW, this 13th day of January, 2004, upon consideration of
Attorney McIntyre's Objections to Praeclipe for Trial List, a Rule is hereby issued
upon the parties to Appear and Show Cause why the Objections should not be
granted. Rule Returnable is scheduled the 3 day of February,
2004, at 9:30 A.M. in Courtroom No. (), Clearfield County
Courthouse, Clearfield, PA.

BY THE COURT:



Judge

FILED

4CC-40 Aff. McIntyre
014-0004
JAN 13 2004

cc: memo re: service
William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
Plaintiffs : ISSUE:
vs. : AFFIDAVIT OF SERVICE

KIM WANSON, an individual; and : Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL CENTER, : DUBOIS REGIONAL MEDICAL
a corporation, : CENTER and KIM WANSON

Defendants : Attorney of Record for These Parties:

vs. : John L. McIntyre, Esquire
SANJEEAN ANAND, M.D. and : McINTYRE, DUGAS, HARTYE
GAMBRO HEALTH CARE, : & SCHMITT
Additional Defendants : PA. ID. No. 28015
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

FILED

JAN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

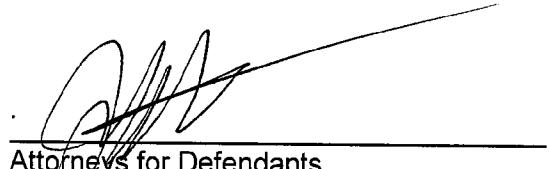
WILLIAM L. WINGARD, an individual;	:	No. 2001 – 559 – CD
SUSAN R. WINGARD, an individual; and	:	
WILLIAM L. WINGARD and SUSAN R.	:	
WINGARD, as husband and wife,	:	
Plaintiffs		
vs.	:	
KIM WANSON, an individual; and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
a corporation,	:	
Defendants		
vs.	:	
SANJEEAN ANAND, M.D. and	:	
GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

AFFIDAVIT OF SERVICE

I, John L. McIntyre, Esquire, hereby certify that on January 19, 2004 I served a true and correct copy of the Court's Order and Rule to Show Cause scheduling the Defendants' Objections to Praecept for Trial List for argument on February 3, 2004, at 9:30 a.m. on behalf of Defendants, DuBois Medical Center and Kim Wanson, on all counsel for the parties in the above matter. The same was served by U.S. Mail, postage prepaid, together with a cover letter.

Attached hereto and made a part hereof and marked Exhibit "A", is a true and correct copy of said correspondence directed to all counsel enclosing the Court's Order and Rule to Show Cause.

MCINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendants
DuBois Medical Center and
Kim Wanson

JOHN L. MCINTYRE, ESQUIRE
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

LAW OFFICES
McINTYRE, DUGAS, HARTYE & SCHMITT

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

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

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

January 19, 2004

Our Reference: MIIX 107 MH

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo & Gianvito, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

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

Frederic Roller, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin, PC
1845 Walnut Street
Philadelphia, PA 19103-4797

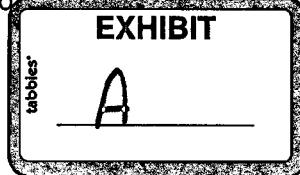
Re: William L. Wingard and Susan R. Wingard vs. Kim Wanson
and DuBois Regional Medical Center
No. 2001 – 559 CD Clearfield County

Dear Counsel:

I am sending each of you a certified copy of Judge Ammerman's Order of January 13, 2004 placing the above case on the Argument List for February 3, 2004 at 9:30 AM in Clearfield. The Rule is returnable as to the Objections which I filed with regard to Plaintiffs' listing this case for trial. The Court has instructed me to send each of you a copy of the Rule and Order.

I am hopeful that we will have the Stipulation signed so as to avoid this hearing. I trust from Attorney Lorenzo's agreement, that it should not be necessary for anyone to go to Clearfield.

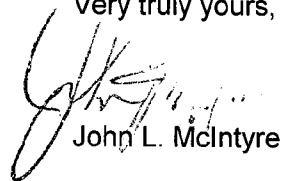
You will also find enclosed a copy of the Affidavit which I filed with the Court, pursuant to the motions practice in Clearfield.



January 19, 2004
Page 2

Thank you for your cooperation.

Very truly yours,



A handwritten signature in black ink, appearing to read "John L. McIntyre".

John L. McIntyre

JLM:lms

Enclosures

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

WILLIAM L. WINGARD, an individual; :
SUSAN R. WINGARD, an individual, and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife :
: vs. : No. 01-559-CD
: :
KIM WANSON, an individual, and :
DUBOIS REGIONAL MEDICAL :
CENTER, a corporation :
: vs. :
: :
SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE :
:

ORDER

NOW, this 13th day of January, 2004, upon consideration of Attorney McIntyre's Objections to Praeclipe for Trial List, a Rule is hereby issued upon the parties to Appear and Show Cause why the Objections should not be granted. Rule Returnable is scheduled the 3 day of February, 2004, at 9:30 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

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

/s/ Fredric J. Ammerman

Judge

JAN 13 2004

Attest.

W.L.A.
Prothonotary/
Clerk of Courts

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 - 559 - CD

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

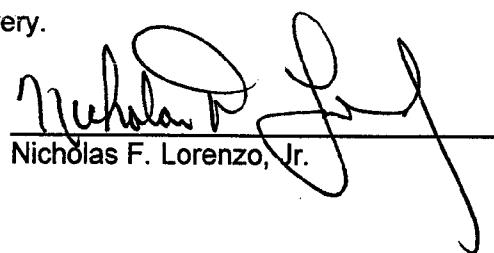
SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

: JURY TRIAL DEMANDED

STIPULATION TO REMOVE CASE FROM CURRENT TRIAL LIST

AND NOW, this _____ day of January, 2004, it is hereby agreed and
stipulated by and amongst all counsel that the case is to be removed from the current
trial list to allow for the completion of discovery.



Nicholas F. Lorenzo, Jr.

Frederick Roller, Esquire

John W. Blasko, Esquire

John L. McIntyre, Esquire

FILED

JAN 23 2004

William A. Shaw
Prothonotary

FILED
M 10:33 AM NOV 2004

JAN 23 2004

William A. Shaw
Prothonotary

Lorenzo, Gianvito & Lavelle, P.C.

Attorneys at Law

410 West Mahoning Street

P.O. Box 495

Punxsutawney, PA 15767

Nicholas F. Lorenzo, Jr.

Nicholas Gianvito

Patrick Lavelle

(814) 938-6390 phone

(814) 938-6412 fax

January 21, 2004

Hon. Fred Ammerman
Courthouse
P.O. Box 549
Clearfield, PA 16830

Re: Wingard vs. Kim Wanson, et al.
No. 2001-559-CD

Dear Judge Ammerman:

The purpose of this letter is to inform the court that we received a Motion, presented on January 13, 2004, to strike the above-entitled matter from the trial list. This Motion was presented on January 13th and received by us on January 21st. We have executed a Stipulation, a copy of which is attached hereto. This Stipulation is being circulated among all counsel of record, and provides that the case, by agreement, is removed from the trial list. This is to inform the court and eliminate any inconvenience to the court in this matter.

Thank you for your time and attention in this matter.

Sincerely yours,



Nicholas F. Lorenzo, Jr.

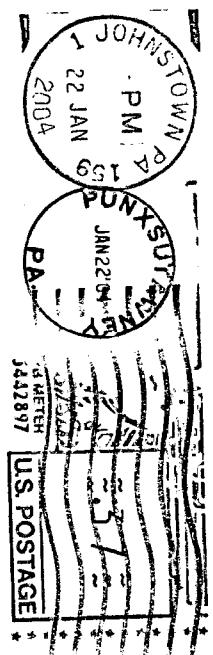
Enclosures

cc: John L. McIntyre, Esq.
John W. Blasko, Esq.
Frederic Roller, Esq.

Lorenzo, Gianvito & Lavelle, PC
410 W. Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767

Hon. Fred Ammerman
Courthouse
P.O. Box 549
Clearfield, PA 16830

16830-0549 05



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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

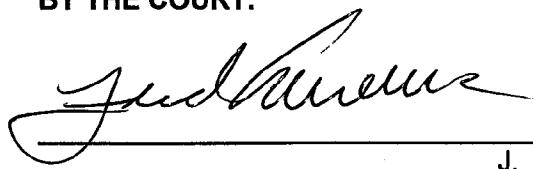
Additional Defendants.

JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this 28 day of January, 2004, pursuant to the Stipulation of
counsel, the above case is to be removed from the current trial list to allow for the
completion of discovery. The case will be relisted by one or more of the parties, after
discovery has been completed.

BY THE COURT:



J.

FILED

JAN 28 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

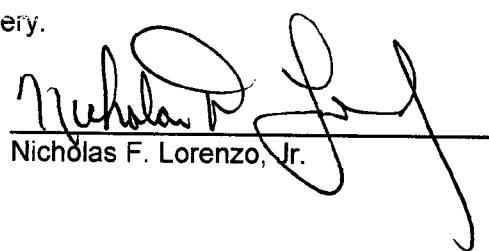
SANJEEN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

STIPULATION TO REMOVE CASE FROM CURRENT TRIAL LIST

AND NOW, this 28th day of January, 2004, it is hereby agreed and
stipulated by and amongst all counsel that the case is to be removed from the current
trial list to allow for the completion of discovery.



Nicholas F. Lorenzo, Jr.

Frederick Roller, Esquire

John W. Blasko, Esquire

John L. McIntyre, Esquire

FILED
M 10.5084 NO
FEB 02 2004
cc

William A. Shaw
Clerk of Courts

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

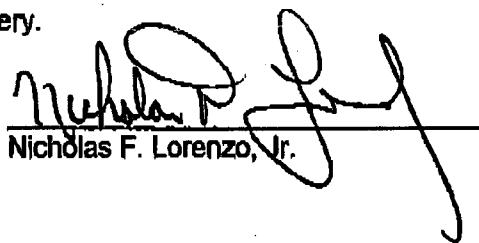
SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

STIPULATION TO REMOVE CASE FROM CURRENT TRIAL LIST

AND NOW, this _____ day of January, 2004, it is hereby agreed and
stipulated by and amongst all counsel that the case is to be removed from the current
trial list to allow for the completion of discovery.


Nicholas F. Lorenzo, Jr.

Frederick Roller, Esquire


John W. Blasko, Esquire

John L. McIntyre, Esquire

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

No. 2001 - 559 - CD

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

STIPULATION TO REMOVE CASE FROM CURRENT TRIAL LIST

AND NOW, this _____ day of January, 2004, it is hereby agreed and
stipulated by and amongst all counsel that the case is to be removed from the current
trial list to allow for the completion of discovery.

Nicholas F. Lorenzo, Jr.



Frederick Roller, Esquire

John W. Blasko, Esquire

John L. McIntyre, Esquire

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation,

Defendants

vs.

SANJEEN ANAND, M.D. and :
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this _____ day of January, 2004, pursuant to the Stipulation of
counsel, the above case is to be removed from the current trial list to allow for the
completion of discovery. The case will be relisted by one or more of the parties, after
discovery has been completed.

BY THE COURT:

J.

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 – 559 – CD

ISSUE:

NOTICE OF DEPOSITIONS

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Defendants

vs.

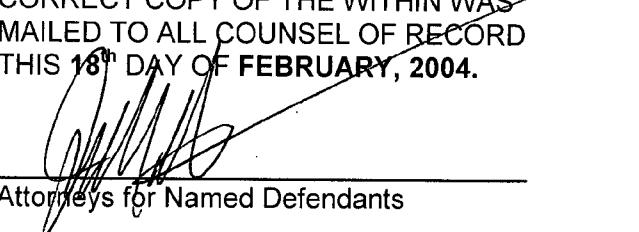
SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Attorney of Record for These Parties:

Additional Defendants

John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 18th DAY OF FEBRUARY, 2004.



Attorneys for Named Defendants

FILED

FEB 20 2004

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife,	:	No. 2001 – 559 – CD
Plaintiffs		
vs.	:	
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation,	:	
Defendants		
vs.	:	
SANJEEN ANAND, M.D. and GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

NOTICE OF DEPOSITIONS

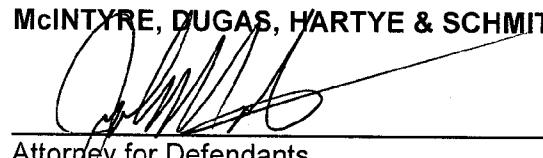
TO: William L. Wingard and Susan R. Wingard
c/o Nicholas F. Lorenzo, Jr., Esquire
P.O. Box 495
Punxsutawney, PA 15767

Please take notice that the depositions of **Plaintiffs, WILLIAM L. WINGARD and SUSAN R. WINGARD** shall be taken upon oral examination by an official Court Reporter at **DUBOIS REGIONAL MEDICAL CENTER, 100 Hospital Avenue, DuBois, PA** on the **6th day of MAY, 2004**, commencing at **9:30 a.m.**

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

You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendants,
DUBOIS REGIONAL MEDICAL CENTER
and KIM WANSON

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

FILED

in 114 SA No 11
FEB 20 2004

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 – 559 – CD

ISSUE:

NOTICE OF DEPOSITION

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Defendants

vs.

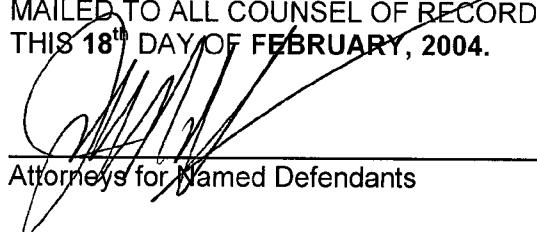
SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Attorney of Record for These Parties:

Additional Defendants

John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE
& SCHMITT
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 18th DAY OF FEBRUARY, 2004.



Attorneys for Named Defendants

FILED

FEB 20 2004

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants. : JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Sanjeen Anand, M.D.
c/o John Blasko, Esquire
811 University Drive
State College, PA 16801

Please take notice that the deposition of **Additional Defendant,**
SANJEEAN ANAND, M.D., shall be taken upon oral examination by an official Court
Reporter at **DUBOIS REGIONAL MEDICAL CENTER, 100 Hospital Avenue, DuBois,**
PA on the **6th** day of **MAY, 2004**, commencing at **2:00 p.m.**

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

You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendants,
DUBOIS REGIONAL MEDICAL CENTER
and KIM WANSON

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

FILED
in 114 mat doc
FEB 20 2004 *EP*

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that the original Answers to Defendants DuBois Regional Medical Center and Kim Wanson's Interrogatories , in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 29th day of April, 2004, to John L. McIntyre, P.O. Box 533, Hoilidaysburg, PA 16648 and true and correct copies of same to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767, and Frederic Roller, 1845 Walnut Street, Philadelphia, PA 19103-4797.

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

By:

JOHN W. BLASKO
Attorneys for Defendant
Sanjeev Anand, M.D.

FILED

APR 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
Plaintiffs,)
vs.) JURY TRIAL DEMANDED
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
Defendants,)
vs.)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that the original Responses to Defendants DuBois Regional Medical Center and Kim Wanson's Request for Production of Documents, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 29th day of April, 2004, to John L. McIntyre, P.O. Box 533, Hollidaysburg, PA 16648 and true and correct copies of same to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767, and Frederic Roller, 1845 Walnut Street, Philadelphia, PA 19103-4797.

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

By: 
JOHN W. BLASKO
Attorneys for Defendant

FILED

APR 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading - **FIRST
SUPPLEMENTAL RESPONSE TO
DISCOVERY REQUESTS**

Filed on Behalf of - **PLAINTIFFS**

Filed by -

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

FILED

JUN 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

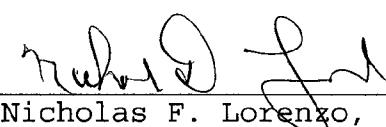
PLAINTIFFS' FIRST SUPPLEMENTAL RESPONSE
TO DISCOVERY REQUESTS OF DEFENDANTS

AND NOW, come the plaintiffs, **WILLIAM L. WINGARD, et ux.**, by
and through their counsel, **NICHOLAS F. LORENZO, JR., ESQ.**, and
LORENZO, GIANVITO & LAVELLE, P.C., and file the following First
Supplemental Response to Discovery Requests of Defendants:

1. Attached hereto are handwritten notes of plaintiff,
WILLIAM L. WINGARD, setting forth a chronology of events occurring
7/19/99 through 8/8/99.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 6/8/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

①

7/19/99 3:00 PM did exchange noticed
I forgot to put on mini cap at last
exchange at 12:00 PM. Finished
exchange and called Revive. She called
Dr. Anand. He said to go to
DRMC west ER. + have Transfer
set replaced. Revive call hospital
& they told her they had everything
necessary to change transfer set.
I was to take a bag + supplies to
do an exchange there. They would
add an antibiotic to the solution.

5:30 PM Arrived at DRMC west
went to Admissions desk.

6:00 PM Arrived on 4th floor -
short procedure unit. They told
me 2 nurse from 3rd floor was
coming up to change the transfer
set

7/19/99

(2)

7:15 pm Nurse Kim Watson arrived

with an armload of supplies incl.

2 large pans about the size of bedpans

I told her this only required a small

over size cup to soak the set. She

would have needed a quart of beddive

to soak the set in those pans. She

said she would try to find the

proper pan.

7:30 PM. Kim came back said they

didn't have proper pan. Brought

a plastic gauze container about

3 inches square. Looked ok to use.

Kim placed 2 sizzor like clamp

on my tubing about $1\frac{1}{4}$ inches

from my cut site. She proceeded

to soak & install new transfer

set. Upon completion she removed

clamp & saw she had cut the

tubing. She said we have a major

(3)

problem & went to get her supervisor. Her supervisor arrived, took a look at the tubing and said this was a mistake on their part. They would take care of it, their risk management people would call me in the morning. They left to call Dr. Avard. After they talked to him they returned & said they were to draw the fluid out - clamp it off & I could go home & call Dr. Avard in the morning.

8:30 PM. Kim started to hook me up to a draw bag & the connectors were different. She didn't know what was wrong. I looked at it & the connector was a spike not a screw type. She went to look for a screw type. When she returned she said they didn't have any proper transfer sets. They had

(4)

to call Gambio to open up & they would send a courier to pick it up.

9:30 New transfer set arrived. Kim installed it & we started a drain.

10:10 PM Drain was complete. Kim wanted to send me home with the sissor clamp on. I told her it would be dangerous to have that on, I could loose it or stab my self. She said that's all they had. I got in my box & put a blue clamp on & that I had small white clamps at home made for this tubing. She had never heard of them.

11:00 PM Left hosp. to go home.

11:30 PM Arrived home & changed to white clamps.

7/20/99

(5)

7:45 AM. Rover called to see how I made out. I told her all that happened. She told me that when she called there yesterday they said they had all supplies necessary to do procedure. She would call Dr. Anand.

9:00 AM. Dr. Anand called said he heard what happened & was very angry. He said there was a PD Nurse on call & the hospital told her not to come in & that they had everything under control. He told me to call Dr. Lundgren a surgeon to see if my cath could be repaired or needed replaced. I informed him I was contacting by lawyer.

10:30 AM. Rover called back & said Dr. Lundgren was in surgery & they

(1)

7/20/

weren't sure if I could see him today. At this point he feels I am at high risk of infection. I may have to go 2 days without dialysis.

3:15 pm ³⁷⁵⁻³³⁸⁹ Greg Volpe called from PRME. Said there will be no cost for any procedures done. They will not B.I. Blue Cross

7/21/99 Dr Anand told me to go to PRME ER to him & Dr Lundgren to see if tubing can be repaired. Arrived at ER 11:30. Dr Lundgren was able to patch tubing. Did 2 exchanges & a fill with an antibiotic. Left about 3:15

4:00 pm Have pain in abdomen went to CIFL ER about 5:30

7/21/99 Cont

(7)

They did blood work & exchanges to test drain. I have a temp of 99. It appears I have peritonitis & serious infection. Dr. ANNE was consulted. Will go home & contact Renée in the morning. Arrived home at 11:30 pm.

7/22/99 Happy birthday!

8PM Still had pain. Talled to Renée & she will try to get fast results to start treatment. In the meantime I will take medicine to boys & take an oral antibiotic.

10AM Called Greg Volpe they will pay ER bill at CED hosp. over & above whatever Blue Cross doesn't pay. Also will pay for antibiotics in the future.

⑧

10:15 AM

Called CIFD hospital Admissions

Key, they will call Greg.

7/23/99 Friday. Some pain during day

After mid-night intense pain

7/24/99 Sat. morning. Pain to severe to
take. Went to DRINC ER. Admitted

8/5/99 Thur. Ret'd home spent 12 days
at hosp in misery.

8/8 Sun. No pain but am very weak.
Legs not strong

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2004, true and correct copies of the foregoing First Supplemental Response to Discovery Requests of Defendants were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103



Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
PRAECIPE FOR TRIAL LIST

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED

JUL 01 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

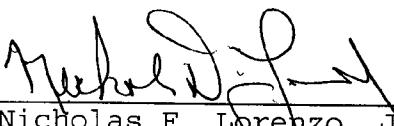
PRAECIPE FOR TRIAL LIST

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next available
trial list.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 6/29/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

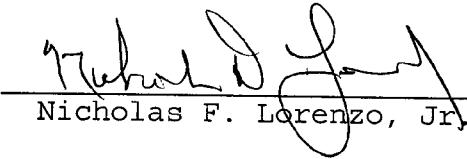
CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2004, true and correct copies of the foregoing Praeclipe for Trial List were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103


Nicholas F. Lorenzo, Jr., Esq.

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 – 559 – CD
: **ISSUE:**
: PRAECIPE FOR ARGUMENT LIST

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Attorney of Record for These Parties:

Additional Defendants

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

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 6th DAY OF JULY, 2004.

Heather A. Harrington
Atorneys for Named Defendants

FILED

JUL 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife,	:	No. 2001 – 559 – CD
Plaintiffs		
vs.	:	
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation,	:	
Defendants		
vs.	:	
SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

PRAECIPE

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is **Motion to Strike Case from Trial List/Motion to Compel Production of Expert Reports** on behalf of Defendants, Kim Wanson and DuBois Regional Medical Center.

McINTYRE, DUGAS, HARTYE & SCHMITT

By Heather A. Harrington

Attorneys for Defendants
Kim Wanson and DuBois
Regional Medical Center

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

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants

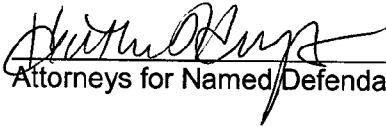
: No. 2001 – 559 – CD
: **ISSUE:**
: MOTION TO STRIKE CASE FROM
: TRIAL LIST/MOTION TO COMPEL
: PRODUCTION OF EXPERT REPORTS

: **Filed on Behalf of Defendants,**
: DUBOIS REGIONAL MEDICAL
: CENTER and KIM WANSON

: **Attorney of Record for These Parties:**

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

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 6th DAY OF JULY, 2004.



Atorneys for Named Defendants

FILED

JUL 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; : No. 2001 - 559 - CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :

Defendants

vs.

SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE, :

Additional Defendants.

: JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this _____ day of _____, 2004, upon
consideration of the defendants' Motion to Strike the Case from the Trial List, it is hereby
ORDERED, DIRECTED and DECREED that said Motion is granted. This matter is
hereby struck from the Trial List. It shall not be relisted until a subsequent Praecept for
Trial List is filed by one of the parties.

BY THE COURT:

J.

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

WILLIAM L. WINGARD, an individual; : No. 2001 – 559 – CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
:

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :

Defendants

vs.

SANJEEN ANAND, M.D. and :
GAMBRO HEALTH CARE, :

Additional Defendants.

: JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this _____ day of _____, 2004, after
consideration the of defendants' Motion to Compel Production of Expert Reports, it is
hereby ORDERED, DIRECTED and DECREED that said Motion is granted. Plaintiffs
shall produce to all parties full and complete copies of any expert reports and Curriculum
Vitaes of any individual whom they expect to call as expert witnesses at time of trial
within 20 days of the date of this Order. Failure to comply with this Order shall result in

the preclusion of testimony by any individual who has not been identified and whose report and Curriculum Vitae have not been produced by the deadline set above.

BY THE COURT:

J.

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

WILLIAM L. WINGARD, an individual; : No. 2001 – 559 – CD
SUSAN R. WINGARD, an individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
:

Plaintiffs

vs.

KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :
:

Defendants

vs.

SANJEEN ANAND, M.D. and :
GAMBRO HEALTH CARE, :
:

Additional Defendants. : JURY TRIAL DEMANDED

**MOTION TO STRIKE CASE FROM TRIAL LIST/
MOTION TO COMPEL PRODUCTION OF EXPERT REPORTS**

AND NOW, come Defendants, KIM WANSON and DUBOIS REGIONAL MEDICAL CENTER, by and through their counsel, McINTYRE, DUGAS, HARTYE & SCHMITT, and file the within Motion to Strike Case from Trial List/Motion to Compel Production of Expert Reports.

1. Plaintiffs filed this medical malpractice action in 2001 alleging that Ms. Wanson was negligent in caring for William Wingard's peritoneal dialysis kit at the emergency room of DuBois Regional Medical Center.

2. All allegations of negligence on behalf of the defendants are denied.
3. The defendants joined as additional defendants Dr. Anand and Gambrone Healthcare alleging that the actions of the additional defendants were the sole cause of any alleged injury to the plaintiffs.
4. On or about June 29, 2004, counsel for plaintiffs mailed a Praecept to place this matter on the trial list to the Court and all counsel.
5. This Praecept for Trial List was received in the offices of defense counsel on July 1, 2004.
6. Clearfield County Rule of Local Procedure 212.2 sets forth the requirements for filing a Praecept to list a matter for trial.
7. This rule requires that the Praecept certify that all discovery has been completed and the case is ready for trial. (212.2(a)(1)).
8. The Praecept for Trial List as filed by the plaintiffs failed to properly certify that discovery in this matter has been completed and that the case is ready for trial.
9. In fact, discovery has not been completed.
10. Specifically, on December 6, 2001, the defendants filed Interrogatories on the plaintiffs.
11. Interrogatories Nos. 39 through 41 requested that plaintiffs identify any expert whom they may call as a witness at trial and to produce reports and Curriculum Vitae of those individuals. (A copy of Interrogatories Nos. 39 through 41 and plaintiffs' Answers to same are attached hereto, marked as Exhibit "A" and incorporated by reference.)

12. To date, plaintiffs have failed to identify any individual whom they will rely upon to testify at trial and/or produce any expert report or C.V. of such an individual, although their responses to Interrogatories indicated that they would do so.

13. Before discovery is complete and the matter is ready for trial, plaintiffs must produce an expert report to establish that they will be able to uphold their burden of proof and present a question for jury determination.

14. Since plaintiffs have failed to produce an expert report, the discovery in this matter is not complete nor is the case ready for trial and the matter should be struck from the trial list.

15. This matter has not been listed for trial previously.

16. In the alternative to striking this matter from the trial list, these defendants respectfully request that this Honorable Court direct that the plaintiffs must produce reports and Curriculum Vitae of all experts whom they intend to present at trial, pursuant to the Pennsylvania Rules of Civil Procedure, within 20 days from the date of the Court's Order.

WHEREFORE, Defendants, Kim Wanson and DuBois Regional Medical Center, respectfully request that this Honorable Court grant their Motion to Strike the Case from the Trial List or, in the alternative, grant the defendants' Motion to Compel and direct that plaintiffs must provide to all parties full and complete copies of any and all reports and Curriculum Vitae from any individual they intend to present as an expert to testify at time of trial within 20 days from the Court's Order.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By Heather Harrington
Attorneys for Defendants,
KIM WANSON and DUBOIS
REGIONAL MEDICAL CENTER

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
ANSWERS TO INTERROGATORIES

Filed on Behalf of - **PLAINTIFFS**

Filed by -

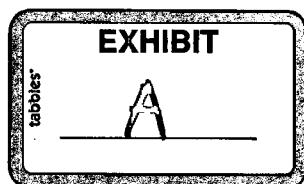
KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED



37. If the answer to the preceding Interrogatory is affirmative, please furnish a copy of each such statement or attach a copy of each such statement to the answers to these Interrogatories.

ANSWER: N/A

38. Kindly execute the attached authorizations and return with the answers to these Interrogatories. Redrafted executed authorizations are attached.

39. Do you expect to call an expert witness at trial?

ANSWER: Yes.

40. If the answer to the preceding Interrogatory is affirmative, please state the following:

- (a) Identify (name, address and name of employer) of each such person whom you expect to call as an expert witness;
- (b) State the subject matter on which each such expert witness is expected to testify;
- (c) State the substance of the facts to which each such expert witness is expected to testify;

(d) State the substance of the opinions to which each such expert is expected to testify;

(e) State the grounds for each opinion (indicating specific facts and, where applicable, scientific principles).

ANSWER: Not yet determined; plaintiffs will supplement their response to this interrogatory.

41. State separately and with particularity all facts supporting the contentions set forth in the preceding Interrogatory and the name and address of each and every witness who may be called to testify in support of these contentions.

ANSWER: See response to #40

42. List all public collateral sources of compensation or benefits paid to-date or to be paid in the future as a result of the alleged negligence set forth in Plaintiff's Complaint. For each such source of benefits, please state:

(a) the periods of time during which such payments were received;

(b) the exact nature of the public collateral source of compensation under which payments were received;

(c) the name and address of the payor;

(d) the basis or reason for the payment;

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

WILLIAM L. WINGARD, an :
individual; SUSAN R. WINGARD, an :
individual; and WILLIAM L. :
WINGARD and SUSAN R. :
WINGARD, as husband and wife :
:
vs. : No. 01-559-CD
:
KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL :
CENTER, a corporation :
:
vs. :
:
SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE :
:

ORDER

AND NOW, this 9 day of July, 2004, upon consideration of
Attorney Harrington's Motion to Strike Case from Trial List/Motion to Compel
Production of Expert Reports in the above matter, a Rule is hereby issued upon the
parties to Appear and Show Cause why the Motion should not be granted.
Argument is, scheduled the 29 day of July, 2004, at
10:30 A.M. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, PA.

FILED

BY THE COURT:

Fred
FREDRIC J. CAMMERMAN
President Judge

JUL 12 2004
012-001
William A. Shaw
Frothonotary
ccmr to mcintire
wmcne

ccmr to blasio
longo
rouge

FILED

JUL 12 2004

William A. Shaw
Prothonotary

WAS: J.P. 7/12/04
V.A. 7/12/04

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 – 559 – CD

: **ISSUE:**
CERTIFICATE OF SERVICE

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

: **Filed on Behalf of Defendants,**
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

: **Attorney of Record for These Parties:**

Additional Defendants

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

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 13th DAY OF JULY, 2004.

Heather A. Harrington
Atorneys for Named Defendants

FILED

JUL 14 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; : No. 2001 – 559 – CD
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Additional Defendants.

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

TO: PROTHONOTARY

You are hereby notified that on the **13th day of July, 2004**, counsel for Defendants, DUBOIS REGIONAL MEDICAL CENTER and KIM WANSON, served a copy of Judge Ammerman's Order of July 9, 2004, scheduling a hearing on the Motion to Strike Case from Trial List/Motion to Compel Production of Expert Reports for July 29, 2004 at 10:30 a.m. in Courtroom #1 of the Clearfield County Courthouse, Clearfield, PA upon all counsel of record and the Court Administrator by mailing a copy of same via First Class Mail, postage prepaid, addressed as follows:

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo & Gianvito, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

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

Frederic Roller, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin, PC
1845 Walnut Street
Philadelphia, PA 19103-4797

Office of the Court Administrator
Court of Common Pleas of
Clearfield County
Courthouse
230 East Market Street
Clearfield, PA 16830

McINTYRE, DUGAS, HARTYE & SCHMITT

Heather A. Harrington

Attorneys for Defendants,
DUBOIS REGIONAL MEDICAL CENTER
and KIM WANSON

John L. McIntyre, Esquire
PA I.D. #28015
Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife vs. No. 01-559-CD
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation vs.
SANJEEAN ANAND, M.D. and GAM BRO HEALTH CARE

ORDER

AND NOW, this 9th day of July, 2004, upon consideration of Attorney Harrington's Motion to Strike Case from Trial List/Motion to Compel Production of Expert Reports in the above matter, a Rule is hereby issued upon the parties to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 29th day of July, 2004, at 10:30 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

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

BY THE COURT:

JUL 12 2004

/s/ Fredric J. Ammerman

Attest.

William L. Ammerman
Prothonotary/
Clerk of Courts

FREDRIC J. AMMERMAN
President Judge

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

: No. 2001 – 559 – CD

: ISSUE:

: NOTICE OF DEPOSITION

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

: Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Defendants

vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

: Attorney of Record for These Parties:

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

Additional Defendants

: McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 14TH DAY OF JULY, 2004.

Heather A. Harrington
Atorneys for Named Defendants

harrington
FILED *16*
7/15/2004 CC
JUL 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife,	:	No. 2001 – 559 – CD
Plaintiffs		
vs.	:	
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation,	:	
Defendants		
vs.	:	
SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE,	:	
Additional Defendants.	:	JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

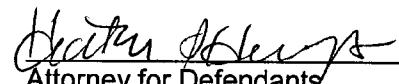
TO: Plaintiff, Susan R. Wingard
c/o Nicholas F. Lorenzo, Jr., Esquire
P.O. Box 495
Punxsutawney, PA 15767

Please take notice that the deposition of Plaintiff, **SUSAN R. WINGARD**
shall be taken upon oral examination by an official Court Reporter at the offices of
Lorenzo & Gianvito, P.C., 410 West Mahoning Street, Punxsutawney, PA on the **18th**
day of **AUGUST, 2004**, commencing at **10:00 a.m.**

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

You are invited to attend and participate.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendants,
DUBOIS REGIONAL MEDICAL CENTER
and KIM WANSON

John L. McIntyre, Esquire
PA I.D. #28015
Heather A. Harrington, Esquire
PA I.D. #62977
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Type of Case - CIVIL

No. 2001-559-CD

Type of Pleading - RESPONSE TO DEFENDANT'S MOTION TO STRIKE CASE FROM TRIAL LIST/MOTION TO COMPEL PRODUCTION OF EXPERT REPORTS

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED NO
m 11 2004
JUL 27 2004
b
William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION
TO STRIKE CASE FROM TRIAL LIST/MOTION
TO COMPEL PRODUCTION OF EXPERT REPORTS

AND NOW, come the plaintiffs, **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, individually and as husband and wife, by and through their counsel, **NICHOLAS F. LORENZO, JR., ESQ.**, of **LORENZO, GIANVITO & LAVELLE, P.C.**, and file the following Response to Defendant's Motion to Strike Case from Trial List/Motion to Compel Production of Expert Reports:

1. Denied in part. Plaintiffs' Complaint and all subsequent discovery reveals that plaintiff received substandard nursing care from Kim Wanson, R.N., in caring for Mr. Wingard, and her care was inappropriately described by defendant as caring for his dialysis kit. The portion of the peritoneal tube was affixed to Mr. Wingard's body and was severed and/or damaged so that the bacterial barrier was breached by defendant Wanson.

2. Defendant has, in the pleadings, denied the acts of negligence. However, defendant, despite being requested by interrogatories and request for production of documents, served on January 14, 2002, has never indicated even if they have an expert to support their claims of negligence.

3. Admitted.

4. Admitted.

5. Plaintiff is unaware of the date on which the Praecipe for Trial List was received by defendants.

6. Admitted.

7. Admitted.

8. Any breach by plaintiffs in failing to state discovery as completed is inadvertent, and at the time of filing the Praecipe, plaintiffs had reason to believe that discovery was, in fact, completed. On February 18, 2004, defendant filed a Notice to take the depositions of the plaintiffs, William L. Wingard and Susan R. Wingard. The date of taking the depositions was adjusted to suit the schedules of the multiple defense counsel,

and Mr. and Mrs. Wingard appeared at DRMC prepared to be deposed on May 6, 2004. Mr. Wingard's deposition was taken, and in the course thereof, was questioned by all defense counsel present.

Mrs. Wingard was present and not deposed, as the defense used the available working hours to depose Mr. Wingard. Little interest or importance was placed upon the deposition of Mrs. Wingard, as the discovery has revealed that Mrs. Wingard was not present at the time of the negligent acts performed by defendant Wanson or at any other relevant time in the events immediately leading to Mr. Wingard's presentation at DRMC.

Plaintiffs' counsel advised that Mrs. Wingard would be made available at a later date so that the case could proceed.

Accordingly, plaintiffs were under the belief that discovery, subject to the taking of Mrs. Wingard's deposition, was, in fact, complete, as all discovery had been answered and all witnesses and parties deposed, with the exception of Mrs. Wingard.

Subsequent to the date defendants admit receiving the Praeclipe for Trial List, defendant sent a letter, on July 6, 2004, received by plaintiffs' counsel on July 7, 2004, requesting the scheduling of Mrs. Wingard's deposition. On July 13, 2004, independent of the motion at bar, plaintiffs' counsel agreed with defense counsel to take Mrs. Wingard's deposition on August 18, 2004, at 10:00 a.m., at the office of plaintiffs' counsel.

Accordingly, with the exception of essentially a damage witness's deposition, discovery has been completed relative to party and

witness depositions and all other matters, with the exception of expert disclosure.

9. Please see response to #8.

10-14. In paragraphs 10 through 14, defendants assert that discovery is incomplete and the case should not be on the trial list because they have not received plaintiffs' expert report(s).

Attached hereto as Exhibit "A", and made a part hereof is the medical expert report of Alan J. Coleman, M.D., together with his curriculum vitae.

On January 14, 2002, plaintiff delivered discovery requests to the defendants, Wanson and DRMC. On September 25, 2002, bearing an affidavit of July 3, 2002 from the risk manager of DRMC, defendants responded to interrogatory #6, which asked defendant, "For each medical expert witness you intend to call at the trial of this case, please state: . . ." A copy of that interrogatory is attached hereto, marked Exhibit "B", and incorporated herein by reference. Defendants responded by saying the interrogatory was premature and objected to as such. Further, defendants took the position that the requests for expert identity, etc., are "objected to as seeking information beyond the scope of the Pa.R.C.P." Defendants have indicated, without waiving the objection, that they would provide a copy of any and all expert reports in accordance with the Pa.R.C.P. and the Local Court Rules.

Defendants have never, since the aforesaid objection and assertion in September of 2002, filed an expert report, nor even identified a medical expert. However, defendants have, in response to interrogatories propounded by additional defendant Gambio, interrogatory #5, wherein it was requested that defendant, DRMC, state the subject matter on which their expert is expected to testify, DRMC responded, "It is believed that the expert witness will testify as to the appropriate medical standards pertaining to the issues raised in the plaintiffs Complaint, the Complaint joining Dr. Anand and Gambio Health Care, and all issues which may be identified in the medical records." See plaintiff's Exhibit "C".

To date, DRMC has never identified an expert, set forth the facts upon which such expert will rely, or tendered a report by an expert witness in this case. Defense practice has been noted to be that no expert reports are tendered until their Pre-Trial Statement is filed, and apparently the same is the intent of the defendants in this case.

Of great importance in this matter is that on May 6, 2004, at the taking of the plaintiff, William Wingard's deposition, it was discussed among counsel that DRMC and Wanson's professional liability carrier, the MIIIX Insurance Company, was reputed to be about to declare bankruptcy. It is clear that delays in rescheduling Mrs. Wingard's deposition and the objection to this case being placed on the trial list is a delaying action to

permit MIIIX to go bankrupt and render any recovery plaintiffs might receive a virtual nullity.

15. Admitted.

16. Defendant suggests a potential remedy to the court, to which plaintiffs agree, that the case should not be dismissed from the trial list. Since plaintiffs have produced the expert report, any and all objections of procedural substance are hereby rendered moot.

COUNTER MOTION

17. Paragraphs one (1) through sixteen (16) above are hereby incorporated by reference as though set forth fully and at length.

18. Inasmuch as all of the objections and concerns of the defendants, in their motion to strike the case from the trial list and compel the filing of plaintiffs' medical expert report(s), have been addressed and self-remedied, there is no need to take action on defendants' motion or provide any alternate relief, other than to dismiss that motion.

19. However, for the reasons set forth above, plaintiffs will be prejudiced if a bankruptcy of the carrier for DRMC and Wanson occurs. In light of the potential prejudice in the rendering of a jury verdict a nullity regardless of outcome, the case should be permitted to

remain on the trial list so that an injustice does not occur.

20. Plaintiffs respectfully request that defendants be required to file their defense expert report(s) in a time frame set forth by the court, and the failure to do so to result in the sanction of defendants being barred from defense expert testimony in this case.

WHEREFORE, plaintiffs pray your Honorable Court to dismiss defendants' Motion to Strike Case from Trial List, and further, dismiss defendant's Motion to Compel Production of Expert Reports. Alternatively, plaintiffs pray that the court issue an order directing that the case remain on the current trial list, and defendants be requested to produce their expert reports within a time frame set by this Honorable Court.

Respectfully submitted,

LORENZO, GIANVITO & LAVELLE, P.C.

BY: 

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of July, 2004, true and correct copies of the foregoing Response to Defendant's Motion to Strike Case from Trial List/Motion to Compel Production of Expert Reports were forwarded via first-class mail, postage prepaid, to the following:

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

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

Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103


Nicholas F. Lorenzo Jr., Esq.

ALAN J. COLEMAN, M.D., F.A.C.P.
A PROFESSIONAL CORPORATION

INTERNAL MEDICINE
NEPHROLOGY

re : WILLIAM L. WINGARD
dob 07/22/1947

2209 POST STREET
SUITE 203
SAN FRANCISCO, CA 94115
(415) 929 0660
FAX # (415) 931-0260

William Wingard developed end-stage renal disease secondary to diabetic nephropathy requiring the initiation of renal replacement treatment in July 1998. Mr. Wingard chose continuous ambulatory peritoneal dialysis (CAPD) as his modality of treatment. A Tenckhoff catheter for peritoneal dialysis was placed in his abdomen, and he was trained at the Gambro Health Care Center in DuBois in the technique of self-performance of CAPD. He then did peritoneal dialysis at home for the next eleven months, successfully and without difficulty, with routine monthly visits to the Gambro center for monitoring and checkups by the dialysis staff and his physician, Dr. Sanjeev Anand. He evidently remained in stable health during this period, free of symptoms of kidney failure. With his physician's assistance, Mr. Wingard initiated planning for a cadaver kidney transplant.

Unfortunately in late July 1999 Mr. Wingard developed a severe bacterial infection of the peritoneal cavity - acute peritonitis - clearly because bacteria had somehow entered his abdomen through the Tenckhoff catheter. He was hospitalized at DuBois Regional Medical Center for treatment of peritonitis but the infection relapsed; Mr. Wingard was hospitalized three times in eight weeks because of severe peritonitis - July 24 - August 5, August 18 - August 23, and September 15 - September 21. Finally, the Tenckhoff catheter was removed from Mr. Wingard's peritoneal cavity during the September hospitalization because the infection persisted and had proved refractory to antibiotics. It was apparent that the peritoneal infection could not be eradicated as long as a foreign body (i.e. the Tenckhoff catheter) remained in place. Once the catheter was removed, it was no longer possible for Mr. Wingard to use peritoneal dialysis as the treatment modality for his kidney failure. He therefore was changed to hemodialysis (the artificial kidney machine) for treatment for four hours three times weekly at the dialysis center (rather than

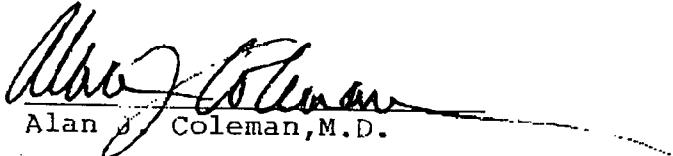


self-care at home.)

The cause of the prolonged and devastating episode of peritonitis was the entry of bacteria via the Tenkhoff catheter into the sterile abdominal cavity. This can happen either if the patient fails to adhere scrupulously to the rigorous sterile technique necessary for CAPD, or if there is a break in the integrity of the catheter. In Mr. Wingard's situation, failure of sterile technique is unlikely. He had performed the daily dialysis exchanges for nearly one year with no departure from the techniques which he had been taught; furthermore, he is intelligent, motivated, and clearly was conscientious and strict in his adherence to standards of self-care.

The other possible reason for entry of bacteria into Mr. Wingard's peritoneal cavity was a disruption of the external tubing through which dialysis solution was introduced. We know that this is precisely what happened: on the evening of July 19, 1999, Mr. Wingard went to DRMC for a transfer set change which was done by Nurse Kim Wanson. Unfortunately Ms. Wanson was inexperienced in the procedure. She applied a steel clamp (hemostat) to the end of the Tenkhoff catheter; the hemostat was not cushioned and this resulted in a tear of the plastic catheter. The tear was subsequently repaired by Dr. Lindgren two days later but in the meantime there was opportunity for contamination and for bacterial entry via the small tear in the catheter. The consequence was peritonitis which proved severe and impossible to treat until the catheter was finally taken out of Mr. Wingard's abdomen two months later.

It is my opinion that the direct cause of Mr. Wingard's peritonitis was Ms. Wanson's failure to properly protect the integrity of the Tenkhoff catheter, causing a tear in the plastic catheter and permitting the entry of bacterial infection.



Alan J. Coleman, M.D.

ALAN J. COLEMAN, M.D., F.A.C.P.
A PROFESSIONAL CORPORATION

INTERNAL MEDICINE
NEPHROLOGY

2299 POST STREET
SAN FRANCISCO, CA 94115
(415) 929-0660.

CURRICULUM VITAE

BORN : New York City, November 25, 1932.

EDUCATION : Hamilton College, A.B., 1953
New York University School of Medicine,
M.D., 1957.

INTERNSHIP: Lenox Hill Hospital, New York City -
rotating intern, 1957-'58.

RESIDENCY: Lenox Hill Hospital,
Resident in Internal Medicine,
1958-'59,
1961-'63.

FELLOWSHIP: University of Texas,
Southwestern Medical School -
Research Fellow in Renal &
Metabolic Disease, 1963-'65.
(Chief : Dr. Donald Seldin.)

MILITARY: U.S. Public Health Service, 1961-'63.

LICENSURE: New York, 1958 - #81308.
California, 1961 - G 6782.

DIPLOMATE: American Board of Internal Medicine, 1965.
subspecialty Board of Nephrology, 1976.
(certificate #23234).

HOSPITAL APPOINTMENTS:

Mount Zion Hospital & Medical Center
(San Francisco)
Adjunct in Medicine, 1965-'68.
Assistant Chief of Medicine, 1968-'72.
Associate Chief of Medicine, 1972-present.
Director, Dialysis Unit & Nephrology, 1970-
present.

San Francisco General Hospital,
Consultant in Renal Disease, 1966-'80.

St. Mary's Hospital (San Francisco) -
Consultant in Renal Disease, 1966-1986.

Highland General Hospital (Oakland, CA) -
Chief of Internal Medicine and
Director of the Internal Medicine
Residency Program, 1985-'86.

SOCIETIES: American Medical Association
California Medical Association
San Francisco Medical Society
American Society of Nephrology
American Federation for Clinical Research
American College of Physicians (Fellow)

AWARDS: Outstanding teacher award, Mount Zion Hospital (presented by the house staff) - 1966, 1967, 1971.

HOSPITAL ACTIVITIES :

Chairman, Medical Education Committee,
Mount Zion Hospital, 1969-'75.
Chairman, Acute Care Committee,
Mount Zion Hospital, 1970-'78.
Chairman, Pharmacy & Therapeutics
Committee, Mount Zion, 1987-present.
Chairman, Constitution & By-laws Committee of
the Medical Staff, Mount Zion Hospital,
1987-present.

Elected Representative of the Medical Staff
to the Medical Board, Mount Zion Hospital,
1970-'73; 1975-'78;
1990-'93.
Chief of the Medical Staff, Mount Zion Hospital,
1979-1980.
Member, Board of Directors, Mount Zion Hospital,
1979-1980.

PUBLICATIONS:

1. The Mechanism of Salt Wastage in Chronic Renal Disease. A.J.Coleman, M.Arias, N.W.Carter, F.C.Rector, and D.W.Seldin. Journal of Clinical Investigation. vol. 45, 1966, page 1116.
2. The Effect of Na₂SO₄ on Urinary Acidification in Chronic Renal Disease. D.W.Seldin, A.J.Coleman, N.W.Carter, and F.C.Rector. Journal of Laboratory & Clinical Investigation. vol. 69, 1967. page 893.
3. chapter, "Acid-Base Balance", in "Preoperative & Postoperative Care of the Neurosurgical Patient" - Burton Wise, M.D., editor; Charles Thomas, publisher - 1978.

ADDITIONAL :

Program Director, Mount Zion Hospital,
Annual Course for Physicians in Family Practice,
1971-1983.

San Francisco Peer Review Organization (PSRO)
member, Board of Directors - 1980-1986 ;
Treasurer, 1982-1983 ;
President, 1983-1986.

ACADEMIC APPOINTMENTS :

University of California, San Francisco :
Department of Internal Medicine -
Clinical Instructor, 1966-'68 ;
Clinical Assistant Professor, 1968-'72 ;
Clinical Associate Professor, 1972-'86 ;
Clinical Professor, 1986-present.

PERSONAL :

wife, Barbara Eskind Coleman ;
children : Leslie Ann, Peter David,
Nancy Willa.

ADDENDUM:

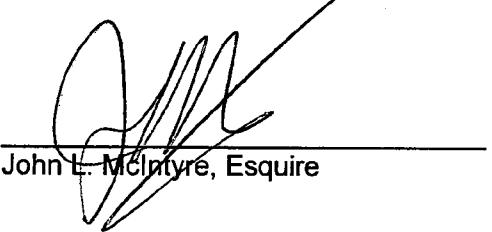
Chairman, Ethics Committee, UCSF/Mount Zion Hospital
1992-1996.

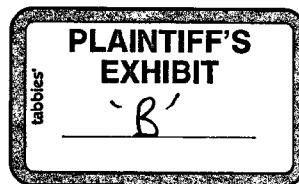
6. For each medical expert witness you intend to call at the trial of this case, please state:

- a) name and address;
- b) supply a copy of each witness(es) curriculum vitae, indicating all training that person has received in the medical field, past and present affiliations with medical schools and/or hospitals, the witness's specialties, and list all textbooks, treatises, papers, articles, or other writings which he or she has ever authored;
- c) subject matter on which such expert is expected to testify, including substance of each opinion to be rendered and grounds for each opinion;
- d) was a report prepared concerning this matter by the medical expert? _____ If so, attach to your answers a copy of each and every report by a medical expert concerning this case;
- e) set forth all prior testimony, whether in court or by deposition, that the witness has given, by setting forth the court term and number of such case or names of parties and location of court;
- f) with respect to the testimony which will be presented in the trial of this case, state for each medical expert the name and source of each article, textbook or treatise upon which he or she may rely to support their expert opinion.

ANSWER:

This Interrogatory is premature and objected to as such. All of the requests are objected to as seeking information beyond the scope of the Pennsylvania Rules of Civil Procedure. Without waiving said objection, the hospital will provide a copy of any and all experts and their reports, in accordance with the Pennsylvania Rules of Civil Procedure and the Local Court Rules.

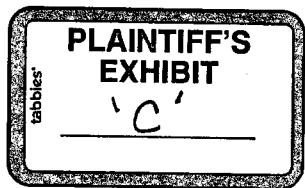

John L. McIntyre, Esquire



5. For each expert witness identified above (medical and non-medical), state the subject matter on which the expert is expected to testify.

ANSWER:

This request is premature, insofar as the discovery has yet to commence. It is believed that the expert witness will testify as to the appropriate medical standards pertaining to the issues raised in the plaintiff's Complaint, the Complaint joining Dr. Anand and Gambro Health Care, and all issues which may be identified in the medical records.



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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife.

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation.

Defendants

vs.

**SANJEEN ANAND, M.D. and
GAMBRO HEALTH CARE.**

Additional Defendants

No. 2001 - 559 - CD

ISSUE:

**Notice of Service of Interrogatories
Directed to Plaintiffs
Dated 8/5/04**

**Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON**

Attorney of Record for These Parties:

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

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 5th DAY OF AUGUST, 2004.

Attorneys for Named Defendants

FILED
11:15 AM
AUG 06 2004
William A. Shaw
Prothonotary/Clerk of Courts

WILLIAM L. WINGARD, an individual; : IN THE COURT OF COMMON PLEAS
SUSAN R. WINGARD, an individual; and : CLEARFIELD COUNTY, PENNSYLVANIA
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife, :
Plaintiffs :
vs. : No. 2001 – 559 – CD
KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL CENTER, :
a corporation, :
Defendants :
vs. :
SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE, :
Additional Defendants. : JURY TRIAL DEMANDED

NOTICE OF SERVICE OF INTERROGATORIES DIRECTED TO
PLAINTIFFS DATED 8/5/04

TO: PROTHONOTARY

You are hereby notified that on the 5th day of August, 2004, Defendants, Kim Wanson and DuBois Regional Medical Center, served Interrogatories Directed to Plaintiffs dated 8/5/04, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Nicholas F. Lorenzo, Jr., Esquire
LORENZO & GIANVITO, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

McINTYRE, DUGAS, HARTYE & SCHMITT

Attnorneys for Defendants, KIM WANSON and
DUBOIS REGIONAL MEDICAL CENTER
JOHN L. MCINTYRE, ESQUIRE
PA I.D #: 28015
P.O. Box 533
Hollidaysburg, PA 16648-0533

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

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
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Additional Defendants

No. 2001 - 559 - CD

ISSUE:

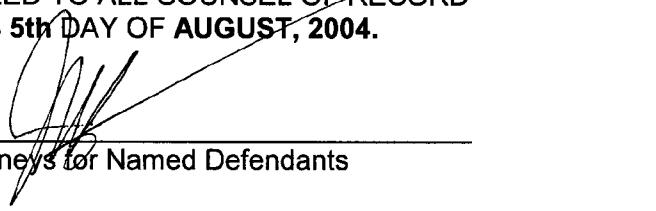
Notice of Service of Interrogatories
and Request for Production of
Documents Directed to Gambr
Dated 8/5/04

Filed on Behalf of Defendants,
DUBOIS REGIONAL MEDICAL
CENTER and KIM WANSON

Attorney of Record for These Parties:

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

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CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 5th DAY OF AUGUST, 2004.



Attorneys for Named Defendants

FILED NO
m 11:15 AM
AUG 06 2004
SAC

William A. Shaw
Prothonotary/Clerk of Courts

WILLIAM L. WINGARD, an individual;
SUSAN R. WINGARD, an individual; and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

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vs.

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GAMBRO HEALTH CARE,

Additional Defendants.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2001 - 559 - CD

JURY TRIAL DEMANDED

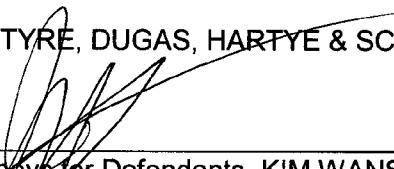
**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO GAMBRO DATED 8/5/04**

TO: PROTHONOTARY

You are hereby notified that on the 5th day of August, 2004, Defendants, Kim Wanson and DuBois Regional Medical Center, served Interrogatories and Request for Production of Documents Directed to Gambro dated 8/5/04, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Frederic Roller, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut Street
Philadelphia, PA 19103-4797

McINTYRE, DUGAS, HARTYE & SCHMITT


Attorneys for Defendants, KIM WANSON and
DUBOIS REGIONAL MEDICAL CENTER
JOHN L. MCINTYRE, ESQUIRE
PA I.D #: 28015
P.O. Box 533
Hollidaysburg, PA 16648-0533

GA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM L. WINGARD, an Individual; :
SUSAN R. WINGARD, an Individual; and :
WILLIAM L. WINGARD and SUSAN R. :
WINGARD, as husband and wife :
:

v.

KIM WANSON, an Individual; and DUBOIS :
REGIONAL MEDICAL CENTER, a corporation :
:

NO. 2001-00559-CD

JURY TRIAL DEMANDED

v.

SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Pre-Trial Statement of Additional Defendant, Gambro Health Care, in the above-referenced matter was mailed by Federal Express, this 5th, of August, 2004, to Nicholas F. Lorenzo, Jr., Esquire , 410 West Mahoning Street, Punxsutawney, PA 15767, and John W. Blasko, Esquire, 811 University Drive, State College, PA 16801 and regular mail, postage pre-paid to John L. McIntyre, Esquire, P.O. Box 533, Hollidaysburg, PA 16648.

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

By



FREDERIC ROLLER

Attorney for Additional Defendant,
Gambro Health Care

Date: 8/5/04
01_19\LIAB\FXRY\RLD\433085\JXM\28750\00404

FILED NO
03:11:04
AUG 06 2004
EJK

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual;)
SUSAN R. WINGARD, an individual; and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
)
Plaintiffs,)
)
vs.) JURY TRIAL DEMANDED
)
KIM WANSON, an individual; and) NO. 2001-00559-CD
DUBOIS REGIONAL MEDICAL CENTER;)
a corporation;)
)
Defendants,)
)
vs.)
)
SANJEEAN ANAND, M.D. and)
GAMBRO HEALTH CARE,)
)
Additional Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Pre-Trial Statement of Defendant, Sanjeen Anand, M.D., in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 31st day of August, 2004, 2004, to Nicholas F. Lorenzo, Jr., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767, John L. McIntyre, P.O. Box 533, Hollidaysburg, PA 16648 and Frederic Roller, 1845 Walnut Street, Philadelphia, PA 19103-4797.

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

By: John W. Blasko **FILED** NO
JOHN W. BLASKO *03/08/04*
Attorneys for Defendant AUG 06 2004
Sanjeev Anand, M.D. *EAS*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED

AUG 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, husband and wife,	*	AUG 13 2004
Plaintiffs	*	
vs.	*	NO. 2001-559-C.D.
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation, Defendants	*	
vs.	*	
SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE, Defendants	*	

O R D E R

NOW, this 13th day of August, 2004, following Pre-Trial Conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on August 26, 2004 commencing at 10:30 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for four days, December 20, 2004, December 21, 2004, December 22, 2004 and December 23, 2004 commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than ninety (90) days prior to the commencement of trial or the

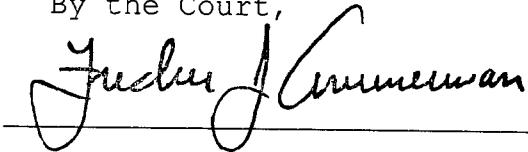
same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than fifteen (15) days following completion of the deposition(s).

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.

6. Defendants Kim Wanson and DuBois Regional Medical Center shall submit an expert report to counsel for the other parties by no later than August 26, 2004. Thereafter, Defendants, Dr. Anand and Gambro Health Care shall submit their expert reports in rebuttal thereto by no later than November 8, 2004.

By the Court,



FREDRIC J. AMMERMAN
President Judge

FILED
014:00:61
AUG 13 2004
EIAS

William A. Shaw
Prothonotary/Clerk of Courts

2 certified copies to Nicholas F. Lorenzo, Jr., Esquire
2 certified copies to Heather A. Harrington, Esquire
2 certified copies to John W. Blasko, Esquire
2 certified copies to Frederic Roller, Esquire
1 copy to President Judge Ammerman
1 copy to Court Administrator

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

FILED

AUG 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

WILLIAM L. WINGARD, an individual; :
SUSAN R. WINGARD, an individual; :
and WILLIAM L. WINGARD and :
SUSAN R. WINGARD, as husband and :
wife :
vs. : No. 01-559-CD
KIM WANSON, an individual; and :
DUBOIS REGIONAL MEDICAL, :
CENTER, a corporation :
vs. :
SANJEEAN ANAND, M.D. and :
GAMBRO HEALTH CARE :
:

ORDER

AND NOW, this 26th day of August, 2004, pursuant to a
Stipulation of Dismissal filed in this matter, it is Ordered that Additional Defendants,
Sanjeen Anand, M.D. and Gambro Health Care are dismissed from the above-
captioned lawsuit with prejudice.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED *E6K*
08-25-04 *ICC*
AUG 26 2004 *Atts: Lorenzo, McIntyre, Blasko, Roller*

William A. Shaw
Prothonotary/Clerk of Courts

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, husband and wife

-VS-

KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation

-VS-

SANJEEN ANAND, M.D. and GAMBRO HEALTH CARE

No. 01-559-CD

FILED

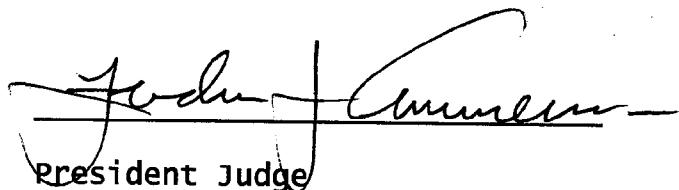
AUG 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

O R D E R

NOW, this 26th day of August, 2004, Sanjeen Anand, M.D. and Gambro Health Care are dismissed, pursuant to the stipulation, with prejudice.

BY THE COURT,



President Judge

FILED

01/20/07 BPA
AUG 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

E6K

2cc Atty's MacIntyre

Copy to Atty Lorenzo (McIntyre said
Lorenzo had one)

1cc Atty Blasho

1cc Atty Roller

Copy to CIA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, husband and wife

FILED

AUG 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

-VS-

KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation

No. 01-559-CD

-VS-

SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE

O R D E R

NOW, this 26th day of August, 2004, this case is settled. It is agreed that a release will be prepared and faxed to Plaintiffs' counsel by 4:00 p.m. this date. It will be signed and faxed to Kris Moyles this date. She will initiate the paperwork for payment.

The insurance carrier is ordered to issue a check and make payment on or before September 1, 2004. Further, said settlement draft shall be honored by the liability carrier.

BY THE COURT,



President Judge

E6K

FILED

012.10 (SP)
AUG 26 2004

2 CC MacIntyre
(MacIntyre said Lorenzo
had copy)

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty Blasko
ICC Atty Roller
Copy to CIA

(P)

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

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, as husband and wife vs. No. 01-559-CD

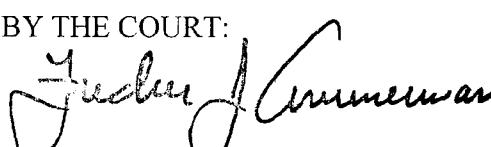
KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation vs.

SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE

ORDER

AND NOW, this 15th day of September, 2004, upon consideration of Attorney Ainsman's Motion for Preliminary Injunction in the above matter, a Rule is hereby issued upon the parties to Appear and Show Cause why the Motion should not be granted. Argument is scheduled the 28 day of September, 2004, at 1:30 P.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN

President Judge

FILED ^{ee}
11/28/04
SEP 16 2004

William A. Shaw
Prothonotary/Clerk of Courts
LeCC Atty Ainsman
w/ Mem/le: Service



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-6089

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WILLIAM L. WINGARD, an individual and
SUSAN R. WINGARD, an individual and
WILLIAM L. WINGARD and SUSAN R.
WINGARD, as husband and wife,

VS.

KIM WANSON, an individual, and
DUBOIS REGIONAL MEDICAL CENTER,
a corporation,

DEFENDANTS

PLAINTIFFS

CIVIL DIVISION

NO.: 2001-559-CD

AFFIDAVIT OF SERVICE OF
RULE TO SHOW CAUSE AND
MOTION FOR PRELIMINARY

Filed on behalf of:
PLAINTIFF

COUNSEL OF RECORD FOR THIS
PARTY:

DAVID AINSMAN, ESQUIRE
PA I.D. #:25437

AINSMAN, LEVINE & DREXLER,
LLC
Firm #: 975

330 Grant Street, Suite 2201
Pittsburgh, PA 15219

(412) 338-9030

66K
FILED *NO*
m11:2404 *CC*
SEP 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

AL001939.1

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

WILLIAM L. WINGARD, an individual and)
SUSAN R. WINGARD, an individual and)
WILLIAM L. WINGARD and SUSAN R.)
WINGARD, as husband and wife,)
PLAINTIFFS)
)
)
)
VS.) NO.: 2001-559-CD
)
KIM WANSON, an individual, and)
DUBOIS REGIONAL MEDICAL CENTER,)
a corporation,)
DEFENDANTS)

AFFIDAVIT OF SERVICE

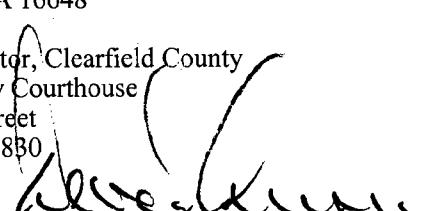
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, personally appeared David Ainsman, Esquire, who, being duly sworn according to law, deposes and says that on September 20, 2004, the Rule to Show Cause and the Motion for Preliminary Injunction in the within captioned matter were served by facsimile and regular mail, postage prepaid, upon the following parties:

Nicholas F. Lorenzo, Jr., Esquire
LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning Street
P. O. Box 495
Punxsutawney, PA 15767

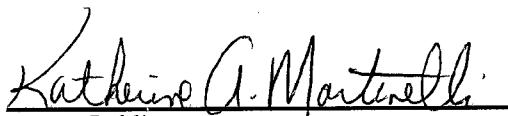
John L. McIntyre, Esquire
McINTYRE, DUGAS, HARTYE & SCHMITT
P. O. Box 533
Hollidaysburg, PA 16648

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

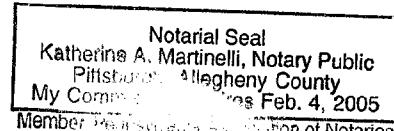


David Ainsman

Sworn to and subscribed before
me this 20th day of September, 2004



Notary Public



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

WILLIAM L. WINGARD, an individual; SUSAN R. WINGARD, an individual; and WILLIAM L. WINGARD and SUSAN R. WINGARD, husband and wife

-VS-

KIM WANSON, an individual; and DUBOIS REGIONAL MEDICAL CENTER, a corporation

No. 01-559-CD

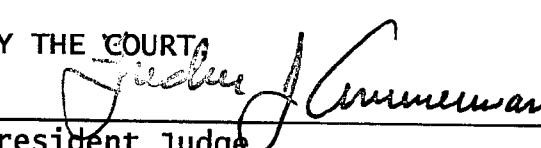
-VS-

SANJEEAN ANAND, M.D. and GAMBRO HEALTH CARE

O R D E R

NOW, this 23rd day of September, 2004, following the Plaintiff reaching an agreement with Highmark Blue Cross/Blue Shield for payment from of the settlement proceeds to satisfy the lien, it is the ORDER of this Court as follows:

1. The parties shall proceed with the settlement as stated in open court on the record this date;
2. The Prothonotary is directed to strike from the record the Motion for Preliminary Injunction filed on September 13, 2004, on behalf of Highmark.

BY THE COURT,

President Judge

EGK
FILED
acc Atlys:
01/31/04 Lorenzo,
SEP 24 2004 McIntyre

William A. Shaw
Prothonotary/Clerk of Courts

Date: 09/24/2004

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:31 PM

ROA Report

Page 1 of 1

Case: 2001-00559-CD

Current Judge: Fredric Joseph Ammerman

William L. Wingard, Susan R. Wingard vs. Kim Wanson, DuBois Regional Medical Center, Sanjeen Anand MD, Gamro Health Care

Civil Other

Date	Selected Items	Judge
08/26/2004	Order, AND NOW, this 26th day of August, 2004, pursuant to a Stipulation of Dismissal filed in this matter, it is Ordered that Additional Defendants, Sanjeen Anand, M.D. and Gamro Health Care are dismissed from the above-captioned lawsuit with prejudice. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1 CC Attys: Lorenzo, Mcintyre, Blasko, Roller. Order, Now this 26th day of August, 2004, Sanjeen Anand, M.D. and Gamro Health Care are dismissed, pursuant to the stipulation, with prejudice. BY THE COURT, /s/Fredric J. Ammerman, President Judge. 2CC Atty. Mcintyre, copy to Atty Lorenzo, 1 CC Atty Blasko, 1CC Atty Roller. Order, NOW, this 26th day of August, 2004, this case is settled. It is agreed that a release will be prepared and faxed to Plaintiffs' counsel by 4:00 p.m. this date. It will be signed and faxed to Kris Moyles this date. She will initiate the paperwork for payment. The insurance carrier is ordered to issue a check and make payment on or before September 1, 2004. Further, said settlement draft shall be honored by the liability carrier. BY THE COURT, /s/Fredric J. Ammerman, President Judge. 2CC Mcintyre, 1CC Atty Blasko, 1CC Atty Roller.	Fredric Joseph Ammerman
09/15/2004	Motion for Preliminary Injunction, filed by s/David Ainsman, Esq. No CC Order, AND NOW, this 15th day of September, 2004, upon consideration of Attorney Ainsman's Motion for Preliminary Injunction in the above matter, a Rule is hereby issued upon the parties to Appear and Show Cause why the motion should not be granted. Argument is scheduled the 23rd day of September, 2004, at 1:30 P.M. in Courtroom no. 1, Clearfield County Courthouse, Clearfield, PA. BY THE COURT: /s/Fredric J. Ammerman, President Judge. 6 CC Atty Ainsman w/ Memo Re: Service.	Fredric Joseph Ammerman
09/22/2004	Affidavit Of Service Of Rule To Show Cause and Motion For Preliminary, served upon Nicholas F. Lorenzo, Jr., Esquire; John L.McIntyre, Esquire; Court Administrator, Clearfield County. Filed by s/David Ainsman, Esquire. No CC	Fredric Joseph Ammerman

Date: 09/24/2004

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:38 PM

ROA Report

Page 1 of 1

Case: 2001-00559-CD

Current Judge: Fredric Joseph Ammerman

William L. Wingard, Susan R. Wingard vs. Kim Wanson, DuBois Regional Medical Center, Sanjeen Anand MD, Gambro Health Care

Civil Other

Date	Selected Items	Judge
08/26/2004	<p>Order, AND NOW, this 26th day of August, 2004, pursuant to a Stipulation of Dismissal filed in this matter, it is Ordered that Additional Defendants, Sanjeen Anand, M.D. and Gambro Health Care are dismissed from the above-captioned lawsuit with prejudice. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 1 CC Attys: Lorenzo, McIntyre, Blasko, Roller.</p> <p>Order, Now this 26th day of August, 2004, Sanjeen Anand, M.D. and Gambro Health Care are dismissed, pursuant to the stipulation, with prejudice. BY THE COURT, /s/Fredric J. Ammerman, President Judge. 2CC Atty. McIntyre, copy to Atty Lorenzo, 1 CC Atty Blasko, 1CC Atty Roller.</p> <p>Order, NOW, this 26th day of August, 2004, this case is settled. It is agreed that a release will be prepared and faxed to Plaintiffs' counsel by 4:00 p.m. this date. It will be signed and faxed to Kris Moyles this date. She will initiate the paperwork for payment. The insurance carrier is ordered to issue a check and make payment on or before September 1, 2004. Further, said settlement draft shall be honored by the liability carrier. BY THE COURT, /s/Fredric J. Ammerman, President Judge. 2CC McIntyre, 1CC Atty Blasko, 1CC Atty Roller.</p>	Fredric Joseph Ammerman
09/15/2004	<p>Motion for Preliminary Injunction, filed by s/David Ainsman, Esq. No CC STRICKEN FROM RECORD PER COURT ORDER OF SEPTEMBER 23, 2004. ORIGINAL DOCUMENT DISPOSED OF.</p> <p>Order, AND NOW, this 15th day of September, 2004, upon consideration of Fredric Joseph Ammerman Attorney Ainsman's Motion for Preliminary Injunction in the above matter, a Rule is hereby issued upon the parties to Appear and Show Cause why the motion should not be granted. Argument is scheduled the 23rd day of September, 2004, at 1:30 P.M. in Courtroom no. 1, Clearfield County Courthouse, Clearfield, PA. BY THE COURT: /s/Fredric J. Ammerman, President Judge. 6 CC Atty Ainsman w/ Memo Re: Service.</p>	Fredric Joseph Ammerman
09/22/2004	Affidavit Of Service Of Rule To Show Cause and Motion For Preliminary, served upon Nicholas F. Lorenzo, Jr., Esquire; John L. McIntyre, Esquire; Court Administrator, Clearfield County. Filed by s/David Ainsman, Esquire. No CC	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WILLIAM L. WINGARD, an individual; **SUSAN R. WINGARD**, an individual; and **WILLIAM L. WINGARD** and **SUSAN R. WINGARD**, as husband and wife,

Plaintiffs

vs.

KIM WANSON, an individual; and **DUBOIS REGIONAL MEDICAL CENTER**, a corporation,

Defendants

vs.

SANJEEAN ANAND, M.D. and **GAMBRO HEALTH CARE**,

Add'l Defendants

Type of Case - **CIVIL**

No. 2001-559-CD

Type of Pleading -
PRAECIPE FOR DISCONTINUANCE

Filed on Behalf of - **PLAINTIFFS**

Filed by -

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO, GIANVITO & LAVELLE, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

JURY TRIAL DEMANDED

FILED
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Copy to CA

NOV 01 2004

William A. Shaw
Prothonotary

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

WILLIAM L. WINGARD, an
individual; **SUSAN R.**
WINGARD, an individual;
and **WILLIAM L. WINGARD**
and **SUSAN R. WINGARD**,
as husband and wife,

Plaintiffs
vs. No. 2001-559-CD

KIM WANSON, an individual,
and **DUBOIS REGIONAL MEDICAL**
CENTER, a corporation,

Defendants
vs.

SANJEEAN ANAND, M.D. and
GAMBRO HEALTH CARE,

Add'l Defendants

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled,
terminated, and discontinued.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 10/28/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of October, 2004, true and correct copies of the foregoing Praeclipe for Discontinuance were forwarded via first-class mail, postage prepaid, to the following:

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

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

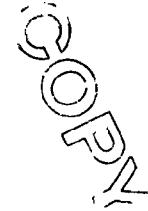
Frederic Roller, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
1845 Walnut St.
Philadelphia, PA 19103


Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

William L. Wingard
Susan R. Wingard



vs.

No. 2001-00559-CD

Kim Wanson
DuBois Regional Medical Center
Sanjeen Anand MD
Gambro Health Care

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 November 1, 2004, marked:

Disconintued, Settled and Ended.

Record costs in the sum of \$198.32 have been paid in full by Attorney Lorenzo.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of November A.D. 2004.

William A. Shaw, Prothonotary