

01-1429-CD
KIMBERLY S. BUCHANAN -vs- JUSTINE TOOMBS

TOMB, MACK AND KAUFFMAN
ATTORNEYS AT LAW
52 SOUTH NINTH STREET
INDIANA, PENNSYLVANIA 15701

e. In operating her vehicle in negligent or reckless disregard of the rights of the Plaintiff;

f. In failing to observe or attempt to observe the slowly moving vehicle in the Sheetz parking lot;

g. In failing to take all reasonable measures to avoid colliding with the motor vehicle being operated by Plaintiff, Ms. Kimberly S. Buchanan;

h. In failing to stop or turn her motor vehicle or to take other appropriate action so that the collision with the motor vehicle operated by Plaintiff could be avoided;

7. As a direct and proximate result of the negligence of the Defendant, the Plaintiff suffered the following injuries:

a. sprain or strain of the nerves, muscles, tissues, ligaments and vessels of the musculoskeletal system;

b. trauma to the musculoskeletal system resulting in severe and prolonged headaches and dizziness;

c. trauma to the muscles, nerves and cervical vertebrae;

d. sprain or strain to the nerves, muscles, tissues, ligaments and vertebrae of the cervical spine;

e. trauma and contusions of the left shoulder and arm;

f. sprain or strain of the nerves, muscles, tissues, and ligaments of both shoulders;

g. trauma to the lumbar spine;

h. sprain or strain of the nerves, muscles, tissues, ligaments and vertebrae of the lumbar spine;

i. trauma to the lumbar spine causing damage to the nerves with symptomatic radiating pain to both legs;

j. trauma and contusions of the nerves, muscles, bones and connecting tissue of the right leg;

k. severe shock;

1. other damages and injuries which may be permanent in nature, the exact nature of which are not known at this time.

8. As a result of her aforesaid injuries, Plaintiff has suffered economic loss in the form of lost income from the date of the accident to the present.

WHEREFORE, Plaintiff demands judgment against the Defendant for a sum in excess of Twenty-Five Thousand (\$25,000.00) Dollars.

A JURY TRIAL IS DEMANDED.

RESPECTFULLY SUBMITTED,

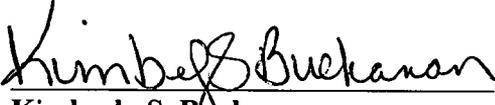


MYRON HAY TOMB
Attorney for Plaintiff

VERIFICATION

I, **KIMBERLY S. BUCHANAN**, verify that the statements contained in the foregoing Complaint are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities, which provides that if we make knowingly false statements, we may be subject to criminal penalties.


Kimberly S. Buchanan

FILED
M 11:30 AM
AUG 3 1961
By William A. Shaw
Prothonotary
Atty Tomb
pd. 80.00
rec 5/ff

TOMB, MACK AND KAUFFMAN
ATTORNEYS AT LAW
52 SOUTH NINTH STREET
INDIANA, PENNSYLVANIA 15701

A

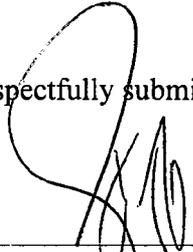
5. Venue is proper in Clearfield County as the motor vehicle accident took place in DuBois, Clearfield County, Pennsylvania.

6. Pursuant to Pa. R.C.P. 213.1, this action should be consolidated for purposes of compulsory arbitration and subsequent trial.

7. The Plaintiff has filed with the Court of Common Pleas of Indiana County, a Petition to transfer the action filed at Indiana County Docket No. 11639 CD 2001 to Clearfield County. A true and correct copy of that Petition is attached hereto and made a part hereof by reference, marked **Exhibit "A."**

WHEREFORE, Plaintiff respectfully request that the action filed in Indiana County at Docket No. 11639 CD 2001 be transferred to Clearfield County pursuant to Pa. R.C.P. 213 (f), 213.1 and 1006 (e), and that said actions be consolidated into one action at No. 01-1429 CD 2001, pursuant to Pa. R.C.P. 213.1 (a).

Respectfully submitted,



Myron Hay Tomb, Esquire
Attorney for Plaintiff

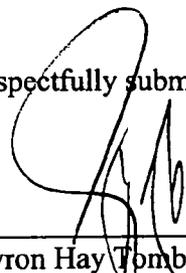
5. Venue is proper in Clearfield County as the motor vehicle accident took place in DuBois, Clearfield County, Pennsylvania.

6. Pursuant to Pa. R.C.P. 213 (f), this action should be transferred to Clearfield County to be consolidated with the action filed in that Court at 01-1429 CD 2001.

7. The Plaintiff has filed with the Court of Common Pleas of Clearfield County a Motion to Consolidate the aforementioned actions. A true and correct copy of the Plaintiff's Motion to Consolidate is attached hereto and made a part hereof by reference, marked **Exhibit "A."**

WHEREFORE, Plaintiff respectfully requests that this action be transferred to the Court of Common Pleas of Clearfield County.

Respectfully submitted,



Myron Hay Tomb, Esquire
Attorney for Plaintiff

FILED

SEP 28 2001

01:54
William A. Shaw
Proprietary

2 cc *Atty Tomk*

ERS

TOMB, MACK AND KAUFFMAN
ATTORNEYS AT LAW
52 SOUTH NINTH STREET
INDIANA, PENNSYLVANIA 15701

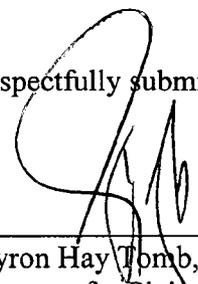
5. Venue is proper in Clearfield County as the motor vehicle accident took place in DuBois, Clearfield County, Pennsylvania.

6. Pursuant to Pa. R.C.P. 213 (f), this action should be transferred to Clearfield County to be consolidated with the action filed in that Court at 01-1429 CD 2001.

7. The Plaintiff has filed with the Court of Common Pleas of Clearfield County a Motion to Consolidate the aforementioned actions. A true and correct copy of the Plaintiff's Motion to Consolidate is attached hereto and made a part hereof by reference, marked **Exhibit "A."**

WHEREFORE, Plaintiff respectfully requests that this action be transferred to the Court of Common Pleas of Clearfield County.

Respectfully submitted,



Myron Hay Tomb, Esquire
Attorney for Plaintiff

TOMB, MACK AND KAUFFMAN
ATTORNEYS AT LAW
52 SOUTH NINTH STREET
INDIANA, PENNSYLVANIA 15701

Writ of Summons

Commonwealth of Pennsylvania
County of Indiana

No. : 2001-11639

BUCHANAN KIMBERLY S

*** VERSUS ***

TOOMBS JUSTINE

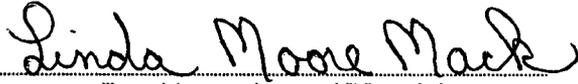
TO: TOOMBS JUSTINE

You are hereby notified that the following Plaintiff(s),

BUCHANAN KIMBERLY S

has(have) commenced an action against you.

Date: August 1, 2001


Prothonotary (Clerk)

By _____
Deputy

Myron Hay Tomb, Esquire
Attorney for Plaintiffs
Tomb, Mack & Kauffman, LLP
52 South Ninth Street
Indiana, Pa. 15701
724 357-9990



INDIANA COUNTY SHERIFF

825 PHILADELPHIA STREET
INDIANA, PENNSYLVANIA 15701
(724) 465-3930
FAX: (724) 465-3937

Donald L. Beckwith
Sheriff
David J. Rostis
Chief Deputy Sheriff

PAGE: 596

PLAINTIFF: KIMBERLY S BUCHANAN

CASE NUMBER: 2001-11639

VS

LAST DAY TO SERVE: 09-03-01

DEFENDANT JUSTINE TOOMBS

SERVE: JUSTINE TOOMBS AT 1217 WORTH STREET, REYNOLDSVILLE, PA 15851

NOW, AUGUST 2, 2001 I, DONALD L. BECKWITH, SHERIFF OF INDIANA COUNTY,
PENNSYLVANIA, DO HEREBY DEPUTIZE THE SHERIFF OF JEFFERSON
COUNTY, PENNSYLVANIA TO SERVE THE WITHIN
ACCORDING TO LAW.

Donald L. Beckwith
DONALD L. BECKWITH, SHERIFF

CHECK # 9119 FOR \$ 125.00

NOW, August 6, 2001 AT 5:00 o'clock P. M. SERVED THE WITHIN
Writ of Summons UPON
Justine Toombs, Defendant, BY
HANDING TO Joe Toombs, her father and adult person with whom she resides,
AT her residence, 1217 Worth Street, Borough of Reynoldsville, Jefferson County, PA,
A TRUE AND CORRECT COPY OF THE WITHIN AND MADE KNOWN TO HIM ~~AND HER~~ THE CONTENTS THEREOF.

NOW, AFTER DILIGENT SEARCH AND INQUIRY FAILED TO FIND THE
WITHIN
WITHIN MY BAILIWICK. REASON UNABLE TO LOCATE:

Thomas A. Demko
SHERIFF, JEFFERSON COUNTY

SWORN AND SUBSCRIBED BEFORE ME
THIS 14th DAY OF August PROTHONOTARY
Ann Dorman CLERK OF COURTS
PROTH/NOTARY PUBLIC My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

COSTS: \$28.06 Paid

SEE RETURN OF SERVICE ENDORSED HEREON BY SHERIFF OF Jefferson COUNTY,
PA, WHICH IS PART OF THE WITHIN RETURN.

SWORN AND SUBSCRIBED BEFORE ME
THIS 16th DAY OF August 2001
Debra Marie Mack
"PROTHONOTARY"

Donald L. Beckwith
DONALD L. BECKWITH, SHERIFF

TOTAL COSTS: \$30.00 paid

MY COMMISSION EXPIRES
1st Monday in January 2004

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

KIMBERLY S. BUCHANAN

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 11639 CD 2001

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the defendant, Justine Toombs, in regard to the above captioned matter.



Wayne A. Kablack, Esquire
Simpson, Kablack & Bell
Attorneys for Plaintiff
834 Philadelphia Street
Indiana, PA 15701

Date: August 8, 2001

61
62
63
64
65
66
67
68
69
70

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

BUCHANAN, KIMBERLY S.,	:	
Plaintiff	:	
vs.	:	File No. <u>2001-11639</u>
TOOMBS, JUSTINE,	:	
Defendant	:	PRAECIPE AND RULE TO FILE
	:	<u>X</u> A COMPLAINT
	:	<u> </u> A BILL OF PARTICULARS
	:	

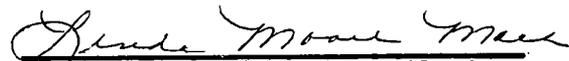
TO THE PROTHONOTARY/CLERK OF SAID COURT:

Issue rule on Plaintiff to file a Complaint
in the above case within twenty days after service of the rule or the
Prothonotary/Clerk, upon praecipe, shall enter a judgment non pros.

DATE: August 16, 2001

Signature: 
Print Name: Wayne A. Kablack, Esquire
Attorney for: Defendant
Address: 834 Philadelphia Street
Indiana, PA 15701
Telephone: (724) 465-5559
Supreme Court ID No.: 25818

NOW, August 16, ~~20~~ 2001, RULE ISSUED AS ABOVE:


Prothonotary/Clerk, Civil Div.

by: _____ Deputy

2001 AUG 16 A 9:05

(NOTE: File in duplicate)

TOMB, MACK AND KAUFFMAN
ATTORNEYS AT LAW
52 SOUTH NINTH STREET
INDIANA, PENNSYLVANIA 15701

KIMBERLY S. BUCHANAN,	:	IN THE COURT OF COMMON PLEAS
	:	INDIANA COUNTY, PENNSYLVANIA
Plaintiff,	:	
	:	NO. 11639 C.D. 2001
	:	
v.	:	
	:	
JUSTINE TOOMBS,	:	
	:	
Defendant.	:	

COMPLAINT

AND NOW, comes the Plaintiff, KIMBERLY S. BUCHANAN, by and through her attorneys, Tomb, Mack & Kauffman by Myron Hay Tomb, Esquire, and files this Complaint in Civil Action and in support thereof avers the following:

1. The Plaintiff, Kimberly S. Buchanan, is an individual having her principal place of residence at 89 Wolfe Road, Indiana, PA 15701.
2. The Defendant, Justine Toombs, is an individual having her principal place of residence at 1217 Worth Street, Reynoldsville, PA 15851.
3. The events herein complained of occurred on or about September 6, 1999 at approximately 1:30 p.m. in the parking lot of Sheetz, in DuBois, Clearfield County, PA.
4. At said time and place, the Plaintiff was slowly pulling into her parking space when her vehicle was struck on the front passenger side by a vehicle operated by the Defendant.
5. At said time and place, Defendant caused, allowed or permitted her vehicle to violently strike the vehicle operated by the Plaintiff. Plaintiff was seriously, severely and perhaps permanently injured as a result of the accident in question.
6. The Defendant was negligently generally and in the following particulars:
 - a. In failing to maintain a proper lookout for vehicles upon the roadway;
 - b. In failing to operate her vehicle within the assured cleared distance ahead;
 - c. In operating her vehicle at an excessive rate of speed;
 - d. In operating her vehicle at a speed to fast for conditions;

e. In operating her vehicle in negligent or reckless disregard of the rights of the Plaintiff;

f. In failing to observe or attempt to observe the slowly moving vehicle in the Sheetz parking lot;

g. In failing to take all reasonable measures to avoid colliding with the motor vehicle being operated by Plaintiff, Ms. Kimberly S. Buchanan;

h. In failing to stop or turn her motor vehicle or to take other appropriate action so that the collision with the motor vehicle operated by Plaintiff could be avoided;

7. As a direct and proximate result of the negligence of the Defendant, the Plaintiff suffered the following injuries:

a. sprain or strain of the nerves, muscles, tissues, ligaments and vessels of the musculoskeletal system;

b. trauma to the musculoskeletal system resulting in severe and prolonged headaches and dizziness;

c. trauma to the muscles, nerves and cervical vertebrae;

d. sprain or strain to the nerves, muscles, tissues, ligaments and vertebrae of the cervical spine;

e. trauma and contusions of the left shoulder and arm;

f. sprain or strain of the nerves, muscles, tissues, and ligaments of both shoulders;

g. trauma to the lumbar spine;

h. sprain or strain of the nerves, muscles, tissues, ligaments and vertebrae of the lumbar spine;

i. trauma to the lumbar spine causing damage to the nerves with symptomatic radiating pain to both legs;

j. trauma and contusions of the nerves, muscles, bones and connecting tissue of the right leg;

k. severe shock;

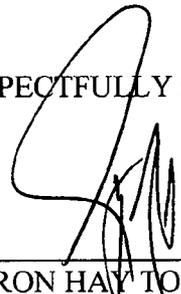
1. other damages and injuries which may be permanent in nature, the exact nature of which are not known at this time.

8. As a result of her aforesaid injuries, Plaintiff has suffered economic loss in the form of lost income from the date of the accident to the present.

WHEREFORE, Plaintiff demands judgment against the Defendant for a sum in excess of Twenty-Five Thousand (\$25,000.00) Dollars.

A JURY TRIAL IS DEMANDED.

RESPECTFULLY SUBMITTED,

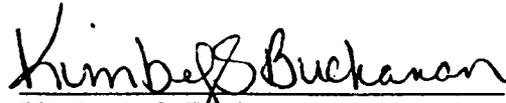


MYRON HAY TOMB
Attorney for Plaintiff

VERIFICATION

I, **KIMBERLY S. BUCHANAN**, verify that the statements contained in the foregoing Complaint are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities, which provides that if we make knowingly false statements, we may be subject to criminal penalties.


Kimberly S. Buchanan
Kimberly S. Buchanan

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Entry of Appearance

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated: 10-5-01

FILED

OCT 09 2001

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

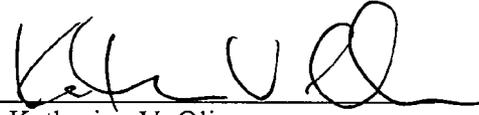
JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

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

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

By: 

Katherine V. Oliver
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Dated: October 5, 2001

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

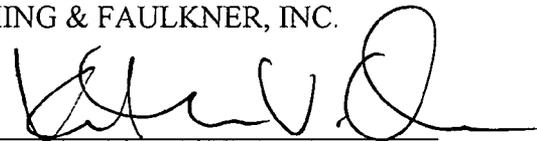
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praecipe for Entry of Appearance on Behalf of Defendant Justine Toombs, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 5th day of October, 2001, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

William A. Scott
Prothonotary

OCT 09 2001

FILED

NO CC

[Handwritten signature]

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Defendant's Second Request for
Production of Documents and
Tangible Things Directed to
Plaintiff

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated: October 9, 2001

FILED

OCT 11 2001

William A. Shaw
Prothonotary

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

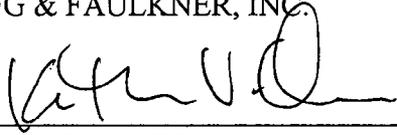
KIMBERLY S. BUCHANAN, :
 :
 Plaintiff, : No. 01 - 1429 - C.D.
 :
 vs. :
 :
 JUSTINE TOOMBS, : JURY TRIAL DEMANDED
 :
 Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiffs in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 9th day of October, 2001, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: 

Katherine V. Oliver
I.D. No. 77069
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Defendant's Interrogatories and
Request for Production of
Documents Directed to Plaintiff
(Set One)

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated: October 9, 2001

FILED

OCT 17 2001

**William A. Shaw
Prothonotary**

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

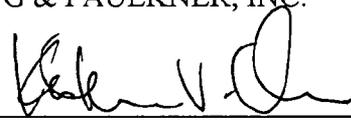
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiff (Set One) in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 9th day of October, 2001, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

OCT 17 2001

M/955/10CC

William A. Shaw
Prothonotary

(Handwritten mark)

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11464

BUCHANAN, KIMBERLY S.

01-1429-CD

VS.

TOOMBS, JUSTINE

COMPLAINT

SHERIFF RETURNS

NOW SEPTEMBER 7, 2001, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JUSTINE TOOMBS, DEFENDANT.

NOW SEPTEMBER 18, 2001 SERVED THE WITHIN COMPLAINT ON JUSTINE TOOMBS, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JOE TOOMBS, FATHER.

Return Costs

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
28.06	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED
 OCT 15 2001
 01:32:26 pm
 William A. Shaw
 Prothonotary

Sworn to Before Me This

15th Day Of October 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 Marilyn Harris
Chester A. Hawkins
Sheriff

No. 01-1429-CD

Personally appeared before me, Dale W. Overman, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on September 18, 2001 at 7:15 o'clock P.M. served the Notice and Complaint upon JUSTINE TOOMBS, Defendant, at her residence, 1217 Worth Street, Borough of Reynoldsville, County of Jefferson, State of Pennsylvania by handing to Joe Toombs, her father and adult person in charge at time of service, a true copy of the Notice and Complaint, and by making known to her the contents thereof.

Advance Costs Received: \$125.00
My Costs: \$ 26.06 Paid
Prothy: \$ 2.00
Total Costs: \$ 28.06
Refunded: \$ 96.94

Sworn and subscribed
to before me this 25th
day of September 19 2001
By Dale W. Overman

So Answers,

Dale W. Overman Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

**PROTHONOTARY
CLERK OF COURTS**
My Commission Expires
1st Monday of January 2002.
Jefferson County, PA

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Defendant's Answer with New
Matter to Plaintiff's Complaint

FILED

OCT 18 2001

**William A. Shaw
Prothonotary**

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated:

10-17-01

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

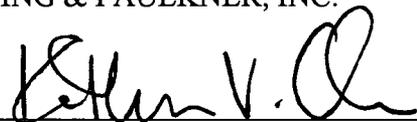
NOTICE TO PLEAD

TO: KIMBERLY S. BUCHANAN
c/o Myron Hay Tomb, Jr., Esquire

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

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

By: _____



Katherine V. Oliver
Attorney for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Dated: _____

10-17-01

NEW MATTER

9. The averments of paragraphs 1 through 8, inclusive, are incorporated herein by reference as though set forth at length.

10. To the extent Plaintiff selected and/or was insured under a policy of insurance bearing a limited tort option, Plaintiff's claims herein are barred or reduced accordingly.

11. To the extent Plaintiff's medical expenses and/or wage losses were paid or are payable under a policy of insurance, the same may not be plead, proven or recovered in the instant action.

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

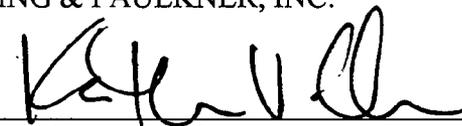
22. Defendant hereby raises the defenses of comparative and/or contributory negligence.

WHEREFORE, Defendant Justine Toombs respectfully requests that Plaintiff's Complaint against her be dismissed, with prejudice and costs of suit.

Respectfully submitted,

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax (814) 238-9624

Dated: 10-17-01

VERIFICATION

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

Justine Toomba
Defendant

Date: 10/9/01

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

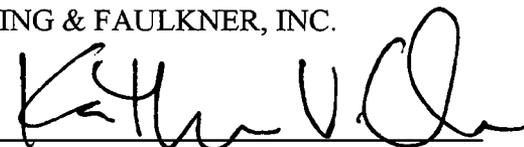
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Answer with New Matter to Plaintiff's Complaint in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 17th day of October, 2001, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:

Certificate of Service of
Defendant's Answers to Plaintiff's
First Set of Interrogatories

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated:

11-16-01

FILED

NOV 19 2001

William A. Shaw
Notary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

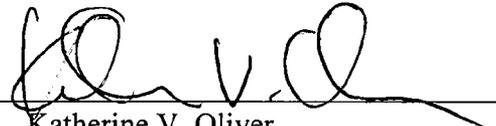
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Answers to Plaintiff's First Set of Interrogatories in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 10th of November, 2001, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Notice of Intent to Serve Subpoenas
to Produce Documents and Things
for Discovery Pursuant to Rule
4009.21

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated: *March 15, 2002*

FILED

WAS
WAS
MAR 18 2002
m/1:48/noc
William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

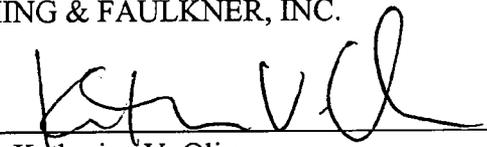
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 15th day of March, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Certificate Prerequisite

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

APR 05 2002
m/11:44/10cc
William A. Shaw
Prothonotary



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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

**CERTIFICATE PREREQUISITE TO SERVICE
OF SUBPOENAS PURSUANT TO RULE 4009.22**

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

- (1) a Notice of Intent to Serve the Subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least 20 days prior to the date on which the subpoenas are sought to be served;
- (2) a copy of the Notice of Intent, including the proposed subpoenas, is attached to this Certificate;
- (3) no objection to the subpoenas have been received; and,
- (4) the subpoenas which will be served are identical to the subpoenas which are attached to the Notice of Intent to Serve the Subpoenas.

Katherine V. Oliver
Attorney for Defendant

Dated: April 4, 2002

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

*

Vs.

*

No. 2001-01429-CD

Justine Toombs
Defendant(s)

*

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

TO: LAWRENCE BOUMA, D.C./BOUMA CHIROPRACTIC CLINIC

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: SEE ATTACHED
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, October 09, 2001
Seal of the Court

Lawrence Bouma, D.C./Bouma Chiropractic Clinic

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, emergency room records, history/physical examination, progress notes, discharge summary, operative reports (inpatient and outpatient surgery), pathology reports, laboratory reports, x-ray/CT scan/MRI reports (inpatient and outpatient), consultation reports, electrodiagnostic study results (inpatient and outpatient), physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all Workers' Compensation documents (regardless of source), any and all correspondence pertaining to Ms. Buchanan's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

*

*

*

No. 2001-01429-CD

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

TO: Ann R. Jesick, M.D.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: see attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 09, 2001
Seal of the Court


Deputy

Ann R. Jesick, M.D.

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, emergency room records, history/physical examination, progress notes, discharge summary, operative reports (inpatient and outpatient surgery), pathology reports, laboratory reports, x-ray/CT scan/MRI reports (inpatient and outpatient), consultation reports, electrodiagnostic study results (inpatient and outpatient), physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all Workers' Compensation documents (regardless of source), any and all correspondence pertaining to Ms. Buchanan's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

*

*

*

No. 2001-01429-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE
4009:22

TO: Indiana Hospital

(Name of Person or Entity)

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

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

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

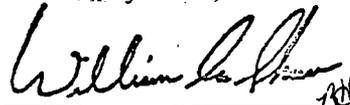
TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, October 09, 2001
Seal of the Court

Indiana Hospital

DOCUMENTS TO BE PRODUCED

Any and all medical records **for as long as you retain same** on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, emergency room records, history/physical examination, progress notes, discharge summary, operative reports (inpatient and outpatient surgery), pathology reports, laboratory reports, x-ray/CT scan/MRI reports (inpatient and outpatient), consultation reports, electrodiagnostic study results (inpatient and outpatient), physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all Workers' Compensation documents (regardless of source), any and all correspondence pertaining to Ms. Buchanan's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

*

Vs.

*

No. 2001-01429-CD

Justine Toombs
Defendant(s)

*

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

TO: Am-Gard, Inc.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, October 09, 2001
Seal of the Court

Am-Gard, Inc.

DOCUMENTS TO BE PRODUCED

Any and all personnel/employment records on KIMBERLY BUCHANAN, including but not limited to, application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Kimberly Buchanan's employment status, and any and all Workers' Compensation documents, etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

*

Vs.

*

No. 2001-01429-CD

Justine Toombs
Defendant(s)

*

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

TO: Victorian Gardens

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things: see attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, October 09, 2001
Seal of the Court

Victorian Gardens Personal Care Home

DOCUMENTS TO BE PRODUCED

Any and all personnel/employment records on KIMBERLY BUCHANAN, including but not limited to, application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Kimberly Buchanan's employment status, and any and all Workers' Compensation documents, etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

*

Vs.

*

No. 2001-01429-CD

Justine Toombs
Defendant(s)

*

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

TO: Fireman's Fund Insurance Company

(Name of Person or Entity)

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

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

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, October 09, 2001
Seal of the Court

Fireman's Fund Insurance Company

DOCUMENTS TO BE PRODUCED

Any and all Workers' Compensation documents **for as long as you retain same** on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, incident reports, Claim Petitions, Statements of Wages, Notices of Compensation Payable, Notice of Workers' Compensation Denial, indemnity payment logs, medical payment logs, Supplemental Agreements, date(s) of disability, medical records, return to work slips, work restrictions, job descriptions, etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

*

Vs.

*

No. 2001-01429-CD

Justine Toombs
Defendant(s)

*

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

TO: State Farm Insurance Companies

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things: see attached
McQuaide Blasko Law Offices, 811 University Drive. State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

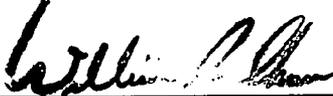
SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 11, 2001
Seal of the Court


Deputy

State Farm Insurance Company

DOCUMENTS TO BE PRODUCED

The entire first and third party files for a motor vehicle accident of November 17, 1998 (claim no. 38-J118-892) for KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, declarations pages, policy exclusions, payments made to medical providers, medical records, wage loss coverages, police report, entire investigative file, vehicle damage estimates, etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

*

*

*

No. 2001-01429-CD

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

TO: State Farm Insurance Companies

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: see attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, October 11, 2001
Seal of the Court

State Farm Insurance Company

DOCUMENTS TO BE PRODUCED

The entire first and third party files for a motor vehicle accident of September 6, 1999 (claim no. 38-J295-038) for KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, declarations pages, policy exclusions, payments made to medical providers, medical records, wage loss coverages, police report, entire investigative file, vehicle damage estimates, etc.

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

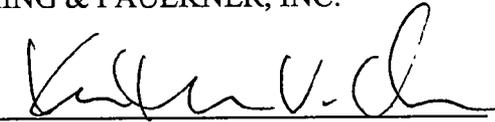
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to State Farm Insurance Company was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002

m | 11.44 | no cc
William A. Shaw
Prothonotary



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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

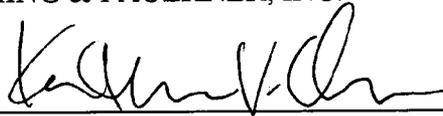
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to State Farm Insurance Company was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002
mll/AA/ncc
William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

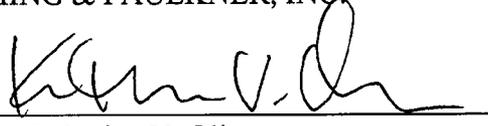
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Fireman's Fund Insurance Company was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002

William A. Shaw
Prothonotary

ES
RET

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

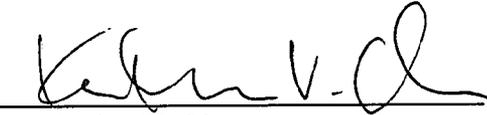
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Victorian Gardens was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002
mll:41/rocc
William A. Shaw
Prothonotary



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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

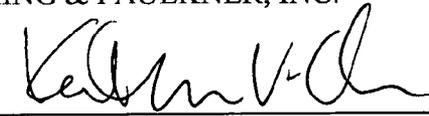
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Am-Gard, Inc. was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002
mll:41ncc

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

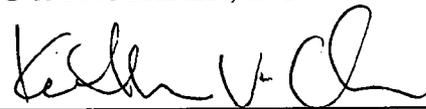
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Lawrence Bouma, D.C./Bouma Chiropractic Clinic was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002

m 11:44 / noc

William A. Shaw

Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

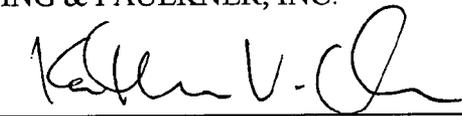
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Ann R. Jesick, M.D. was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002
m 11:44 no cc
William A. Shaw
Prothonotary 

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

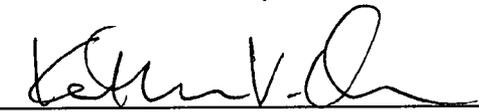
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Indiana Hospital was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED

APR 05 2002
m/11:44/no cc
William A. Shaw
Prothonotary 

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Notice of Intent to Serve Subpoenas
to Produce Documents and Things
for Discovery Pursuant to Rule
4009.21

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated:

June 11, 2002

FILED

JUN 12 2002 *EW*
mll/noc
William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

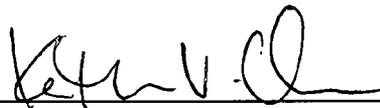
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 11th day of June, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Certificate Prerequisite

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

3/12:59-01
JUL 08 2002

William A. Shaw
Prothonotary

FILED

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

*

Vs.

*

No. 2001-01429-CD

Justine Toombs
Defendant(s)

*

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

TO: JOSE G. AMAYO, M.D.

(Name of Person or Entity)

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

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

(Address)

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

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

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

NAME: Katherine V. Olivier, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, March 14, 2002
Seal of the Court


Deputy

Jose G. Amayo, M.D.

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, emergency room records, history/physical examination, progress notes, discharge summary, operative reports (inpatient and outpatient surgery), pathology reports, laboratory reports, x-ray/CT scan/MRI reports (inpatient and outpatient), consultation reports, electrodiagnostic study results (inpatient and outpatient), physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all Workers' Compensation documents (regardless of source), any and all correspondence pertaining to Ms. Buchanan's health status (regardless of source), etc.

Hikmat Elkadi, M.D./Tri-State Neurosurgical Associates, Inc.

DOCUMENTS TO BE PRODUCED

Any and all medical records **for as long as you retain same and regardless of treating physician** on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, emergency room records, history/physical examination, progress notes, discharge summary, operative reports (inpatient and outpatient surgery), pathology reports, laboratory reports, x-ray/CT scan/MRI reports (inpatient and outpatient), consultation reports, electrodiagnostic study results (inpatient and outpatient), physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all Workers' Compensation documents (regardless of source), any and all correspondence pertaining to Ms. Buchanan's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

*

*

*

No. 2001-01429-CD

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

TO: DANIEL A. WECHT, M.D.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce
the following documents or things: See Attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, March 14, 2002
Seal of the Court

Daniel A. Wecht, M.D./Tri-State Neurosurgical Associates, Inc.

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, emergency room records, history/physical examination, progress notes, discharge summary, operative reports (inpatient and outpatient surgery), pathology reports, laboratory reports, x-ray/CT scan/MRI reports (inpatient and outpatient), consultation reports, electrodiagnostic study results (inpatient and outpatient), physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all Workers' Compensation documents (regardless of source), any and all correspondence pertaining to Ms. Buchanan's health status (regardless of source), etc.

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

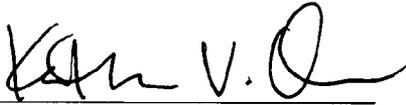
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Jose G. Amayo, M.D. was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 3rd day of July, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

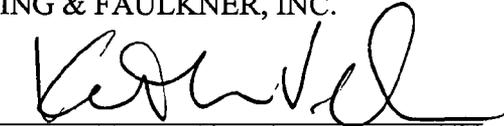
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Daniel A. Wecht, M.D./Tri-State Neurosurgical Associates, Inc. was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 3rd day of July, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:

CERTIFICATE OF SERVICE
OF NOTICE OF DEPOSITION
AND REQUEST FOR
PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF
KIMBERLY S. BUCHANAN

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

OCT 18 2002

William A. Shaw
Prothonotary

FILED

gt *cc* | 1:07 *BY*
OCT 18 2002

William A. Shaw
Prothonotary

NO
cc

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:

CERTIFICATE OF SERVICE
OF NOTICE OF DEPOSITION
AND REQUEST FOR
PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF
KIMBERLY S. BUCHANAN

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

OCT 28 2002

William A. Shaw
Prothonotary

FILED

M 11:37 AM
OCT 28 2002

mb ce
[Handwritten initials]

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:

*Defendant Justine Toombs' Motion
to Compel Am-Guard, Inc. to
Comply with Defendant's Subpoena
to Produce Documents and Things
for Discovery*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
Pa. Supreme Court I.D. # 77069

Chena L. Glenn-Hart, Esquire
Pa. Supreme Court I.D. #82750

811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

DEC 09 2002

m/2:30/WS

William A. Shaw
Prothonotary

NO CERT COPIES

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

KIMBERLY S. BUCHANAN,	:	
	:	
Plaintiff,	:	No. 01 - 1429 - C.D.
vs.	:	
	:	
JUSTINE TOOMBS,	:	JURY TRIAL DEMANDED
Defendant.	:	

**DEFENDANT JUSTINE TOOMBS' MOTION TO COMPEL
AM-GUARD, INC. TO COMPLY WITH DEFENDANT'S SUBPOENA
TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY**

AND NOW, comes Defendant, JUSTINE TOOMBS, by and through her attorneys, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., to respectfully move this Honorable Court to issue an appropriate Order compelling Am-Guard, Inc. to fully and completely comply with Defendant's subpoena to produce documents and things for discovery. In support thereof, Defendant avers as follows:

1. Plaintiff commenced the instant personal injury action by filing a Writ of Summons in Indiana County on August 1, 2001. Plaintiff thereafter filed a Complaint devoted to the same action in Clearfield County on August 31, 2001.
2. Upon consideration of Plaintiff's Motion to Consolidate the Clearfield County and Indiana County actions, this Court entered an Order consolidating same on October 3, 2001.
3. Defendant filed an Answer with New Matter to Plaintiff's Complaint on October 17, 2001.
4. This personal injury action seeks recovery in an amount in excess of \$25,000 for injuries Plaintiff allegedly sustained in a motor vehicle accident which occurred on September 6, 1999.

5. As part of this action, Plaintiff makes a substantial claim for economic loss in the form of lost income attributed to the injuries she sustained in the accident. (See ¶ 8 of Plt.'s Compl. attached hereto as Exhibit "A").

6. Specifically, Plaintiff claims to have lost approximately \$17,000 in wages from her former employer, Am-Guard Security, due to lost business opportunities with same as a direct result of the injuries she sustained in the September 6, 1999 motor vehicle accident. (See excerpts of Plt.'s Answers to Def.'s Interrogs. and Request for Production of Documents (Set One), Nos. 6-9, attached hereto as Exhibit "B.")

7. In this regard, on or about April 4, 2002, Defendant Toombs served a subpoena to produce or things for discovery pursuant to Rule 4009.22 upon Am-Guard, Inc. with a business address of 600 Main Street, Pittsburgh, PA 15215, in order to ascertain and evaluate the extent of Plaintiff's economic loss relative to her employment. (See Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 dated March 15, 2002, attached hereto as Exhibit "C"; subpoena to produce documents and things for discovery pursuant to Rule 4009.22 and applicable Certificate of Service, attached hereto as Exhibit "D"; correspondence dated April 4, 2002, attached hereto as Exhibit "E").

8. Said subpoena was received by Am-Guard, Inc. as evidenced by the certified mail receipt signed by Joanne Reynolds on April 5, 2002, copy of which is attached hereto within Exhibit "E."

9. Said subpoena directed Am-Guard, Inc. to produce a true and correct copy of any and all personnel/employment records of Kimberly Buchanan, including but not limited to, "application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other

reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Kimberly Buchanan's employment status, and any and all Workers' Compensation documents, etc.," within twenty (20) days of said subpoena. (See Exhibit "D").

10. Given Plaintiff's substantial wage loss claim relative to the instant action, Defendant's review and analysis of Am-Guard, Inc.'s employee records for Plaintiff Kimberly Buchanan is an essential aspect of Defendant's preparation of this case in order for Defendant to ascertain and evaluate the extent of Plaintiff's wage loss with Am-Guard, Inc., if any, that is related to the September 6, 1999 motor vehicle accident which serves as the basis for the instant action.

11. On or about June 11, 2002, counsel for Defendant Toombs directed correspondence to David Duncan, Vice President of Administration for Am-Guard, Inc., to inquire about the status of Am-Guard, Inc.'s response to the subpoena to produce documents and things for discovery. (A copy of said letter is attached hereto as Exhibit "F").

12. In addition, counsel for Defendant Toombs has made numerous telephone calls to Mr. Duncan to inquire about the status of the records requested by said subpoena.

13. Although Mr. Duncan represented that a portion of the employment records subject to the subpoena may have been destroyed in a flood, he also indicated that he would forward the remaining records pertaining to Plaintiff in response to Defendant's subpoena. (See Exhibit "F").

14. Despite the foregoing and the passage of over seven months, as of this date, Am-Guard, Inc. has failed and refused to produce its employee file for Plaintiff Kimberly Buchanan in response to the subpoena to produce documents and things for discovery served upon it by Defendant Toombs.

15. Moreover, to date, Am-Guard, Inc., has not filed any objections to Defendant's subpoena.

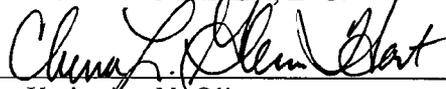
16. Without the benefit of Am-Guard, Inc.'s employee file for Plaintiff Kimberly Buchanan, Defendant Toombs is severely prejudiced in her preparation of this case and her pursuit of any and all aspects of discovery, including but not limited to obtaining expert review of the case and making determinations regarding the necessity for and nature of further discovery.

17. Consequently, Defendant Toombs has no way to adequately and appropriately evaluate Plaintiffs' substantial wage loss claim as it relates to the September 6, 1999 accident.

WHEREFORE, Defendant, Justine Toombs, respectfully requests that an Order be issued compelling Am-Guard, Inc. to fully and completely with Defendant's subpoena to produce documents and things for discovery pursuant to Rule 4009.22, within ten (10) days of the date of such Order or suffer appropriate sanctions, which may include the imposition of attorneys' fees and costs. A proposed Order is attached hereto.

Respectfully submitted,

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

By: 

Katherine V. Oliver
Chena L. Glenn-Hart
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Dated: 12/03/02

RECORDED
SEP 21 2001
STATE COLLEGE FCO

KIMBERLY S. BUCHANAN,

Plaintiff,

v.

JUSTINE TOOMBS,

Defendant.

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

NO. C.D. 2001

01-1429-02

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take actions 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 in the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and Judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator's Office
Court of Common Pleas of Indiana County
Fourth Floor - Indiana County Courthouse
825 Philadelphia Street
Indiana, PA 15701
(724) 465-3955

MYRON HAY TOMB
Attorney for Plaintiff

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

Aug 31, 2001

Attest:

Prothonotary

RECEIVED

SEP 21 2001
STATE COLLEGE PCO

KIMBERLY S. BUCHANAN,

Plaintiff,

v.

JUSTINE TOOMBS,

Defendant.

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

NO. C.D. 2001

COMPLAINT

AND NOW, comes the Plaintiff, KIMBERLY S. BUCHANAN, by and through her attorneys, Tomb, Mack & Kauffman by Myron Hay Tomb, Esquire, and files this Complaint in Civil Action and in support thereof avers the following:

1. The Plaintiff, Kimberly S. Buchanan, is an individual having her principal place of residence at 89 Wolfe Road, Indiana, PA 15701.
2. The Defendant, Justine Toombs, is an individual having her principal place of residence at 1217 Worth Street, Reynoldsville, PA 15851. *(Jefferson Co)*
3. The events herein complained of occurred on or about September 6, 1999 at approximately 1:30 p.m. in the parking lot of Sheetz, in DuBois, Clearfield County, PA.
4. At said time and place, the Plaintiff was slowly pulling into her parking space when her vehicle was struck on the front passenger side by a vehicle operated by the Defendant.
5. At said time and place, Defendant caused, allowed or permitted her vehicle to violently strike the vehicle operated by the Plaintiff. Plaintiff was seriously, severely and perhaps permanently injured as a result of the accident in question.
6. The Defendant was negligently generally and in the following particulars:
 - a. In failing to maintain a proper lookout for vehicles upon the roadway;
 - b. In failing to operate her vehicle within the assured cleared distance ahead;
 - c. In operating her vehicle at an excessive rate of speed;
 - d. In operating her vehicle at a speed to fast for conditions;

RECEIVED

SEP 21 2001
STATE COLLEGE FCO

- e. In operating her vehicle in negligent or reckless disregard of the rights of the Plaintiff;
- f. In failing to observe or attempt to observe the slowly moving vehicle in the Sheetz parking lot;
- g. In failing to take all reasonable measures to avoid colliding with the motor vehicle being operated by Plaintiff, Ms. Kimberly S. Buchanan;
- h. In failing to stop or turn her motor vehicle or to take other appropriate action so that the collision with the motor vehicle operated by Plaintiff could be avoided;

7. As a direct and proximate result of the negligence of the Defendant, the Plaintiff suffered the following injuries:

- a. sprain or strain of the nerves, muscles, tissues, ligaments and vessels of the musculoskeletal system;
- b. trauma to the musculoskeletal system resulting in severe and prolonged headaches and dizziness;
- c. trauma to the muscles, nerves and cervical vertebrae;
- d. sprain or strain to the nerves, muscles, tissues, ligaments and vertebrae of the cervical spine;
- e. trauma and contusions of the left shoulder and arm;
- f. sprain or strain of the nerves, muscles, tissues, and ligaments of both shoulders;
- g. trauma to the lumbar spine;
- h. sprain or strain of the nerves, muscles, tissues, ligaments and vertebrae of the lumbar spine;
- i. trauma to the lumbar spine causing damage to the nerves with symptomatic radiating pain to both legs;
- j. trauma and contusions of the nerves, muscles, bones and connecting tissue of the right leg;
- k. severe shock;

RECEIVED

SEP 21 2001
STATE COLLEGE FCC

1. other damages and injuries which may be permanent in nature, the exact nature of which are not known at this time.

8. As a result of her aforesaid injuries, Plaintiff has suffered economic loss in the form of lost income from the date of the accident to the present.

WHEREFORE, Plaintiff demands judgment against the Defendant for a sum in excess of Twenty-Five Thousand (\$25,000.00) Dollars.

A JURY TRIAL IS DEMANDED.

RESPECTFULLY SUBMITTED,



MYRON HAY TOMB
Attorney for Plaintiff

RECEIVED

SEP 21 2001
STATE COLLEGE FCO

VERIFICATION

I, **KIMBERLY S. BUCHANAN**, verify that the statements contained in the foregoing Complaint are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities, which provides that if we make knowingly false statements, we may be subject to criminal penalties.


Kimberly S. Buchanan
Kimberly S. Buchanan

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Defendant's Interrogatories and
Request for Production of
Documents Directed to Plaintiff
(Set One)

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated: October 9, 2001

(g) Your spouse's present address.

ANSWER:

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

ANSWER: Security Guard
AM-Guard Security
Pittsburgh, PA
No longer employed with them

7. If so, state:

- (a) When you ceased working in such business or occupation; September, 1999
- (b) Your present business or occupation, the date you entered it and your present income from such business;
- (c) Any other business occupations prior to your present one and after the date set out in answer to paragraph (a) above.

ANSWER:

- (a) September, 1999
- (b) September 21, 1999 - \$5.40 per hour
- (c) No

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

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

- (b) The number of days lost and the dates;
- (c) The amount of any income or wages lost.

ANSWER:

- (a) Injuries sustained in the September 6, 1999 vehicle accident.
- (b) Approximately one (1) week
- (c) Approximately \$17,000.00

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

- (a) The name and address of the employer;
AM-Guard Security
- (b) The position held and the nature of the work performed;
Security Guard, guarding at local power plants
- (c) Average weekly wages for the preceding year.
\$280.00 base pay. I would normally receive 8-24 hours of overtime

ANSWER:

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

- (a) Name and address of present employer;
- (b) Position held and nature of work being performed;
- (c) Hours worked per week;
- (d) Present weekly wages, earnings, income or profit;
- (e) Name your immediate boss, foreman or the superior to whom you are responsible;
- (f) Whether a physical examination was required and if so, state the date, place and person giving the examination;



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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Notice of Intent to Serve Subpoenas
to Produce Documents and Things
for Discovery Pursuant to Rule
4009.21

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

Dated: *March 15, 2002*

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

No. 2001-01429-CD

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

TO: Am-Gard, Inc.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire
ADDRESS: 811 University Drive
State College, PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 77069
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 09, 2001
Seal of the Court


Deputy

Am-Gard, Inc.

DOCUMENTS TO BE PRODUCED

Any and all personnel/employment records on KIMBERLY BUCHANAN, including but not limited to, application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Kimberly Buchanan's employment status, and any and all Workers' Compensation documents, etc.



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

No. 2001-01429-CD

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

TO: Am-Gard, Inc.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire
ADDRESS: 811 University Drive
State College, PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 77069
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 09, 2001
Seal of the Court

William A. Shaw
Deputy

Am-Gard, Inc.

DOCUMENTS TO BE PRODUCED

Any and all personnel/employment records on KIMBERLY BUCHANAN, including but not limited to, application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Kimberly Buchanan's employment status, and any and all Workers' Compensation documents, etc.

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQuaide Blasko Law Offices, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

1. The records pertain to _____, SS# _____, DOB: _____.
2. The records represent all documents for _____ to the present date of this Affidavit [unless otherwise specifically requested by McQuaide Blasko].
3. The records submitted under the Affidavit consist of _____ pages.
[If no records exist, please so indicate "No Records," sign and return this Affidavit.]
4. The copies of records for which this Certification/Affidavit is made are true and complete reproductions of the original or microfilmed medical records which are housed by _____ (name of health care provider). The original records were made in the regular course of business at or near the time of the matter recorded. This Certification/Affidavit is given pursuant to 42 Pa. C.S.A. § 61 (e) (relating to medical records) by the custodian of the records in lieu of his/her personal appearance.

I declare that the foregoing facts are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

(Signature of Records Custodian)

(Print or Type Name of Records Custodian)

Sworn to and subscribed
before me this _____ day
of _____, 20__.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

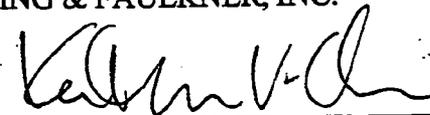
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Am-Gard, Inc. was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____



Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624



MCQUAIDE BLASKO

ATTORNEYS AT LAW

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

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

April 4, 2002

Am-Gard, Inc.
Human Resources/Personnel
600 Main Street
Pittsburgh, PA 15215

In Re: Kimberly Buchanan
SS#: 189-56-7390
DOB: June 24, 1964

To Whom It May Concern:

Enclosed is a subpoena directing you to bring to our office a true and correct copy of any and all medical records/documents in your possession pertaining to the above referenced matter. It will be sufficient for you to provide the material requested by mail or hand delivery.

In serving you the Subpoena, I am proceeding under applicable Pennsylvania Rules of Civil Procedure. A copy of the Subpoena and a Notice of Intent to Serve the Subpoena were served upon the attorney for the Plaintiff more than 20 days ago. No objections to the Subpoena have been filed.

Please complete the attached Records Affidavit and Certificate of Compliance with Subpoena to Produce Documents or Things, and return with the subpoenaed documents.

If you require advance payment for these records, please advise this office in writing via fax or mail, and we will promptly forward the same.

Thank you for your attention to this matter.

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

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

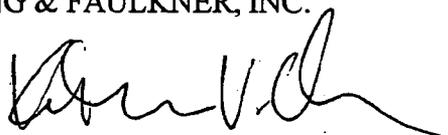
John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

Am-Gard, Inc. -
April 4, 2002
Page 2

Very truly yours,

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

By:


Katherine V. Oliver

KVO/klb
Enclosures
CERTIFIED MAIL/RETURN RECEIPT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Am-Gard, Inc.
 Human Resources/Personnel
 600 Main Street
 Pittsburgh, PA 15215

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
 Johnne Reynolds 4/5/2

C. Signature Agent
 [Signature] Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Certified Mail Express Mail
 - Registered Return Receipt for Merchandise
 - Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
 7099 3400 0012 9161 4785
 PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789





MCQUAIDE BLASKO

ATTORNEYS AT LAW

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

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

June 11, 2002

David Duncan
Vice President of Administration
Am-Gard, Inc.
600 Main Street
Pittsburgh, PA 15215

In Re: Kimberly Buchanan vs. Justine Toombs
SS#: 189-56-7390
DOB: June 24, 1964

Dear Mr. Duncan:

This firm represents State Farm Insurance Company on behalf of Justine Toombs in the above referenced case. On April 4, 2002 a subpoena was issued to Am-Gard, Inc. for any and all records relative to Plaintiff Kimberly Buchanan. A copy of the subpoena is enclosed for your ease of reference.

Based on our recent telephone conversation, I understand that various Am-Gard records have been destroyed in a flood, but that Am-Gard does still have some records regarding Kimberly Buchanan. I understood that you would be forwarding to me all such documents. Additionally, if the existing documents do not reflect when and why Ms. Buchanan's employment with Am-Gard ended, please provide me with the name of an individual at Am-Gard who might have this information.

I appreciate your anticipated courtesy and cooperation with this matter, and I look forward to receiving Am-Gard's file in response to the enclosed subpoena.

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

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

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

David Duncan
June 11, 2002
Page 2

Sincerely,

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

By:


Katherine V. Oliver

KVO/klb
Enclosure

bcc: Howard C. Shaffer - State Farm (38-J295-038) w/o enc

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

No. 2001-01429-CD

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

TO: Am-Gard, Inc.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached
McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire
ADDRESS: 811 University Drive
State College, PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 77069
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

William A. Shaw
Deputy

DATE: Tuesday, October 09, 2001
Seal of the Court

Am-Gard, Inc.

DOCUMENTS TO BE PRODUCED

Any and all personnel/employment records on KIMBERLY BUCHANAN, including but not limited to, application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Kimberly Buchanan's employment status, and any and all Workers' Compensation documents, etc.

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

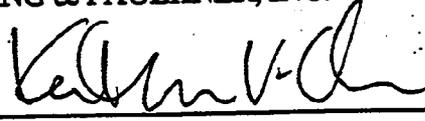
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Am-Gard, Inc. was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of April, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____


Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

CA

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

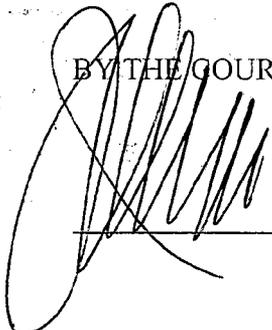
JURY TRIAL DEMANDED

RULE TO SHOW CAUSE

AND NOW, this 17th day of Dec, 2002, upon consideration of Defendant Justine Toombs' Motion to Compel Am-Guard, Inc. to comply with Defendant's subpoena to produce documents and things for discovery pursuant to Rule 4009.22, a Rule is hereby issued upon Am-Guard, Inc., business address 600 Main Street, Pittsburgh, PA 15215, to show cause why said Motion should not be granted.

This Rule is returnable the 7th day of Jan, 2002 for filing a written response. A hearing on same is scheduled for the 13 day of January, 2002, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. at 9:00 A.M.

BY THE COURT



J.

FILED

DEC 18 2002

William A. Shaw
Prothonotary

FILED

Emp

2001 Marry's

9:24 AM
DEC 18 2002

*Rule to Show memo
to Amy Glenn-Hart*

William A. Shaw
Prothonetary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:

*Certificate of Service of Notice of
Intent to Serve Subpoenas to
Daniel E. Bash, D.C., Joseph A.
Schwartz, D.C., and Indiana
Chiropractic Clinic*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Fax: (814) 238-9624

Counsel for Plaintiff

Myron Hay Tomb, Jr., Esquire

Tomb, Mack & Kauffman

52 South Ninth Street

Indiana, PA 15701-2664

FILED

DEC 19 2002

William A. Shaw
Prothonotary

FILED

NO
DEC 11 08 28
DEC 19 2002
AC
N
K

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
*Certificate of Service of
Subpoena to Produce Documents
and Things for Discovery Directed
Joseph A. Schwartz, D.C.*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

JAN 13 2003

William A. Shaw
Prothonetary

FILED ^{NCC}
M1124-24
JAN 13 2003

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
*Certificate of Service of
Subpoena to Produce Documents
and Things for Discovery Directed
Daniel E. Bash, D.C.*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

JAN 13 2003

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
*Certificate of Service of
Subpoena to Produce Documents
and Things for Discovery Directed
to Indiana Chiropractic Clinic*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kaufman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

JAN 13 2003

William A. Shaw
Prothonotary

3

FILED ^{REC}
M 11:24 ~~61~~
JAN 13 2003

William A. Shaw
Prothonetary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
*Certificate of Service of December
17, 2002 Rule to Show Cause
for Defendant Justine
Toombs' Motion to Compel Am-
Guard, Inc. to Comply with
Defendant's Subpoena to Produce
Documents and Things for Discovery*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
Pa. Supreme Court I.D. # 77069

Chena L. Glenn-Hart, Esquire
Pa. Supreme Court I.D. #82750

811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

DEC 23 2002

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

RULE TO SHOW CAUSE

AND NOW, this 17th day of Dec., 2002, upon consideration of Defendant Justine Toombs' Motion to Compel Am-Guard, Inc. to comply with Defendant's subpoena to produce documents and things for discovery pursuant to Rule 4009.22, a Rule is hereby issued upon Am-Guard, Inc., business address 600 Main Street, Pittsburgh, PA 15215, to show cause why said Motion should not be granted.

This Rule is returnable the 7th day of January, 2002 for filing a written response. A hearing on same is scheduled for the 13 day of January, 2002³, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. at 9:00 A.M.

BY THE COURT

/s/ JOHN K. REILLY, JR.

J.

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

DEC 18 2002

Attest.

William D. Stone
Prothonotary/
Clerk of Courts

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

KIMBERLY S. BUCHANAN, :
 :
 Plaintiff, : No. 01 - 1429 - C.D.
 :
 vs. :
 :
 JUSTINE TOOMBS, : JURY TRIAL DEMANDED
 :
 Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the December 17, 2002 Rule to Show Cause scheduling the Defendant Justine Toombs' Motion to Compel Am-Guard, Inc. to Comply With Defendant's Subpoena to Produce Documents and Things for Discovery for hearing in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 19th day of December, 2002, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

David Duncan
Vice President of Administration
Am-Guard, Inc.
600 Main Street
Pittsburgh, PA 15215

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

By: Chena L. Glenn-Hart

Katherine V. Oliver
Chena L. Glenn-Hart
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

 **FILED** *ND*
m/b:slw/kt
DEC 23 2002 *cc*

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
*Certificate Prerequisite to
Service of Subpoenas to
Daniel E. Bash, D.C., Joseph A.
Schwartz, D.C., and Indiana
Chiropractic Clinic*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

JAN 13 2003

William A. Shaw
Prothonotary

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

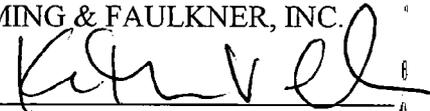
KIMBERLY S. BUCHANAN, :
 :
 Plaintiff, : No. 01 - 1429 - C.D.
 vs. :
 :
 JUSTINE TOOMBS, : JURY TRIAL DEMANDED
 :
 Defendant. :

**CERTIFICATE PREREQUISITE TO SERVICE
OF SUBPOENAS PURSUANT TO RULE 4009.22**

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

- (1) a Notice of Intent to Serve the Subpoenas with copies of the subpoenas attached thereto were mailed or delivered to each party at least 20 days prior to the date on which the subpoenas are sought to be served;
- (2) a copy of the Notice of Intent, including the proposed subpoenas, is attached to this Certificate;
- (3) no objection to the subpoenas have been received; and,
- (4) the subpoenas which will be served are identical to the subpoenas which are attached to the Notice of Intent to Serve Subpoenas.

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

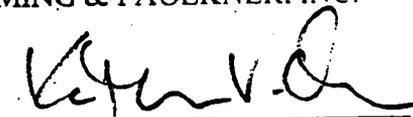
No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

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

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

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

No. 2001-01429-CD

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

TO: DANIEL E. BASH, D.C.

(Name of Person or Entity)

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

SEE ATTACHED.

(Address)

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

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

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

NAME: KATHERINE V. OLIVER, ESQUIRE

ADDRESS: 811 UNIVERSITY DRIVE

STATE COLLEGE PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: DEFENDANT

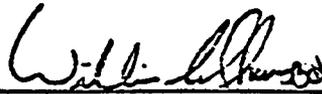
BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Friday, December 13, 2002

Seal of the Court



Deputy

Daniel E. Bash, D.C.

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to KIMBERLY BUCHANAN's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

No. 2001-01429-CD

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

TO: INDIANA CHIROPRACTIC CLINIC

(Name of Person or Entity)

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

SEE ATTACHED.

(Address)

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

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

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

NAME: KATHERINE V. OLIVER, ESQUIRE

ADDRESS: 811 UNIVERSITY DRIVE

STATE COLLEGE PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Friday, December 13, 2002
Seal of the Court


Deputy

Indiana Chiropractic Clinic

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to KIMBERLY BUCHANAN's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kimberly S. Buchanan
Plaintiff(s)

Vs.

Justine Toombs
Defendant(s)

No. 2001-01429-CD

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

TO: JOSEPH A. SCHWARTZ, D.C.

(Name of Person or Entity)

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

SEE ATTACHED.

(Address)

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

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

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

NAME: KATHERINE V. OLIVER, ESQUIRE

ADDRESS: 811 UNIVERSITY DRIVE

STATE COLLEGE PA 16801

TELEPHONE: (814) 238-4926

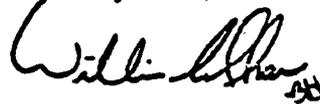
SUPREME COURT ID # 77069

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

DATE: Friday, December 13, 2002
Seal of the Court

Joseph A. Schwartz, D.C.

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on KIMBERLY BUCHANAN (SS#: 189-56-7390, DOB: 6/24/1964), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to KIMBERLY BUCHANAN's health status (regardless of source), etc.

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

KIMBERLY S. BUCHANAN,

Plaintiff,

No. 01 - 1429 - C.D.

vs.

JUSTINE TOOMBS,

JURY TRIAL DEMANDED

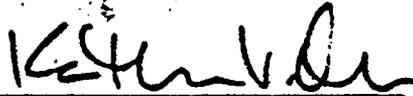
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas to Produce Documents and Things Directed to Daniel E. Bash, D.C., Joseph A. Schwartz, D.C., and Indiana Chiropractic Clinic in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 17th day of December, 2003, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

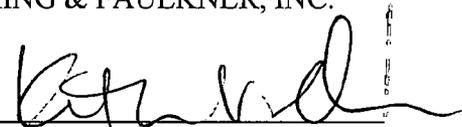
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas to Produce Documents and Things Directed to Daniel E. Bash, D.C., Joseph A.

Schwartz, D.C., and Indiana Chiropractic Clinic in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 18th day of January, 2003, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED
NO
CC
11:24 AM
JAN 13 2003

William A. Shaw
Prothonotary

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

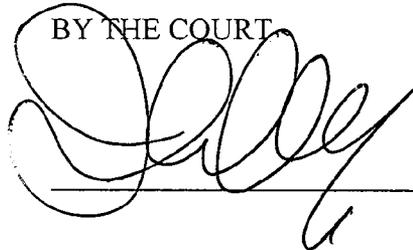
JURY TRIAL DEMANDED

ORDER

AND NOW, this 13 day of Dec, 2002³, upon consideration of

Defendant Justine Toombs' Motion to Compel Am-Guard, Inc. to comply with Defendant's subpoena to produce documents and things for discovery pursuant to Rule 4009.22, it is hereby Ordered that Am-Guard, Inc. shall comply with the subpoena and produce its full and complete employee file pertaining to Kimberly S. Buchanan, within ten (10) days of the date of this Order. Am-Guard, Inc.'s failure to comply with said subpoena within the designated time shall result in appropriate sanctions, including the imposition of attorneys' fees and costs.

BY THE COURT


_____, J.

FILED

JAN 13 2003

William A. Shaw
Prothonotary

FILED

019:12-81
JAN 13 2003

William A. Shaw
Prothonotary

2cc
Amy Glenn-Hart
KED

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
*Certificate of Service of
Defendant Justine Toombs' Requests
for Admission with Corresponding
Interrogatories and Request for
Production of Documents for
for Answer by Plaintiff*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
Pa. Supreme Court I.D. # 77069

Chena L. Glenn-Hart, Esquire
Pa. Supreme Court I.D. #82750

811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street

FILED

AUG 12 2003

William A. Shaw
Prothonotary/Clerk of Courts

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

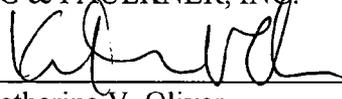
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant Justine Toombs' Request for Admission with Corresponding Interrogatories and Request for Production of Documents for Answer by Plaintiff in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 8th day of August, 2003, to the attorney(s) of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

FILED ^{no} _{cc}
M/11/17 ~~17~~ ~~18~~ ~~19~~
AUG 12 2003

William A. Shaw
Prothonotary/Clerk of Courts

GA

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:
Motion for Summary Judgment

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
Pa. Supreme Court I.D. # 77069
Chena L. Glenn-Hart, Esquire
Pa. Supreme Court I.D. #82750
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

FILED

FEB 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2004, upon consideration of Defendant's Motion for Summary Judgment and Supporting Brief and Plaintiff's response thereto, it is hereby ordered that Defendant's Motion for Summary Judgment is GRANTED, and Plaintiff's claims are hereby DISMISSED, with prejudice.

BY THE COURT:

_____ J.

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

RULE TO SHOW CAUSE

AND NOW, this 18th day of February, 2004, Plaintiff is directed to show cause, if any she has, why Defendant Justine Toombs' Motion for Summary Judgment should not be granted.

This Rule is returnable for Answer within 20 days and argument is scheduled for the 11 day of March, 2004 at 9:00 A.m. in Courtroom 2 of the Clearfield County Courthouse in Clearfield, Pennsylvania.

BY THE COURT:

Paul E Cherry
J.

FILED

FEB 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED

0/2:10/07
FEB 18 2004

EX

William A. Shaw
Prothonotary/Clerk of Courts

! CC Atty Olive

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

DEFENDANT JUSTINE TOOMBS' MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Defendant, Justine Toombs, by and through her attorneys, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and respectfully moves this Court pursuant to Pennsylvania Rule of Civil Procedure 1035.2 to enter summary judgment in her favor. In support of her Motion, Defendant avers as follows:

1. This action arises from a relatively minor two vehicle accident that occurred on September 6, 1999 in the parking lot of Sheetz in Dubois, Clearfield County, Pennsylvania. (See Compl. ¶¶ 3-4).
2. Plaintiff initiated this action against Defendant via Writ of Summons filed on or about August 1, 2001 in Indiana County. Defendant filed preliminary objections to venue, and the case was thereafter transferred to Clearfield County. Plaintiff filed her Complaint on or about August 31, 2001.
3. Plaintiff seeks recovery for alleged pain, suffering, and other such non-economic losses, as well Plaintiff's alleged economic losses. (See Compl. ¶¶ 7-8).
4. Defendant filed an Answer with New Matter to Plaintiff's Complaint on or about October 17, 2001 pursuant to an extension agreement between the parties. Defendant raised, *inter alia*, Plaintiff's selection of the limited tort option and the preclusions of section 1722 of the Motor Vehicle Financial Responsibility Law in defense of Plaintiff's claims.

5. The parties have exchanged written discovery, and depositions of both parties have been taken. Defendant has subpoenaed various records, including Plaintiff's first party automobile file, Plaintiff's employment records, and medical records.

6. Defendant also served Requests for Admission on Plaintiff on August 8, 2003. Plaintiff never filed responses to the Requests. (A true and correct copy of Defendant's Requests for Admission is included as Exhibit "A" in Defendant's Exhibits in Support of Motion for Summary Judgment, filed on even date herewith (hereinafter "S.J. Exhibits")).

7. At the time of the automobile accident giving rise to this action, Plaintiff had a policy of automobile insurance with State Farm Insurance Company. Plaintiff was bound by the limited tort selection under the State Farm Policy. (See Plaintiff's Declarations Page from State Farm Insurance, Exhibit "B" of S.J. Exhibits).

8. Plaintiff had \$10,000 in first party medical benefits available to her under the State Farm Policy, and up to \$15,000 available in first party wage loss coverage. (See id).

9. As further set forth below, discovery pertinent to the instant motion is complete, and it is clear that Plaintiff did not suffer a "serious injury" sufficient to surpass the limited tort threshold under section 1705 of the Motor Vehicle Financial Responsibility Law ("MVFL"), such that Plaintiff may not seek non-economic damages at trial. Additionally, discovery reveals that Plaintiff cannot prove any recoverable special damages pursuant to MVFL section 1722.

10. Consequently, Defendant files this Motion for Summary Judgment, seeking dismissal of Plaintiff's claims and the entry of judgment in Defendant's favor.

A. Defendant Is Entitled To Summary Judgment With Respect To Plaintiff's Non-Economic Loss Claims Because Plaintiff Is Bound By The Limited Tort Option, And It Is Clear From The Record Adduced In Discovery That Plaintiff Cannot Meet The Serious Injury Threshold As A Matter Of Law

11. MVFL section 1705 precludes an individual who is bound by the limited tort option from maintaining an action for non-economic loss resulting from an automobile accident unless the individual sustained a "serious injury." 75 Pa. C.S.A. § 1705.

12. The burden is on a limited tort plaintiff seeking to recover non-economic losses to prove a “serious injury” sufficient to overcome the limited tort threshold. See Washington v. Baxter, 553 Pa. 434, 719 A.2d 733 (1998).

13. As defined by Section 1702 of the MVFRL, a “serious injury” is a “personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.” See 75 Pa. C.S.A. § 1702.

14. To prove a “serious impairment of body function” sufficient for recovery of non-economic damages, a plaintiff must demonstrate: (1) that a body function was impaired because of injuries sustained in an automobile accident; and, (2) that the impairment was serious. In ascertaining whether an impairment is “serious,” courts look to the following nonexclusive list of factors: the extent of the impairment, the particular body function impaired, the length of the impairment, and the treatment required to correct it. See Washington, 553 Pa. at 447, 719 A.2d at 740.

15. In addition to the above, the Pennsylvania Supreme Court has stated that medical testimony is generally necessary to establish the existence, extent, and permanency of a claimed impairment. Id.

16. In her Complaint, Plaintiff in the case at bar alleges that she suffered “trauma” and “sprain or strain” to the musculoskeletal system, lumbar spine, cervical spine, left shoulder and right leg allegedly resulting in numerous symptoms, including prolonged headaches and dizziness, symptomatic radiating pain to both legs,” “severe shock,” and “other damages and injuries which may be permanent in nature” (See Compl. ¶ 7a-1).

17. Despite these bare allegations, however, discovery in this case reveals that Plaintiff’s alleged injuries do not rise to the level of a “serious injury” as a matter of law.

18. As further described herein, Plaintiff’s treatment for symptoms and complaints she relates to the accident was fairly minimal.

19. Plaintiff was evaluated at the emergency room on the day of the accident and released. (See Indiana Hosp. record, Exhibit “C” of S.J. Exhibits). X-rays of the lumbar spine,

cervical spine and left shoulder were unremarkable except for degenerative disc disease in the lumbar area. (Id.).

20. Plaintiff reported to Dr. Anne Jesick, her family doctor, in follow-up four days later, and subsequently had various follow-up phone calls with Dr. Jesick regarding her complaints. (See Dr. Anne Jesick records, pertinent portions of which are attached as Exhibit “D” in S.J. Exhibits).

21. Plaintiff then saw her chiropractor,¹ Lawrence Bouma, D.C., for thirteen chiropractic visits through November 15, 1999. Dr. Bouma’s records indicate improvement over the course of these visits. (See records of Bouma Chiropractic Clinic, D.C., pertinent portions of which are attached as Exhibit “E” in S.J. Exhibits).

22. In addition, Plaintiff was evaluated by Dr. Daniel A. Wecht one time at Tri-State Neurological Associates on November 16, 1999. (See record of visit with Dr. Daniel A. Wecht, included in S.J. Exhibits as Exhibit “F”). Dr. Wecht interpreted MRIs of Plaintiff’s cervical and lumbar spines as showing slight disc bulges but no herniation. (Id.).

23. After one and a half years of no treatment at all, Plaintiff again went to see Dr. Bouma for six more visits on the advice of her attorney. (See Exhibit E and Exhibit G, at 75-76).

24. Plaintiff’s last treatment for injuries she claims were caused by the accident was in October of 2001. At that point, Plaintiff herself testified that she felt better and did not need to return for further treatment. (See Plaintiff Kimberly Buchanan Depo., attached as Exhibit “G” in S.J. Exhibits, at 79-81).

25. As of the time of her deposition on November 12, 2003, despite ostensibly having continuing subjective complaints, Plaintiff had not sought any treatment since her last chiropractic visits with Dr. Bouma, and did not have any plans for further treatment. (See id. at 83-84).

¹ Plaintiff had seen Dr. Bouma in the past for neck and back injuries sustained in a work-related incident. (See Exhibit E-1, S.J. Exhibits).

26. In addition, Plaintiff's medical records do not document any significant physician-imposed restrictions, or reflect any substantial, lasting impairment as a result of the automobile accident at issue. (See, Exhibits C-F, generally).

27. During her deposition, Plaintiff testified that she has worked continually since the accident, even at a physically demanding job as a nurse's aid in a personal care home, (see Exhibit G, at 20-31), and that she at times worked two physically demanding jobs. (Id. at 27-31).

28. Plaintiff also testified that she carried on with her daily routine and was never prevented from engaging in any activities on account of accident-related injuries. (See id. at 68, 83-84).

29. In sum, the record as developed through discovery reveals that Plaintiff cannot adduce sufficient competent evidence from which a jury could find that Plaintiff suffered a "serious injury" as that term is defined under Pennsylvania law.

30. Accordingly, Plaintiff cannot meet the serious injury threshold necessary to recovery of any non-economic losses in the instant case, and Defendant is entitled to summary judgment on Plaintiff's claims for non-economic losses.

WHEREFORE, Defendant Justine Toombs respectfully requests that this Honorable Court enter summary judgment in her favor and against Plaintiff on Plaintiff's claims for non-economic losses.

B. Defendant Is Entitled To Judgment As A Matter Of Law With Respect To Plaintiff's Claims For Economic Damages Because MVFRL Section 1722 Precludes Plaintiff From Recovering Any Such Damages Under The Circumstances Of This Case, And Because Plaintiff Cannot Come Forward With Competent Evidence Of Recoverable Wage Loss

31. Section 1722 of the Motor Vehicle Financial Responsibility Law prohibits recovery of medical expenses and/or wage loss paid or payable under a policy of insurance. 75 Pa. C.S.A. § 1722.

32. At the time of the September 6, 1999 vehicle accident, Plaintiff was insured under an automobile insurance policy which provided \$10,000.00 in first party medical expense coverage, and wage loss coverage of up to \$15,000.00. (See Exh. B hereto).

33. Plaintiff never exhausted the \$10,000.00 in first party medical coverage, and all medical expenses for injuries allegedly related to the accident have been paid by her automobile insurance carrier. (See First Party Pay Out Log, Exhibit "H" of S.J. Exhibits).

34. Consequently, Plaintiff is precluded from recovering any medical expenses at trial of this case. (See 75 Pa.C.S.A. §1722; Carlson v. Bubash, 432 Pa. Super. 514, 639 A.2d 458, 461 (1994)).

35. Although Plaintiff claims to have suffered a limited period of lost wages as a result of the accident, (see Exh. G, at 45-46), Plaintiff has never come forward with documentation to support her wage loss claim, or with competent evidence of any accident-related disability that prevented Plaintiff from working at any time.

36. In fact, Plaintiff's deposition testimony establishes that she has worked fairly continuously since the accident at various different jobs. (See ¶ 27, above, and related citations).

37. Even assuming, without conceding, that Plaintiff could otherwise prove a viable wage loss claim, Plaintiff would be precluded from proving or recovering such losses to the extent they were payable under her own automobile insurance policy. (See 75 Pa. C.S. § 1722).

38. Plaintiff's discovery responses reveal that Plaintiff either never applied for and/or never received wage loss payments under her own automobile policy, (see Exh. G, at 47), such that the \$15,000.00 available in wage loss coverage under the policy cannot have been exhausted.

39. In sum, discovery reveals that all medical expenses have been paid under Plaintiff's automobile insurance policy, and even assuming some limited period of disability, Plaintiff had first party wage loss coverage available to her that was never exhausted.

40. Thus, Defendant submits that Plaintiff cannot come forward with evidence of recoverable economic losses in this case, and Defendant is therefore entitled to summary judgment with respect to Plaintiff's claims for economic losses such as medical expenses and wage loss.

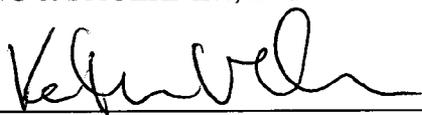
WHEREFORE, Defendant Justine Toombs respectfully requests that summary judgment be granted in her favor with respect to any claims for economic losses and damages, such as medical expenses and wage loss (past, present, or future), because the evidence adduced in discovery shows that Plaintiff cannot present competent proof of recoverable losses of this nature, and because Plaintiff is precluded from recovering the same under section 1722 of the Motor Vehicle Financial Responsibility Law.

Respectfully submitted,

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

Dated: February 11, 2004

By: _____



Katherine V. Oliver
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Attorney for Defendant
JUSTINE TOOMBS

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

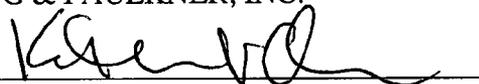
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Motion for Summary Judgment and Exhibits in Support of Motion for Summary Judgment in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 11th day of February, 2004, to the attorney of record:

Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

By: _____


Katherine V. Oliver
Chena L. Glenn-Hart
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Attorneys for Defendant
JUSTINE TOOMBS

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

EXHIBITS

*IN SUPPORT OF DEFENDANT JUSTINE TOOMBS'
MOTION FOR SUMMARY JUDGMENT*

Katherine V. Oliver
McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Attorney for Defendant
JUSTINE TOOMBS

EXHIBIT A

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

Type of Pleading:

*Defendant Justine Toombs' Requests
for Admission with Corresponding
Interrogatories and Request for
Production of Documents for
for Answer by Plaintiff*

Filed on Behalf of Defendant,
JUSTINE TOOMBS

Counsel of Record for This Party:
Katherine V. Oliver, Esquire
Pa. Supreme Court I.D. # 77069

Chena L. Glenn-Hart, Esquire
Pa. Supreme Court I.D. #82750

811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Counsel for Plaintiff
Myron Hay Tomb, Jr., Esquire
Tomb, Mack & Kauffman
52 South Ninth Street
Indiana, PA 15701-2664

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

KIMBERLY S. BUCHANAN,

Plaintiff,

vs.

JUSTINE TOOMBS,

Defendant.

:
:
:
:
:
:
:
:
:
:

No. 01 - 1429 - C.D.

JURY TRIAL DEMANDED

**DEFENDANT JUSTINE TOOMBS' REQUESTS FOR ADMISSION WITH
CORRESPONDING INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS FOR ANSWER BY
PLAINTIFF**

TO: Kimberly S. Buchanan
c/o Myron Hay Tomb, Jr., Esquire

AND NOW, comes Defendant, Justine Toombs, by and through her counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and serves the within Requests for Admissions with corresponding Interrogatories and Requests for Production of Documents upon Plaintiff pursuant to Pa. R.C.P. 4005, 4006, 4009 and 4014.

If your answer to any of the Requests for Admission is anything other than a complete admission, please state all facts upon which you rely to support your denial or qualified admission. Each matter set forth herein shall be deemed admitted unless you serve an answer or objection upon counsel for Defendant, within thirty (30) days of the date of service thereof.

The interrogatories and document requests shall be deemed to be continuing interrogatories and document requests, pursuant to Pa. R.C.P. 4005, 4006, and 4009. If, between the time of your answers and the time of trial of this case, you or anyone acting on your behalf learn of any further information not contained in your answers, you shall promptly furnish said

information to the undersigned by supplemental answers or supplemental production of documents.

DEFINITIONS

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

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

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

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

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

INSTRUCTIONS FOR ANSWERING INTERROGATORIES

1. In accordance with Pa. R.C.P. 4005 and 4006, the original of these written Interrogatories have been served upon you to be answered by the party served or, if the party served is a public or private corporation or similar entity or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party.

2. Written answers shall be inserted in the spaces provided in the Interrogatories. If there is insufficient space to answer an Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

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

4. Please file and serve answers to these Interrogatories in accordance with the Pennsylvania Rules of Civil Procedure.

**INSTRUCTIONS FOR RESPONDING TO
REQUEST FOR PRODUCTION OF DOCUMENTS**

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

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Pa. R.C.P. 4009.

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

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

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

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

INSTRUCTIONS FOR RESPONDING TO REQUESTS FOR ADMISSIONS

1. In the event your response is an unqualified admission, indicate that fact by typing "Admitted" in the space provided.
2. If your response is anything other than an unqualified admission, indicate the nature of your response in the space provided and proceed with your response to the corresponding interrogatories and requests for production of documents.

**REQUESTS FOR ADMISSION WITH CORRESPONDING
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Pa. R.C.P. 4014, Plaintiff is hereby requested to admit the following, for purposes of the pending action only, and where required, to answer interrogatories and produce documents:

1. Admit that the tort selection you selected under your motor vehicle insurance policy in effect on September 6, 1999 was limited tort.

RESPONSE:

- (a) Interrogatory No. 1: If the response to Request for Admission No. 1 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

ANSWER:

- (b) Request for Production of Documents No. 1: If your answer to the above Request for Admission No. 1 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response..

ANSWER:

2. Admit that the coverages under your motor vehicle insurance policy in effect on September 6, 1999 included wage loss coverage with limits of \$15,000.00.

RESPONSE:

- (a) Interrogatory No. 2: If the response to Request for Admission No. 2 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

ANSWER:

- (b) Request for Production of Documents No. 2: If your answer to the above Request for Admission No. 2 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response.

ANSWER:

3. Admit that you did not sustain a serious impairment of any body function as a result of the motor vehicle accident on September 6, 1999.

RESPONSE:

- (a) Interrogatory No. 3: If the response to Request for Admission No. 3 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

ANSWER:

- (b) Request for Production of Documents No. 3: If your answer to the above Request for Admission No. 3 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response.

ANSWER:

4. Admit that you did not sustain permanent serious disfigurement as a result of the motor vehicle accident of September 6, 1999.

RESPONSE:

- (a) Interrogatory No. 4: If the response to Request for Admission No. 4 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

ANSWER:

- (b) Request for Production of Documents No. 4: If your answer to the above Request for Admission No. 4 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response.

ANSWER:

5. Admit that you did not sustain a "serious injury" as that term is defined under the Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §102, *et seq.* as a result of the September 6, 1999 motor vehicle accident.

RESPONSE:

- (a) Interrogatory No. 5: If the response to Request for Admission No. 5 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

ANSWER:

- (b) Request for Production of Documents No. 5: If your answer to the above Request for Admission No. 1 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response.

ANSWER:

6. Admit that you are precluded by law from seeking any damages for non-economic losses in Civil Action No. 01-1429, as a result of your selection of the limited tort option under your motor vehicle insurance policy in effect on September 6, 1999.

RESPONSE:

- (a) Interrogatory No. 6: If the response to Request for Admission No. 6 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

ANSWER:

- (b) Request for Production of Documents No. 6: If your answer to the above Request for Admission No. 6 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response.

ANSWER:

7. Admit that you have not sought any medical treatment for injuries you contend are related to the September 6, 1999 motor vehicle accident since July of 2001.

RESPONSE:

- (a) Interrogatory No. 7: If the response to Request for Admission No. 7 is anything other than an unqualified admission, set forth: (1) every fact which tends to support your contention that the above statement cannot be admitted as true; (2) the names of witnesses who have personal knowledge concerning same; and (3) the specific identity of documents upon which you base your contention that the above statement cannot be admitted as true.

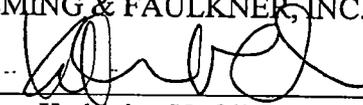
ANSWER:

- (b) Request for Production of Documents No. 7: If your answer to the above Request for Admission No. 7 is anything other than an unqualified admission, identify and produce a true and correct copy of each and every document you directly or indirectly rely upon in your response.

ANSWER:

Respectfully submitted,

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

By: 

Katherine V. Oliver
Attorneys for Defendant
JUSTINE TOOMBS
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Dated: 8-8-13

EXHIBIT B

State Farm Insurance Companies



Medical Claims Unit
PO Box 14007
York, Pa. 17404-0867
1-888-236-8672

CERTIFICATE OF COVERAGE

Claim Number: 38-J294-328

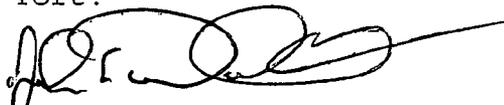
The undersigned is a Claim Team Manager for:

- State Farm County Mutual Insurance Company of Texas
- State Farm Lloyds, Inc.
- State Farm Indemnity Company
- State Farm Mutual Automobile Insurance Company
- State Farm Fire and Casualty Company

This certifies that policy number 4491-313-38I, covering a 1997 Ford Escort, was issued to Kimberly S. Buchanan and was in effect on the accident date of September 6, 1999. The coverages and limits of liability for this policy on that date were:

A 50/100/25-Bodily Injury, C2 10,000.00 Medical Coverage
D-Comprehensive, G250-Collision, R5-Rental, U-BI 50/100 Uninsured
Bodily Injury, W 50/100- Underinsured Bodily Injury, Z is
1,000/mo 15,000/max .

This policy provides Limited Tort.


John A. Walton
Claim Team Manager

State Farm Mutual Automobile Insurance Company

EXHIBIT C

PT: BUCHANAN, KIMBERLY SUSAN
ACCT #: I009282286
MR#: M00001967
DOV: 09/06/99
PHONE #: 724-463-9060

INDIANA HOSPITAL
DEPARTMENT OF EMERGENCY SERVICES

Patient seen with complaint of back and neck pain after car was hit while standing still at the convenience store. She also has headache radiating from the neck area up to the scalp.

REVIEW OF SYSTEMS: No loss of consciousness, no amnesia. No paresthesias or numbness of extremities. No visual problems or diplopia. No difficulty breathing, no chest pain. No abdominal pain, no nausea, vomiting. NO lower extremity pain, no radiation of back pain to the legs. No upper or lower extremity weakness.

PAST MEDICAL HISTORY: Congenital loss of 1 kidney. Endometriosis. Hysterectomy.

SOCIAL HISTORY: Positive for smoking.

PHYSICAL EXAMINATION:

Alert, awake and in no distress. **HEENT:** Normocephalic, atraumatic. Slight tenderness at the bilateral aspect of neck, neck is supple. **MUSCULOSKELETAL/EXTREMITIES:** Upper extremities without tenderness. Shoulders nontender. Chest wall nontender. **LUNGS/CHEST:** Clear. **HEART:** Regular without rubs, gallops or murmurs. **ABDOMEN:** soft, nontender, bowel sounds positive. Slightly tender in the lumbar area. No SLR elicitation of pain. DTRs symmetrical. Neurovascular intact.

EMERGENCY ROOM COURSE:

X-rays were done of LS spine, C spine and left shoulder, for which she had reported some pain previously. These were all negative for fracture.

IMPRESSION:

1. Cervical, lumbar strain.

PLAN:

1. Will give her a soft collar, Vicodin for pain.
2. Recheck if still in pain in 24 hours.

Dictated: 09/06/99 GEIBE
Transcribed: 09/09/99 MRD.LMK

BERNARD GEISER, MD

<<Signature on File>> DATE SIGNED: 09/09/99 TIME SIGNED: 2253

NAME: BUCHANAN, KIMBERLY SUSAN
PHYS: GEISER, BERNARD MD
DOB: 06/24/1964 AGE: 35
ACCT: 1009282286 LOC: ER
STATUS: REG ER
D.I.#: 001599
MR#: M00001967

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

Diagnostic Imaging Services
(724) 357-7125 FAX (724) 357-7482

NAME: BUCHANAN, KIMBERLY SUSAN
PHYS: GEISER, BERNARD MD
DOB: 06/24/1964 AGE: 35
ACCT: 1009282286 LOC: ER
STATUS: REG ER
D.I.#: 001599
MR#: M00001967

INDIANA HOSPITAL
A Subsidiary of
Indiana Healthcare Corporation
Hospital Road, P.O. Box 788
Indiana, Pennsylvania 15701-0788
Diagnostic Imaging Services
(724) 357-7125 FAX (724) 357-7482

ANN R JESICK MD
15 S. 8TH STREET
INDIANA, PA 15701
724-349-7388

PROCEDURES:
RAD/LUMBOSACRAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/SHOULDER MIN 2 VIEW
REASON FOR EXAM? FX - R/O FRACTURE

EXAM DATE: 09/06/1999
EXAM DATE: 09/06/1999
EXAM DATE: 09/06/1999

LUMBAR SPINE:

There is normal lumbar lordosis and alignment of the vertebral bodies. The vertebral body and intervertebral disc heights are normal. No fractures are seen. Small anterior osteophytes are seen along the L-2L-3 and L-3L-4 disc spaces consistent with early degenerative disc disease.

IMPRESSION: NO EVIDENCE OF FRACTURE

LEFT SHOULDER

No fracture is noted. The shoulder joint elements appear unremarkable.

IMPRESSION: NORMAL LEFT SHOULDER

CERVICAL SPINE

The alignment and mineralization of the cervical spine are normal. The intervertebral spaces are well maintained and there is no encroachment on the dens of C2. The odontoid process and atlanto-axial articulation are normal. There is no evidence of fracture or subluxation.

PAGE 11
ANN R JESICK MD

(CONTINUED)

PROCEDURES:
RAD/LUMBOSACRAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/CERVICAL SPINE - COMPLETE
REASON FOR EXAM? FX - R/O FRACTURE
RAD/SHOULDER MIN 2 VIEW
REASON FOR EXAM? FX - R/O FRACTURE
<Continued>

IMPRESSION: NORMAL CERVICAL SPINE.

REPORTED BY: JONGWON LEE, M.D.

EXAM DATE: 09/06/1999
EXAM DATE: 09/06/1999
EXAM DATE: 09/06/1999

CC: BERNARD GEISER MD ANN R JESICK MD
TRANSCRIBED DATE/TIME 09/07/1999 (1137)
TRANSCRIPTIONIST: DIS MWD
BATCH NO. 887

PAGE 2
ANN R JESICK MD

EXHIBIT D

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

KIMBERLY S. BUCHANAN, :
 :
 Plaintiff, : No. 01 - 1429 - C.D.
 :
 vs. :
 :
 JUSTINE TOOMBS, : JURY TRIAL DEMANDED
 :
 Defendant. :

NOTICE

TO: ANN R. JESICK, M.D.
15 South 8th Street Fl 3
Indiana, PA 15701-2776

YOU ARE REQUIRED to complete the following Certificate of Compliance when
producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS**

I, Ann R. Jesick, M.D., (person served with subpoena) certify to the
best of my knowledge, information and belief that all documents or things required to be
produced pursuant to the subpoena issued on April, 4, 2002, (date of subpoena) have
been produced.

Dated: April 24, 2002



(Person served with subpoena)

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

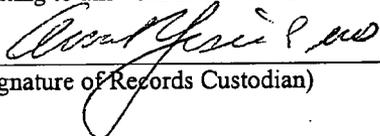
:
:
SS
:

COUNTY OF Indiana

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQuaide Blasko Law Offices, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

1. The records pertain to Kimberly Buchanan, SS# 189-56-7390, DOB: 06/24/64
2. The records represent all documents for Kimberly Buchanan to the present date of this Affidavit [unless otherwise specifically requested by McQuaide Blasko].
3. The records submitted under the Affidavit consist of 28 pages.
[If no records exist, please so indicate "No Records," sign and return this Affidavit.]
4. The copies of records for which this Certification/Affidavit is made are true and complete reproductions of the original or microfilmed medical records which are housed by Ann R. Jesick, M.D. (name of health care provider). The original records were made in the regular course of business at or near the time of the matter recorded. This Certification/Affidavit is given pursuant to 42 Pa. C.S.A. § 61 (e) (relating to medical records) by the custodian of the records in lieu of his/her personal appearance.

I declare that the foregoing facts are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



(Signature of Records Custodian)

Ann R. Jesick, M.D.

(Print or Type Name of Records Custodian)

Sworn to and subscribed
before me this _____ day
of _____, 20__.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**

INDIANA OPEN MRI

A MEMBER OF THE MID-ATLANTIC
OPEN MRI NETWORK

119 Professional Center, Suite 305 ♦ Indiana, Pennsylvania 15701 Toll Free 888-270-9222 (724) 349-3110
Fax (724) 349-3149

#07340
KIMBERLY BUCHANAN
SS # 189-56-7390
Dr. Ann Jesick
September 29, 1999

MRI OF THE CERVICAL SPINE

HISTORY: This is a 35 year old female with a history of left arm paresthesia, left lower extremity paresthesia, leg numbness.

TECHNIQUE: T1 and T2 sagittal images. T1 and gradient axial images were obtained from C3 through the intervertebral disc space of T1-2. Some patient motion artifacts are seen on this which due degrade the quality of and somewhat limit this study.

FINDINGS: There is straightening of the normal curvature of the cervical spine which is non specific, possibly due to spasm. Mild disc space narrowing is seen between C5-6 and C6-7. The height and narrow appearance of the vertebral bodies are unremarkable. There is a very small central and slightly to the left side disc herniation at C6-7 which is mildly compressing the dura. The neural canal is otherwise normal. The cord is normal. The neural foramina are patent bilaterally.

IMPRESSION: THERE IS A VERY SMALL CENTRAL AND SLIGHTLY LEFT SIDED DISC HERNIATION AT C6-7 WHICH IS MILDLY COMPRESSING THE DURA.

Thank you for giving us the opportunity to examine your patient.

Frank Papa, MD
FP/gca



Copy to Dr. El-Khadi
11-15-99

INDIANA OPEN MRI

A MEMBER OF THE MID-ATLANTIC
OPEN MRI NETWORK

119 Professional Center, Suite 305 ♦ Indiana, Pennsylvania 15701 Toll Free 888-270-9222 (724) 349-3110
Fax (724) 349-3149

#07340A
KIMBERLY BUCHANAN
SS # 189-56-7390
Dr. Ann Jesick
September 29, 1999

MRI OF THE LUMBAR SPINE

HISTORY: This is a 35 year old female with a history of left arm paresthesia, left lower extremity paresthesia, leg numbness.

TECHNIQUE: T1 and T2 sagittal images. T1 axial images were obtained through the intervertebral disc space of L1 through L5-S1.

FINDINGS: Mild arthritic changes are seen. There is intervertebral disc space narrowing between L1 through L3 and L5-S1.

A slight disc bulge is seen at L1-2 minimally compressing the dura. There is a slight disc bulge at L5-S1 which is not involving the central canal or neural elements. There are no disc herniations on this exam. The neural foramina are patent bilaterally. The central canal and conus are normal. The height and narrow appearance of the vertebral bodies are unremarkable.

IMPRESSION: THERE IS A SLIGHT DISC BULGE AT L1-2 WHICH IS MINIMALLY COMPRESSING THE DURA.

THERE IS A VERY SMALL DISC BULGE AT L5-S1 WHICH IS NOT INVOLVING THE NEURAL CANAL OR NEURAL ELEMENTS.

NO DISC HERNIATIONS ARE SEEN ON THIS EXAM.

Thank you for giving us the opportunity to examine your patient.

Frank Papa, MD
FP/gca



Copy to Dr. El-Khadi
11-15-99

EXHIBIT E

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF Indiana :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQuaide Blasko Law Offices, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

1. The records pertain to Kimberly Buchanan, SS# 189-56-739, DOB: 6-24-64
2. The records represent all documents for Kimberly Buchanan to the present date of this Affidavit [unless otherwise specifically requested by McQuaide Blasko].
3. The records submitted under the Affidavit consist of 98 pages.
[If no records exist, please so indicate "No Records," sign and return this Affidavit.]
4. The copies of records for which this Certification/Affidavit is made are true and complete reproductions of the original or microfilmed medical records which are housed by Bouma Chiropractic Clinic (name of health care provider). The original records were made in the regular course of business at or near the time of the matter recorded. This Certification/Affidavit is given pursuant to 42 Pa. C.S.A. § 61 (e) (relating to medical records) by the custodian of the records in lieu of his/her personal appearance.

I declare that the foregoing facts are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Vicky Kerr
(Signature of Records Custodian)

Vicky Kerr
(Print or Type Name of Records Custodian)

Sworn to and subscribed
before me this 10 day
of April, 2002.

Diana L. Cavender
Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**

Notarial Seal
Diana L. Cavender, Notary Public
White Twp., Indiana County
My Commission Expires Dec. 28, 2002

Member, Pennsylvania Association of Notaries

CONFIDENTIAL PATIENT INFORMATION

Date 9-13-99

Name Kimberly S Buchanan Home Phone (724) 463-9060

Address 1424 Cheese Run Rd Zip Code 15701

Age 35 Birthdate 6-24-64 Marital: M S W (D) How many children 2

Occupation Security Guard Employer Am Guard

Address Pittsburgh Work Phone ()

Spouse's Name N/A Occupation

Spouse's Employer N/A Work Phone ()

Patient's Nearest Relative Yevonne Lane Phone (724) 463-9060

How did you find out about our office? Patient Ref Patient

Date of last physical exam ?

What operations have you had? Cystist removed When? Jan 99

What serious illnesses have you had? None When? -

Pregnant y Nursing y

Have you ever suffered from:

- Dizziness _____
- Backaches _____
- Heart trouble _____
- Diabetes _____
- Neuritis _____
- Leg pain _____
- Arm/shoulder pain _____
- Arthritis _____
- Headaches -
- Asthma _____
- Numbness _____
- Cancer _____
- Digestive problems _____
- Nervousness _____
- Sinus trouble _____
- Anemia _____
- Cancer _____
- Rheumatic Fever _____

Purpose of this appointment: Auto Accident

Other doctors seen for this problem: Dr. Jessick, Indiana Hospital ER, Dr.

Have you been treated for any health condition by a physician in the last year? YES NO

Describe Flexeril, Vicodin Es, Lodine 400mg

What prescription medications do you take? -

What non-prescription medications do you take? NONE

Remarks/additional information _____

Name of person responsible for payment State Farm Insurance

Are you insured? YES NO COMPANY _____

Subscriber: NAME: _____, DOB _____, SS# _____

Patient : NAME: _____, DOB _____, SS# _____

I understand that any insurance is an arrangement between my insurance carrier and myself. I understand that the Bouma Chiropractic Clinic, P.C. may bill my insurance carrier directly for services rendered to me. However, I clearly understand that all services rendered to me are my responsibility and I am personally responsible for payment. I also understand that all x-rays and test results are the property of the Bouma Chiropractic Clinic.

Patient's signature Kimberly S Buchanan SS# 189-56-7390 Date 9-13-99

Guardian's signature _____ Date _____

Information taken by Chen Date 9-14-99

Patient # 15785 c:\PMACHER\J.PM4 (07-15-95)

CONFIDENTIAL PATIENT INFORMATION

Accidents - NO
FALLS - NO

Date 6/24 (A)

Name Kim Buchanan Home Phone (724) 463-7981
Address 89 Wolf Rd Zip Code 15701
Age 37 Birthdate 6-24-64 Marital: M S W (D) How many children 2
Occupation Nurse's Aide Employer Victorian Gardens Pct
Address 4685 13th St Work Phone (724) 379-3038
Spouse's Name — Occupation —
Spouse's Employer — Work Phone ()
Patient's Nearest Relative — Phone ()

How did you find out about our office? —

Date of last physical exam —

What operations have you had? — When? —

What serious illnesses have you had? — When? —

PREGNANT YES OR (NO) NURSING YES OR (NO)

Have you ever suffered from:

Dizziness <u>—</u>	Arm/shoulder pain <u>—</u>	Digestive problems <u>—</u>
Backaches <u>✓</u>	Arthritis <u>—</u>	Nervousness <u>—</u>
Heart trouble <u>—</u>	Headaches <u>—</u>	Sinus trouble <u>—</u>
Diabetes <u>—</u>	Asthma <u>—</u>	Anemia <u>—</u>
Neuritis <u>—</u>	Numbness <u>✓</u>	Cancer <u>—</u>
Leg pain <u>✓</u>	Cancer <u>—</u>	Rheumatic Fever <u>—</u>

Purpose of this appointment: —

Other doctors seen for this problem: —

Have you been treated for any health condition by a physician in the last year? YES NO

Describe —

What prescription medications do you take? —

What non-prescription medications do you take? —

Remarks/additional information —

Name of person responsible for payment Auto

Are you insured? YES NO COMPANY State Farm Insurance

Subscriber: NAME —, DOB —, SS# —

Patient: NAME —, DOB —, SS# —

I understand that any insurance is an arrangement between my insurance carrier and myself. I understand that the Bouma Chiropractic Clinic, P.C. may bill my insurance carrier directly for services rendered to me. However, I clearly understand that all services rendered to me are my responsibility and I am personally responsible for payment. I also understand that all x-rays and test results are the property of the Bouma Chiropractic Clinic.

Patient's signature Kim Buchanan SS# 181567390 Date 6/24/01

Guardian's signature — Date —

Information taken by — Date —

PATIENT # —



BOUMA CHIROPRACTIC CLINIC, P.C.

102 Christy Park Dr.
Indiana, Pennsylvania 15701
Telephone: (724) 465-4080
Fax: (724) 465-6923

LAWRENCE BOUMA, D.C.
GLENN R. BROWN, D.C.
VINCENT D. BROWN, D.C.

PERSONAL INJURY INITIAL REPORT

INSURANCE COMPANY: State Farm Insurance
PO Box 14007
York, PA 17404-0867

PATIENT: Kimberly Buchanan
ADDRESS: 1624 Cheese Run Road Indiana, PA 15701
DATE OF ACCIDENT: 09-06-1999
CLAIM #: 38-J294-328

DATE OF INITIAL VISIT: 09-14-1999

ENTRANCE COMPLAINTS: Constant, moderate to severe low back pain radiating up to between shoulders; Headaches.

OBJECTIVE FINDINGS: Forward Bending-caused pain in neck and low back; Lindner- caused pain bilateral neck/shoulders; Foramina Compression-caused pain C0-C7, T1-T4; Shoulder Depression-caused pain ipsilateral trapezius; Lasegue-caused pain at 30° (left) L5/S1; Contralateral Lasegue-caused pain at 36° (right) L5/S1; Goldthwait-caused pain at 30° L5/S1 (left); Kemp test-caused pain at 15° rotation bilateral; Leg raise-pain/inability to perform.

DIAGNOSIS: Subluxation of the fifth cervical vertebra; Headaches ; Cervicalgia; Cervicobrachial Syndrome.

ALTERNATE SUMMARY: X-rays and examination support direct causation between the accident and the injuries sustained.

DISABILITY DATA:

ASSESSMENT PLAN: Patient should be seen three times a week for 4-6 weeks and will be re-evaluated at that time.

COPIES OF ALL X-RAY AND EXAMINATION REPORTS ARE ATTACHED.

Lawrence Bouma, D.C.
Lawrence Bouma, D.C.

DATE: 10-06-1999

PERSONAL INJURY QUESTIONNAIRE

Name Kimberly S Buchanan Date of Injury 9-6-99 Phone 724-463-9060
Address 1124 Cheese Run Rd City Indiana State Pa Zip 15701
Employer's Name Am-Guard Security Employer's Address Pittsburgh Pa
Your Ins. Co. State Farm Ins. Policy # 4491313-016381 Agent's Name Patricia Walk
Driver/Other Vehicle Justinie Toombs Ins. Co. State Farm Policy # 9007839F0838K
Have you retained an attorney? X Yes () No Name Myrom Toombs
Were there any witnesses? X Yes () No Name(s) Jeff Williams, Erik Toombs
814-653-9406

NATURE OF ACCIDENT:

- 1. Date of Accident 9-6-99 Time of Day 1:30
2. Were you: X Driver () Passenger X Front Seat () Back Seat
3. Number of people in your vehicle? 2 Other vehicle? 2
4. What direction were you headed? X North () East () South () West
on (name of street) 322 d Rt 119 Dubois Sheetz Parking lot.
5. What direction was the other vehicle headed? () North () East () South X West
on (name of street)
6. Were you struck from: () Behind () Front () Left side X Right side
7. Were you knocked unconscious? () Yes X No If yes, for how long?
8. Were police notified? X Yes () No
9. In your own words, please describe accident: Pulling into parking space, almost to
complete stop. Broad sided on passenger side. Pt
was driver.

10. Did you have any physical complaints BEFORE THE ACCIDENT? () Yes X No
If yes, please describe in detail:

- 11. Please describe how you felt:
a. DURING the accident: Fine - going for a ride up north
b. IMMEDIATELY AFTER the accident: Shakey - uncomfortable pinching in lower back
c. LATER THAT DAY: Extreme pinching in back and between shoulder blades
d. THE NEXT DAY: Very sore

12. What are your PRESENT complaints and symptoms? Numbing in legs, lower back, shoulder
and shoulder blades, neck, large headache.

13. Do you have any congenital (from birth) factors which relate to this problem? () Yes () No If yes, please describe: _____

14. Do you have any previous illnesses which relate to this case? () Yes (X) No If yes, please describe: _____

15. Have you ever been involved in an accident before? () Yes (X) No If yes, please describe, including date(s) and type(s) of accidents, as well as injury(ies) received: _____

16. Where were you taken after the accident? Back to Indiana from Dabois in tow truck to hospital

17. Have you been treated by another doctor since the accident? (X) Yes () No If yes, please list doctor's name and address: Dr. Jessick 8th Street Indiana Rose Building 349-7388
What type of treatment did you receive? _____

18. Since this injury occurred, are your symptoms: () Improving (X) Getting Worse () Same

19. CHECK SYMPTOMS YOU HAVE NOTICED SINCE ACCIDENT:

- | | | | | |
|---|--|--|--|---|
| <input checked="" type="checkbox"/> Headache | <input checked="" type="checkbox"/> Irritability | <input type="checkbox"/> Numbness in Toes | <input type="checkbox"/> Face Flushed | <input type="checkbox"/> Feet Cold |
| <input checked="" type="checkbox"/> Neck Pain | <input checked="" type="checkbox"/> Chest Pain | <input type="checkbox"/> Shortness of Breath | <input type="checkbox"/> Buzzing in Ears | <input type="checkbox"/> Hands Cold |
| <input checked="" type="checkbox"/> Neck Stiff | <input type="checkbox"/> Dizziness | <input type="checkbox"/> Fatigue | <input type="checkbox"/> Loss of Balance | <input checked="" type="checkbox"/> Stomach Upset |
| <input checked="" type="checkbox"/> Sleeping Problems | <input type="checkbox"/> Head Seems Too Heavy | <input type="checkbox"/> Depression | <input type="checkbox"/> Fainting | <input type="checkbox"/> Constipation |
| <input checked="" type="checkbox"/> Back Pain | <input type="checkbox"/> Pins & Needles in Arms | <input type="checkbox"/> Lights Bother Eyes | <input type="checkbox"/> Loss of Smell | <input type="checkbox"/> Cold Sweats |
| <input type="checkbox"/> Nervousness | <input checked="" type="checkbox"/> Pins & Needles in Legs | <input type="checkbox"/> Loss of Memory | <input type="checkbox"/> Loss of Taste | <input type="checkbox"/> Fever |
| <input checked="" type="checkbox"/> Tension | <input type="checkbox"/> Numbness in Fingers | <input type="checkbox"/> Ears Ring | <input type="checkbox"/> Diarrhea | <input type="checkbox"/> _____ |

Symptoms Other Than Above legs shakely

20. Have you lost time from work as a result of this accident? () Yes (X) No If yes, please complete this question.

- a. Last Day Worked: _____
- b. Type of Employment: _____
- c. Present Salary: _____

d. Are you being compensated for time lost from work? () Yes () No If yes, please state type of compensation you are receiving: _____

21. Do you notice any activity restrictions as a result of this injury? (X) Yes () No If yes, please describe, in detail: Not able to sit for any period of time, without back, neck, shoulders blades hurting

22. Other pertinent information: _____

9-13-99

DATE

Kumbegs Buchanan

SIGNATURE

Bouma Chiropractic Clinic, P.C.

2130 Route 422 West

Indiana, PA 15701

412-465-4080

AA: 9/6/99.

8 Parameters of the Chief Complaint

Patient KIMBERLY S. BUCHANAN # 15785 Date 9-14-99 CA

LOCATION

LB pain w/ Ant thigh pain / tingling / numbness

DURATION

1 day 2-7 days 1-2 weeks 2-4 weeks 2-6 months 1-2 years

SEVERITY

Today	0	1	2	3	4	5	6	7	8	9	10
Initially	0	1	2	3	4	5	6	7	8	9	10
Worst	0	1	2	3	4	5	6	7	8	9	10

QUALITY

Stabbing pain Dull pain / numbness Dull ache Constant ache Annoying

FREQUENCY

Constant Daily At night Every other day Weekly Monthly

MODE OF ONSET

Accident on 9/6/99 Fall on _____ Slept wrong Lifting
 Carrying Bending over _____

RADIATION

up back to both shoulders, HA, @ arm / hand

EXACERBATIONS

Sitting Standing Walking Ice Heat

REMISSIONS

Sitting Standing Walking Ice Heat

Pain Med. Ca. m.

Review of Systems

Musculoskeletal

left arm/ hand pain

Neurological

HA - 24/7 since AA.

GI

nausea since AA.

GU

ENT

OK

Eyes

eyes burning w/ HA

Respiration

chest heavy/ tight, smokes 1/2 pack / day

Height _____

Weight _____


Doctor's Signature

9/16/99
Date

Bouma Chiropractic Clinic, P.C.
2130 Route 422 West
Indiana, PA 15701
412-465-4080

NECK DISABILITY QUESTIONNAIRE

Patient: Kimberly Buchanan Date: 9-13-99 # 15785

This list contains some sentences that people have used to describe themselves when they have neck pain. When you read them, you may find that some stand out because they describe how you feel today. When you read a sentence that describes how you feel today, check the box next to it. If the sentence does not describe you, then leave the box blank and go on to the next sentence. Remember, only check the sentence if you are sure that it describes you today.

- I stay at home most of the time because of my neck
- I change position frequently to try and get my neck comfortable
- I walk more slowly than usual because of my neck
- Because of my neck, I am not doing any jobs that I usually do around the house
- Because of my neck, I use a handrail to get upstairs
- Because of my neck, I lie down to rest more often
- Because of my neck, I have to hold on to something to get out of an easy chair
- Because of my neck, I try to get other people to do things for me
- I get dressed more slowly than usual because of my neck
- I only stand up for short periods of time because of my neck
- Because of my neck, I try not to bend or kneel down
- I find it difficult to get out of a chair because of my neck
- My neck is painful almost all the time
- I find it difficult to turn over in bed because of my neck
- My appetite is not very good because of my neck pain
- I have trouble putting on my socks (or stockings) because of the pain in my neck
- I only walk short distances because of my neck pain
- I sleep less well because of my neck
- Because of my neck pain, I get dressed with help from someone else
- I sit down for most of the day because of my neck
- I avoid heavy jobs around the house because of my neck
- Because of my neck pain, I am more irritable and bad tempered with people than usual
- Because of my neck, I go upstairs more slowly than usual
- I stay in bed most of the time because of my neck

NECK DISABILITY INDEX

Name Kimberly Buchanan Date 9-13-99 # 15785

This questionnaire is designed to help us understand how much your neck pain has affected your ability to manage your everyday activities. Please answer each Section by circling the **ONE CHOICE** that most applies to you. We realize that you may believe more than one statement may describe you, but **PLEASE CIRCLE THE ONE CHOICE THAT MOST CLOSELY DESCRIBES YOUR PROBLEM RIGHT NOW.**

Section 1 – Pain Intensity

- A I have no pain at the moment
- B The pain is very mild at the moment
- C The pain is moderate at the moment
- D The pain is fairly severe at the moment
- E The pain is very severe at the moment
- F The pain is the worst imaginable at the moment

Section 2 – Personal Care

- A I can look after myself normally without causing pain
- B I can look after myself normally, but it causes extra pain
- C It is painful to look after myself and I am slow and careful
- D I need some help, but manage most of my personal care
- E I need help every day in most aspects of self care
- F I do not get dressed, I wash with difficulty and stay in bed

Section 3 – Lifting

- A I can lift heavy weights without causing extra pain
- B I can lift heavy weights, but it gives extra pain
- C Pain prevents me from lifting heavy weights off the floor, but I can manage if they are conveniently positioned (for example - on a table)
- D Pain prevents me from lifting heavy weights, but I can manage light to medium weights if they are conveniently positioned
- E I can lift very light weights
- F I cannot lift or carry anything at all

Section 4 – Reading

- A I can read as much as I want with no pain in my neck
- B I can read as much as I want with slight pain in my neck
- C I can read as much as I want with moderate neck pain
- D I can't read as much as I want because of moderate neck pain
- E I cannot read at all

Section 5 – Headaches

- A I have no headaches at all
- B I have slight headaches which come infrequently
- C I have moderate headaches which come infrequently
- D I have moderate headaches which come frequently
- E I have severe headaches which come frequently
- F I have headaches almost all the time

Section 6 – Concentration

- A I can concentrate fully with no difficulty
- B I can concentrate fully with slight difficulty
- C I have a fair degree of difficulty concentrating
- D I have a lot of difficulty concentrating
- E I have a great deal of difficulty concentrating
- F I cannot concentrate at all

Section 7 – Work

- A I can do as much work as I want
- B I can do my usual work, but no more
- C I can do most of my usual work, but no more
- D I cannot do my usual work
- E I can hardly do any work at all
- F I cannot do any work at all

Section 8 – Driving

- A I can drive a car without any neck pain
- B I can drive as long as I want with slight neck pain
- C I can drive as long as I want with moderate neck pain
- D I can't drive as long as I want because of moderate neck pain
- E I can hardly drive at all because of severe neck pain
- F I cannot drive a car at all

Section 9 – Sleeping

- A I have no trouble sleeping
- B My sleep is slightly disturbed (less than 1 hour sleepless)
- C My sleep is mildly disturbed (1-2 hours sleepless)
- D My sleep is moderately disturbed (2-3 hours sleep less)
- E My sleep is greatly disturbed (3-5 hours sleepless)
- F My sleep is completely disturbed (5-7 hours sleep less)

Section 10 – Recreation

- A I can engage in all my recreation activities with no neck pain at all
- B I can engage in all my recreation activities with some neck pain
- C I can engage in most, but not all of my usual recreation activities because of neck pain
- D I can engage in a few of my usual recreation activities because of neck pain
- E I can hardly do any recreation activities because of neck pain
- F I cannot do any recreation activities at all

COMMENTS: _____

Kimberly Buchanan
Patient's signature

Date 9-13-99

Bouma Chiropractic Clinic, P.C.
2130 Route 422 West
Indiana, PA 15701
412-465-4080

LOW BACK DISABILITY QUESTIONNAIRE

Patient: Kimberly Buchanan Date: 9-13-99

This list contains some sentences that people have used to describe themselves when they have back pain. When you read them, you may find that some stand out because they describe how you feel today. When you read a sentence that describes how you feel today, check the box next to it. If the sentence does not describe you, then leave the box blank and go on to the next sentence. Remember, only check the sentence if you are sure that it describes you today.

- I stay at home most of the time because of my back.
- I change position frequently to try and get my back comfortable
- I walk more slowly than usual because of my back
- Because of my back, I am not doing any jobs that I usually do around the house
- Because of my back, I use a handrail to get upstairs
- Because of my back, I lie down to rest more often
- Because of my back, I have to hold on to something to get out of an easy chair
- Because of my back, I try to get other people to do things for me
- I get dressed more slowly than usual because of my back
- I only stand up for short periods of time because of my back
- Because of my back, I try not to bend or kneel down
- I find it difficult to get out of a chair because of my back
- My back is painful almost all the time
- I find it difficult to turn over in bed because of my back
- My appetite is not very good because of my back pain
- I have trouble putting on my socks (or stockings) because of the pain in my back
- I only walk short distances because of my back pain
- I sleep less well because of my back
- Because of my back pain, I get dressed with help from someone else
- I sit down for most of the day because of my back
- I avoid heavy jobs around the house because of my back
- Because of my back pain, I am more irritable and bad tempered with people than usual
- Because of my back, I go upstairs more slowly than usual
- I stay in bed most of the time because of my back

Name Kimberly Buchanan Date 9-13-99 # 15785

This questionnaire is designed to enable us to understand how much your low back has affected your ability to manage your everyday activities. Please answer each section by circling the ONE CHOICE that best applies to you. While you may feel that more than one statement relates to you, PLEASE CIRCLE ONLY THE ONE WHICH MOST CLOSELY DESCRIBES YOUR PROBLEM RIGHT NOW.

SECTION 1 - Pain Intensity

- A The pain comes and goes and is very mild
- B The pain is mild and does not vary much
- C The pain comes and goes and is moderate
- D The pain is moderate and does not vary much
- E The pain comes and goes and is severe
- F The pain is severe and does not vary much

SECTION 6 - Standing

- A I can stand as long as I want without pain
- B I have some pain on standing but it does not increase with time *relieves pain*
- C I cannot stand for longer than one hour without increasing pain
- D I cannot stand for longer than 1/2 hour without increasing pain
- E I cannot stand for longer than 10 minutes per hour without increasing pain
- F I avoid standing because it increases pain immediately

SECTION 2 - Personal Care

- A I do not have to change my way of washing or dressing in order to avoid pain
- B I do not normally change my way of washing or dressing even though it causes some pain
- C Washing and dressing increases the pain but I manage not to change my way of doing it
- D Washing and dressing increases the pain and I find it necessary to change my way of doing it
- E Because of the pain I am unable to do some washing and dressing without help
- F Because of the pain I am unable to do any washing and dressing without help

SECTION 7 - Sleeping

- A I get no pain in bed
- B I get pain in bed but it does not prevent me from sleeping well
- C Because of pain my normal night's sleep is reduced by less than 1/4
- D Because of pain my normal night's sleep is reduced by less than 1/2
- E Because of pain my normal night's sleep is reduced by less than 3/4
- F Pain prevents me from sleeping at all

SECTION 3 - Lifting

- A I can lift heavy weights without pain
- B I can lift heavy weights but it causes extra pain
- C Pain prevents me from lifting heavy weights off the floor
- D Pain prevents me from lifting heavy weights off the floor, but I can manage if they are conveniently positioned, e.g., on a table
- E Pain prevents me from lifting heavy weights, but I can manage light to medium weights if they are conveniently positioned
- F I can lift only very light weights at the most

SECTION 8 - Social Life

- A My social life is normal and gives me no pain
- B My social life is normal but increases the degree of my pain
- C Pain has no significant effect on my social life apart from limiting my more energetic interests, e.g. dancing, etc.
- D Pain has restricted my social life, and I don't go out very often
- E Pain has restricted my social life to my home
- F I have hardly any social life because of the pain

SECTION 4 - Walking

- A I have no pain on walking
- B I have some pain on walking but it does not increase with distance
- C I cannot walk more than one mile without increasing pain
- D I cannot walk more than 1/2 mile without increasing pain
- E I cannot walk more than 1/4 mile without increasing pain
- F I cannot walk at all without increasing pain

SECTION 9 - Traveling

- A I get no pain while traveling
- B I get some pain while traveling, but none of my usual forms of travel make it any worse
- C I get extra pain while traveling, but it does not compel me to seek alternative forms of travel
- D I get extra pain while traveling, which compels me to seek alternate forms of travel
- E Pain restricts all forms of travel
- F Pain prevents all forms of travel except that done lying down

SECTION 5 - Sitting

- A I can sit in any chair as long as I like
- B I can sit only in my favorite chair as long as I like
- C Pain prevents me from sitting more than one hour
- D Pain prevents me from sitting more than 1/2 hour
- E Pain prevents me from sitting more than 10 minutes
- F I avoid sitting because it increases pain straight away

SECTION 10 - Changing degree of pain

- A My pain is rapidly getting better
- B My pain fluctuates but overall is definitely getting better
- C My pain seems to be getting better but improvement is slow at present
- D My pain is neither getting better or worse
- E My pain is gradually worsening
- F My pain is rapidly worsening

Patient's signature Kimberly Buchanan Date 9-13-99
OSWESTRY PAIN QUESTIONNAIRE - LOW BACK (version 8/84)

PAIN DRAWING

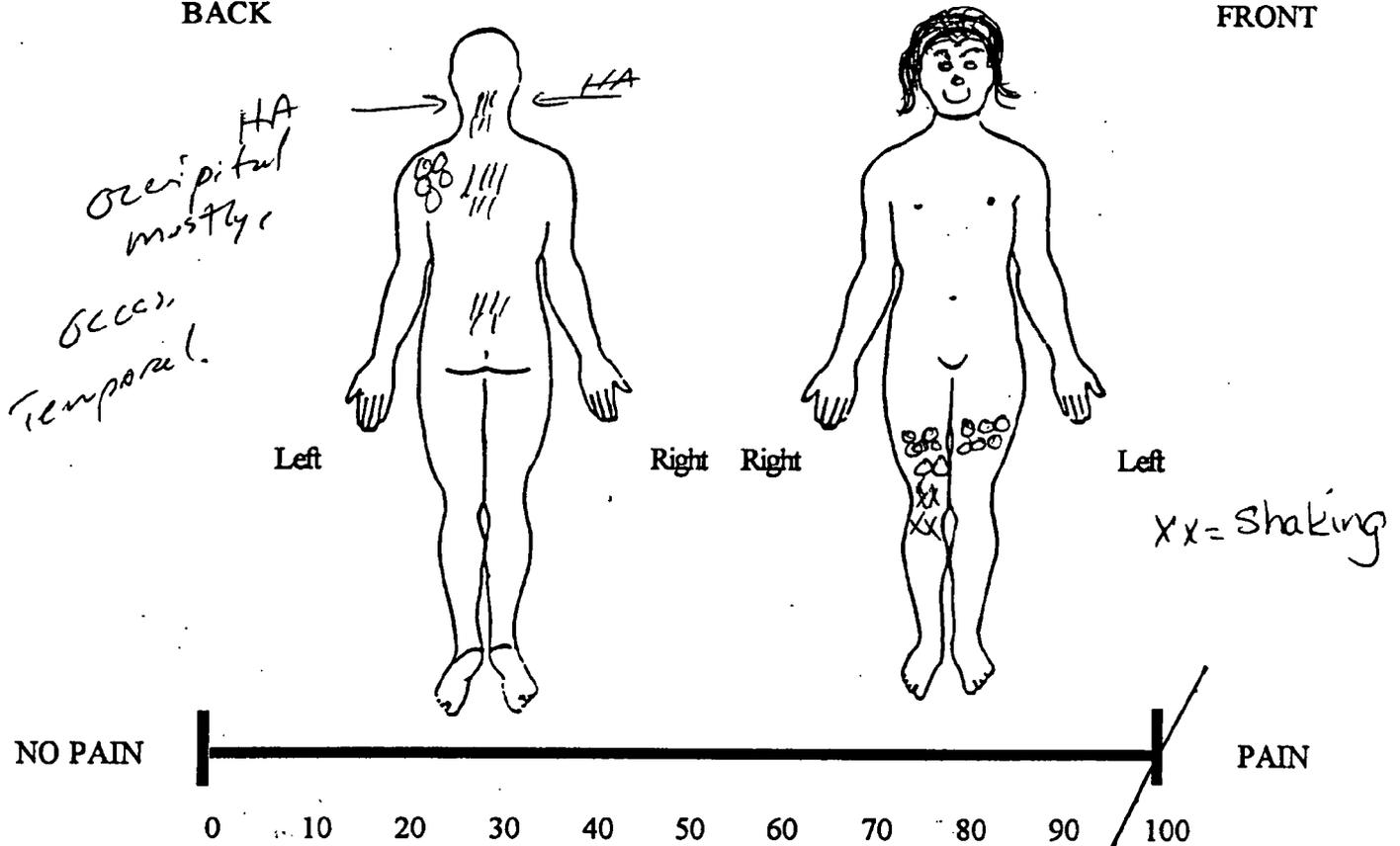
Date 9-13-99 Name Kimberly Buchanan # 15785

Draw location of your pain on body outlines and mark how bad it is on the line at the bottom of page.
PLEASE draw in your face.

Ache	Burning	Numbness	Pins & Needles	Stabbing	Other
^^^	==	00000	.....	////	XXXX
^^^	==	0000	.....	///	XX

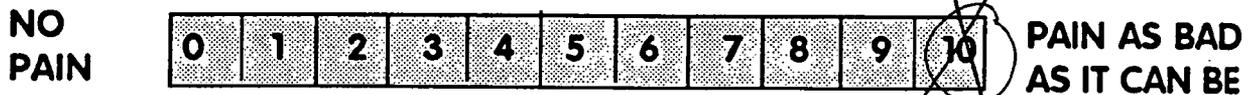
BACK

FRONT



PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your **CURRENT** level of pain:



Place an X on the scale below to indicate your **AVERAGE** level of pain:



Place an X on the scale below to indicate your **WORST** level of pain:



PAIN DRAWING

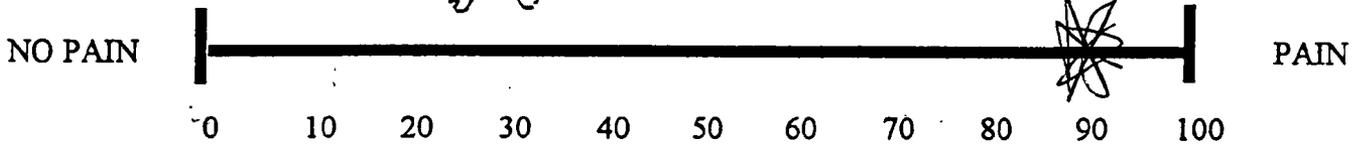
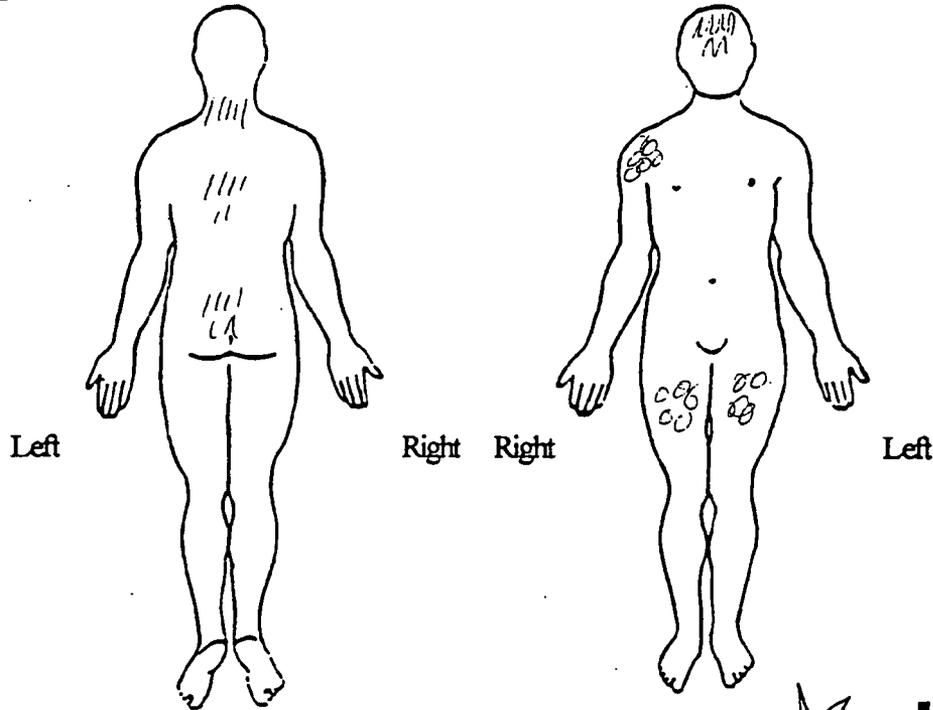
Date 10/11/99 Name Kim Buchanan # 13741

Draw location of your pain on body outlines and mark how bad it is on the line at the bottom of page.
PLEASE draw in your face.

Ache	Burning	Numbness	Pins & Needles	Stabbing	Other
^^^	==	00000	.....	/////	XXXX
^^^	==	0000	.....	////	XX

BACK

FRONT



PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your **CURRENT** level of pain:

NO
PAIN



PAIN AS BAD
AS IT CAN BE

Place an X on the scale below to indicate your **AVERAGE** level of pain:

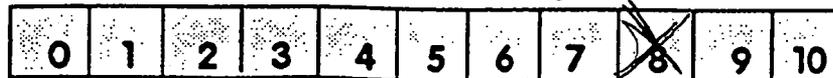
NO
PAIN



PAIN AS BAD
AS IT CAN BE

Place an X on the scale below to indicate your **WORST** level of pain:

NO
PAIN



PAIN AS BAD
AS IT CAN BE

AH

PAIN DRAWING

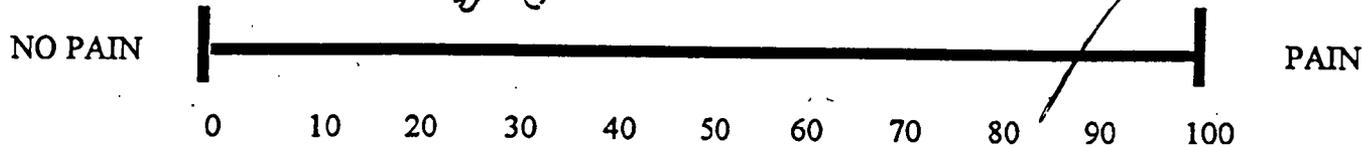
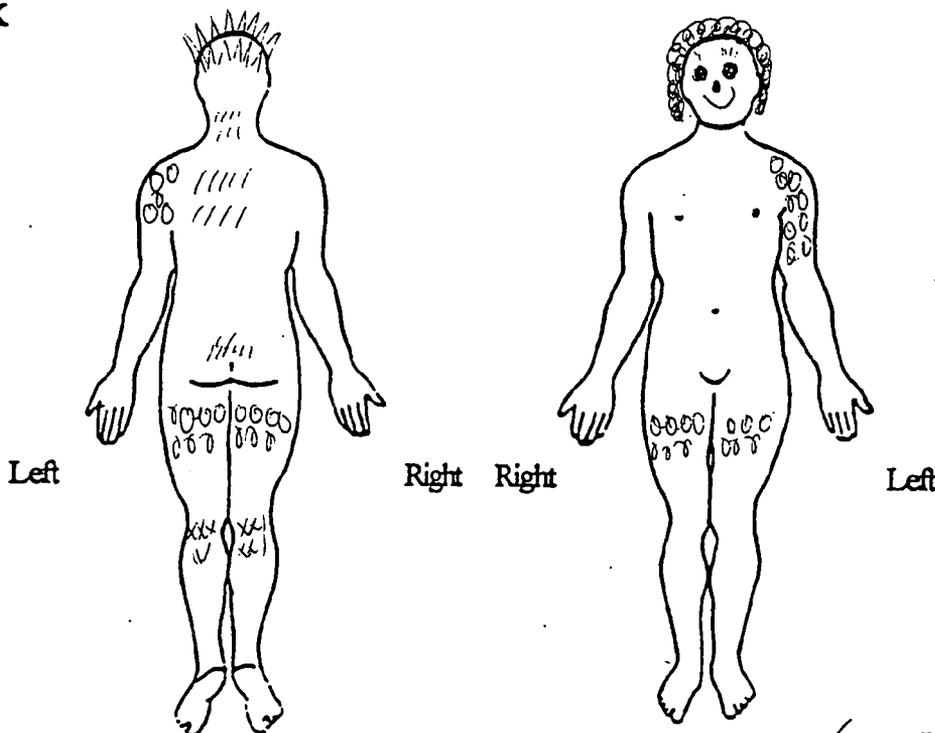
Date 11-15-99 Name Kim Buchanan # 13741

Draw location of your pain on body outlines and mark how bad it is on the line at the bottom of page.
PLEASE draw in your face.

Ache	Burning	Numbness	Pins & Needles	Stabbing	Other
^^^	==	00000	.....	/////	XXXX
^^^	==	0000	.....	////	XX

BACK

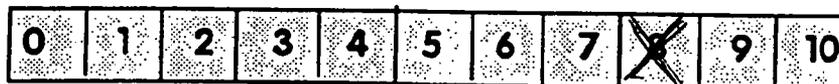
FRONT



PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your **CURRENT** level of pain:

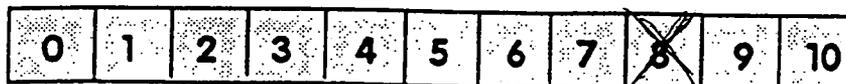
NO PAIN



PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your **AVERAGE** level of pain:

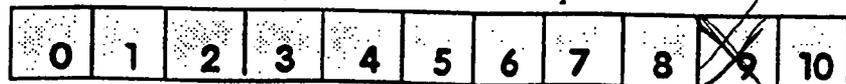
NO PAIN



PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your **WORST** level of pain:

NO PAIN



PAIN AS BAD AS IT CAN BE

AK

PAIN DRAWING

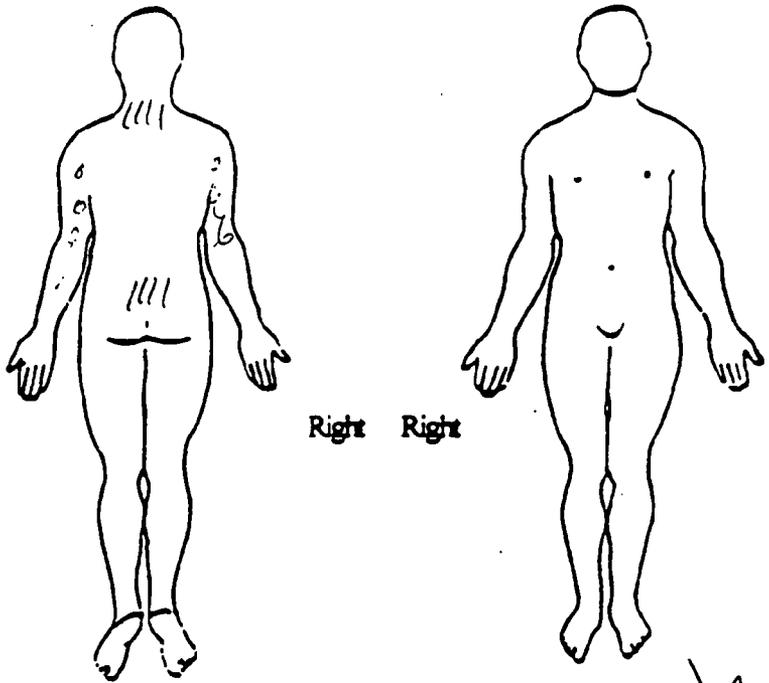
Date 4/26/01 Name Kim Behan # _____

Draw location of your pain on body outlines and mark how bad it is on the line at the bottom of page.
PLEASE draw in your face.

Ache	Burning	Numbness	Pins & Needles	Stabbing	Other
^^^	====	00000	.....	/////	XXXX
^^^	====	0000	.....	////	XX

BACK

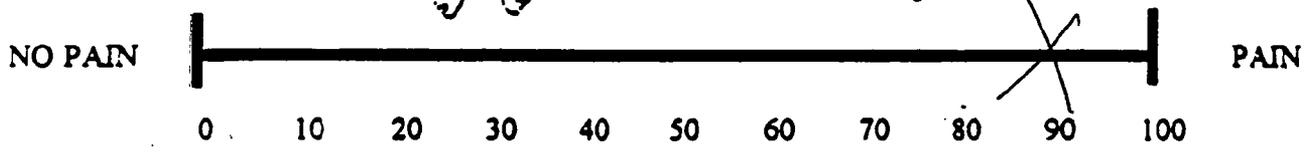
FRONT



Left

Right Right

Left



PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your CURRENT level of pain:

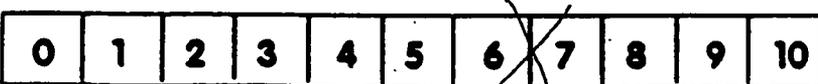
NO PAIN



PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your AVERAGE level of pain:

NO PAIN



PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your WORST level of pain:

NO PAIN



PAIN AS BAD AS IT CAN BE

AA
PAIN DRAWING

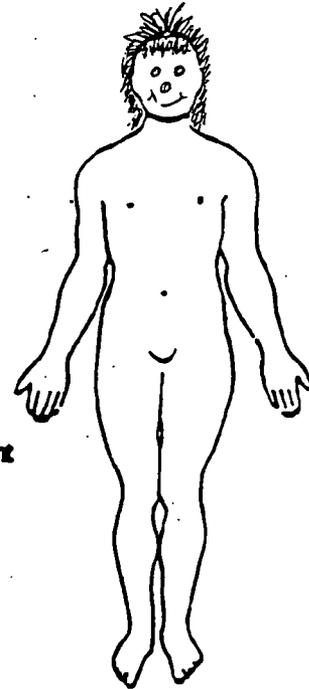
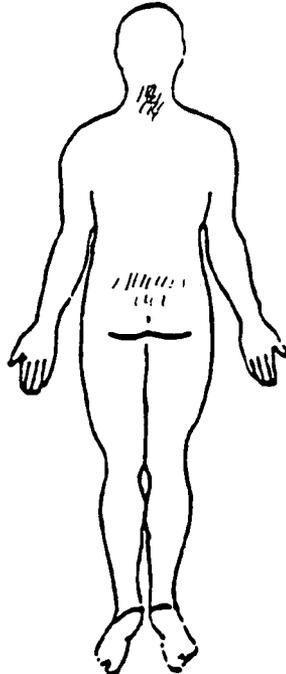
Date 7/13/07 Name Kim Buchanan # 13741

Draw location of your pain on body outlines and mark how bad it is on the line at the bottom of page.
PLEASE draw in your face.

Ache	Burning	Numbness	Pins & Needles	Stabbing	Other
^^^	==	00000	.....	/////	XXXX
^^^	==	0000	.....	////	XX

BACK

FRONT



Left

Right Right

Left

NO PAIN



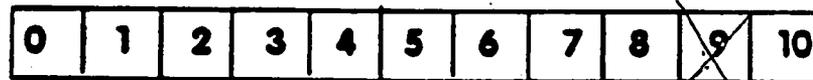
PAIN

0 10 20 30 40 50 60 70 80 90 100

PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your **CURRENT** level of pain:

NO
PAIN



PAIN AS BAD
AS IT CAN BE

Place an X on the scale below to indicate your **AVERAGE** level of pain:

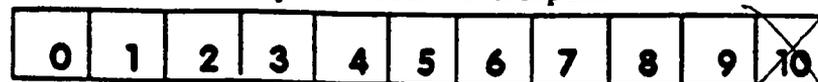
NO
PAIN



PAIN AS BAD
AS IT CAN BE

Place an X on the scale below to indicate your **WORST** level of pain:

NO
PAIN



PAIN AS BAD
AS IT CAN BE

Name KIMBERLY BUCHANAN #15785 13741

AA

Subluxations

3XW 2XW 1XW 2XM other

9/15

Date	Comments	Dr.
9/16/99	Constant HA, neck, @ top sacrum, LBP, both shoulders, b/wt C8 & Ant. Neck aches, numbness & tingling	UMS
9/15/99	HA, neck, P, legs numb, @ arm numb, @	UMS
9/22/99	HA (L), C-pain, @ knee-pinked, Both legs numb, hurts to sit, @ arm 7/10	
	Still numb, can't use to drive, shooting pain in @ shoulder into arm, bad flu (L)	
9-24-99	C + shoulders pinching, legs less numb, @ arm numb + can't drive w/it, HA's less severe	
	MEZ Wds / Th. Jessie	
9-29-99	C & shoulders pinching, HA @ arm numbness	
10-4-99	(between) shoulder blades, legs numb after sitting, @ arm numb, @	
10-6-99	(between) shoulder blades, HA along spine, @ - grinding @	
10-8-99	Shoulder, neck, (back) HA @	
	Deep C5	
10-11-99	C-neck, shoulder blades, LBP HA @	
10-13-99	HA's down, shoulder blades, LBP	
	Deep numb	

2001

Name KIMBERLY BUCHANAN #13741

AA

Subluxations

3XW 2XW 1XW 2XM other

9/15

Date	Comments	Dr.
10/25/99	had flu, had allergic reaction, LBP, C, shoulder, no HA (JH)	JH
10-27-99	LBP, LBP, shoulder blades, @ arm 7/10	
11-15-99	LBP, C-PAIN, TBP @ side (L) SHOULDER NUMBNESS, TOP OF LEGS NUMBNESS, KNEES PAIN @	JH
	2001	
6-26-01	LBP more on (L) shooting to (L). sitting long legs "fall asleep", btwn shoulder blades, C-pain when she turns head gets sharp pains in C. HA's every day, can't sleep because of numbness on sides of arms + legs (8/10)	JH
6-30-01	LBP shooting from (R) to (L), sitting long hard to get up + legs "fall asleep", pinching btwn shoulder blades; C-pain when she turns head, HA's every day; can't sleep on either side increased numb. in arms + legs. Increased HA's - constant (8/10)	JH
7-3-01	LBP (R) numbness (R) shoulder down (R) arm to elbow numbness. numbness in (R) hand + fingers. (R) heel hurts LB - "pinching" (R) shoulder blades "pinching" + (R) C - hurts. can't sleep, can't get comfort. (R) hip "pinching" "fall out" (10/10) @ side;	JH

Buchanan, Kimberly [Z 0406,15785] 09/15/99

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical and lumbar pain left arm numbness bilateral leg numbness and headaches. The examination revealed positive Cervical distraction test Ely test Kemp's test. There is no change in the patients condition. Treatment today consisted of an adjustment C5 L4 sacroiliac joint. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 09/22/99

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of decreased headaches and cervical pain. The examination revealed positive Cervical distraction test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment C5 T5 L4 sacroiliac joint. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 09/24/99

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical pain bilateral shoulder pain slight headaches and left arm severe numbness. The examination revealed positive Shoulder Depressor test Cervical distraction test Ely test. The patient is progressing satisfactorily. Treatment today consisted of an adjustment C5 T5 L4 sacroiliac joint. The patient should return in three days.

Buchanan, Kimberly [Z 0406,15785] 09/29/99

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical and thoracic mild pain left arm numbness. The examination revealed positive Cervical distraction test Shoulder Depressor test. The patient is progressing satisfactorily. Treatment today consisted of an adjustment C5 T5. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 10/04/99

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical and thoracic pain left arm numbness. The examination revealed positive Shoulder Depressor test Foraminal compression test. The patient is progressing satisfactorily. Treatment today consisted of an adjustment C5 T5. The patient should return in two days. The patient should be using cold at home as discussed, using heat at home as discussed.

09/14/99 - 07/23/01

Buchanan, Kimberly [Z 0406,15785] 10/06/99
Examined by LAWRENCE BOUMA, DC
The patient entered the office complaining of cervical and thoracic pain. The examination revealed positive Shoulder Depressor test Kemp's test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment C5 T5. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 10/08/99
Examined by LAWRENCE BOUMA, DC
The patient entered the office complaining of cervical and thoracic pain and headaches. The examination revealed positive Shoulder Depressor test Kemp's test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment L4 T5 C5. The patient also presents with lumbar pain. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 10/11/99
Examined by LAWRENCE BOUMA, DC
The patient entered the office complaining of cervical, thoracic and lumbar pain. The examination revealed positive Ely test Shoulder Depressor test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment C5 L4. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 10/13/99
Examined by LAWRENCE BOUMA, DC
The patient entered the office complaining of decreased headaches cervical pain. The patient also presents with lumbar pain. The examination revealed positive Ely test Kemp's test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment L4 sacroiliac joint C5. The patient should return in two days. The patient should be using heat at home as discussed.

Buchanan, Kimberly [Z 0406,15785] 10/25/99
Examined by LAWRENCE BOUMA, DC
The patient entered the office complaining of cervical and thoracic pain. The examination revealed positive Shoulder Depressor test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment C5 T5. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 10/27/99
Examined by LAWRENCE BOUMA, DC
The patient entered the office complaining of lumbar and thoracic pain. The examination revealed positive Ely test Kemp's test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment T5 L4. The patient should return in two days.

Buchanan, Kimberly [Z 0406,15785] 11/15/99

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical, thoracic and lumbar pain bilateral shoulder numbness. The examination revealed positive Ely test Kemp's test Shoulder Depressor test. The patient is making slow but steady improvement. Treatment today consisted of an adjustment C5 T5 L4. The patient should return in three days.

Buchanan, Kimberly [Z 0406,15785] 06/26/01

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical and lumbar pain and headaches the level of pain on an analog scale of 1 (mild) to 10 (severe) is a 8. The examination revealed positive Kemp's test Ely test Braggard's test Shoulder Depressor test. Also noted is cervical and lumbar muscle bundle point tenderness, swelling and a short right leg. Treatment today consisted of an adjustment L4 sacroiliac joint C5. The patient should return in one week.

Buchanan, Kimberly [Z 0406,15785] 06/28/01

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of. . . INITIAL CONSULT: The patient was seen today for an initial consult which involved a review of the patient's complaints, a discussion of the goals the patient had and their expectations, the approach that chiropractic science takes in addressing these various complaints. Additionally an examination schedule was developed to determine the radiological, neurological, orthopedic, vascular and/or chemical limitations and opportunities through which to develop a reasonable and successful treatment plan.

The patient is scheduled for these exam procedures on their next visit to the office. Medical necessity will be established for the treatment plan based on the findings/results of these exams. Also, there might be required or necessary if the biomechanical and functional restrictions merit them. Any additional exam procedures will be necessary based on the findings and symptoms presented by the patient.

The patient's complaints today were described as:. The patient should return in three days.

Buchanan, Kimberly [Z 0406, 15785] 07/03/01

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical, thoracic and lumbar pain. The patient also presents with right shoulder pain the level of pain on an analog scale of 1 (mild) to 10 (severe) is a 10. The examination revealed positive Shoulder Depressor test Ely test Kemp's test Braggard's test Cervical distraction test. Also noted is cervical, thoracic and lumbar muscle bundle swelling, point tenderness and a short right leg. There is no change in the patients condition. Treatment today consisted of an adjustment C5 L4 sacroiliac joint. The patient should return in three days.

Buchanan, Kimberly [Z 0406, 15785] 07/13/01

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical and lumbar pain the level of pain on an analog scale of 1 (mild) to 10 (severe) is a 80%. The examination revealed positive Ely test Kemp's test. Also noted is lumbar and cervical muscle bundle swelling, point tenderness and a short right leg. The patient is progressing satisfactorily. Treatment today consisted of an adjustment. The patient should return in three days.

Buchanan, Kimberly [Z 0406, 15785] 07/17/01

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of right lumbar pain right leg pain the level of pain on an analog scale of 1 (mild) to 10 (severe) is a 8. The examination revealed positive Kemp's test Ely test Braggard's test. Also noted is lumbar muscle bundle swelling, point tenderness and a short right leg. The patient is progressing satisfactorily. Treatment today consisted of an adjustment. The patient should return in two days.

Buchanan, Kimberly [Z 0406, 15785] 07/23/01

Examined by LAWRENCE BOUMA, DC

The patient entered the office complaining of cervical and lumbar pain and headaches right hip and leg pain the level of pain on an analog scale of 1 (mild) to 10 (severe) is a 7. The examination revealed positive Kemp's test Ely test Braggard's test Shoulder Depressor test Cervical distraction test. Also noted is cervical and lumbar point tenderness and swelling muscle bundle a short right leg. There is no change in the patients condition. Treatment today consisted of an adjustment sacroiliac joint sacrum L1 C4. The patient should return in two days.



BOUMA CHIROPRACTIC CLINIC, P.C.

102 Christy Park Dr.
Indiana, Pennsylvania 15701
Telephone: (724) 465-4080
Fax: (724) 465-6923

LAWRENCE BOUMA, D.C.
GLENN R. BROWN, D.C.
VINCENT D. BROWN, D.C.

Chiropractic Roentgenological Report

Patient Name : Kimberly Buchanan
Patient # : 15785
Date of study : 09-14-99

Cervical Spine A-P, Lateral Views

Severely decreased loss of cervical lordotic curve
Mildly decreased intervertebral spacing between C2/C3 and C5/C6
Subluxation complex of C5 and C6

Thoracic Spine A-P, Lateral Views

Negative for recent fracture or gross osteopathy
Mild hypokyphotic curve
Negative for discogenic lesion
Subluxation complex of T5

Lumbar Spine A-P, Lateral Views

Severe loss of lumbar lordosis
Mild Levoscoliosis apexed at L3
Mildly decreased intervertebral spacing between L3/L4
Subluxation complex of L4
Left ilium rotated AS
Public unleveling high on left
Sacrum rotated posterior left
Osteoarthritis of L3/L4

Vincent D. Brown D.C./dlc.

Vincent D. Brown, D.C.
VDB/dlc

Bouma Chiropractic Clinic, P.C.

102 Christy Park Drive

Indiana, PA 15701

(724) 465-4080

Chiropractic Roentgenological Report

Patient Name : Kimberly Buchanan

Patient # : 13741

Date of study : 7-03-01

Cervical Spine A-P, Lateral Views

Loss of the lordotic curve

Subluxation complex of C4

COPY

Thoracic Spine A-P, Lateral Views

Subluxation complex of T6

Lumbar Spine A-P, Lateral Views

Loss of lumbar lordosis

Subluxation complex of L1

Right ilium rotated P11

Sacrum rotated Left Post

Negative for recent fracture or gross osteopathy as visualized

Glenn R. Brown, D.C.

GRB/vak



BOUMA CHIROPRACTIC CLINIC, P.C.

102 Christy Park Drive
Indiana, Pennsylvania 15701
Telephone: (724) 465-4080
Fax: (724) 465-6923

LAWRENCE BOUMA, D.C.
GLENN R. BROWN, D.C.
VINCENT D. BROWN, D.C.

June 15, 2000

Myron Hay Tomb
Tomb, Mack & Kauffman, L.L.P.
Law Offices
52 South Ninth Street
Indiana, PA 15701

RE: Kimberly Buchanan

HISTORY:

On September 14, 1999, Ms. Buchanan came into my office for the purpose of evaluation and treatment for injuries sustained in an auto accident on September 6, 1999. The patient described accident as "pulling into parking space, almost to complete stop" (broad-sided on passenger side).

Patient entered this office with the following complaints:

1. Numbness in legs
2. Low Back pain
3. Left shoulder and shoulder blade pain
4. Neck pain
5. Headaches

EXAMINATION:

Examination performed on September 14, 1999 demonstrated the following positive orthopedics:

Forward Bending; Lindner; Foramina Compression; Shoulder Depression; Lasegue; Contralateral Lasegue; Goldthwait; Kemp test.

Cervical Range of Motion listed in degrees:

	<u>Normal</u>	<u>Actual (9/14/99)</u>
Flexion	45	35
Extension	55	40
L. Lateral Bending	40	15
R. Lateral Bending	40	30
Left Rotation	70	40
Right Rotation	70	60

Thoracic/Lumbar Range of Motion listed in degrees:

	<u>Normal</u>	<u>Actual (9/14/99)</u>
Flexion	75-90	20
Extension	30	5
L. Lateral Bending	35	20
R. Lateral Bending	35	10
Left Rotation	30	20
Right Rotation	30	5

THERMOGRAPHY EXAMINATION:

Thermographic examination performed on September 14, 1999, revealed asymmetrical patterns in the cervical, thoracic and lumbar regions with possible nerve root or nerve fiber irritation and possible peripheral nerve irritation. Cervical, thoracic and lumbar altered range of motion and orthopedic examination suggests injury to the cervical, thoracic and lumbar spine

Thermography is a noninvasive and radiation-free method of evaluating certain types of pathology, vascular changes, and nerve involvement. Thermographic equipment uses colors to reveal the detected heat emissions and in a normal individual, the color representation should be symmetrical.

Thermographic examination displays the effect of those injuries at the neuro-musculature level.

RADIOLOGIC EXAMINATION:

Radiologic examination performed September 14, 1999 demonstrated the following:

Cervical

Severely decreased loss of cervical lordotic curve

Mildly decreased intervertebral spacing between C2/C3 and C5/C6

Subluxation complex of C5 and C6

Thoracic

Negative for recent fracture or gross osteopathy

Mild hypokyphotic curve

Negative for discogenic lesion

Subluxation complex of T5

Lumbar

Severe loss of lumbar lordosis

Mild Levoscoliosis apexed at L3

Mildly decreased intervertebral spacing between L3/L4

Subluxation complex of L4

Left ilium rotated AS

Pelvic unleveling high on the left

Sacrum rotated posterior left

Osteoarthritis of L3/L4

DIAGNOSIS:

Subluxation of the fifth cervical vertebra; Headaches; Cervicalgia; Cervicobrachial syndrome; cervical sprain/strain; Lumbar subluxation; lumbar sprain/strain; sciatica.

MRI:

See attached reports of:

MRI of the Cervical Spine

MRI of the Lumbar Spine

DISCUSSION:

Ms. Buchanan suffered sprain/strain of moderate degree in both cervical and lumbar spine. This is demonstrated by our objective exam using x-ray, orthopedics, range of motion, thermography, pain scales and pain drawing analysis. Advanced imaging was performed at Indiana MRI which demonstrated disc damage at C5/C6 and C6/C7 and also L1/L2, L2/L3 and L5/S1.

DISCUSSION CONTINUED:

Ms. Was treated conservatively and demonstrated slight improvement in the severity of her complaints. The patient discontinued care after six weeks. She was last seen in this office on November 15, 1999 with complaints similar to her initial visit.

The MRI results indicated disc damage in both cervical and lumbar spine. The left-sided disc herniation at C6/C7 is consistent with the patient complaints of left arm paraesthesia. It appears that her accident has caused this damage which results in her complaints.

My last contact with the patient was November 1999. It is reasonable to expect that her symptoms will continue as they were since I had minimal success with the patient.

If you have any questions, please do not hesitate to contact my office.

Respectfully submitted,



Lawrence Bouma, D.C.

LB/dlc

INDIANA OPEN MRI

A MEMBER OF THE MID ATLANTIC
OPEN MRI NETWORK

119 Professional Center, Suite 305 ♦ Indiana, Pennsylvania 15701

Toll Free 888-270-9222 (724) 349-3110

Fax (724) 349-3119

#07340

KIMBERLY BUCHANAN

SS # 189-56-7390

Dr. Ann Jesick

September 29, 1999

COPY

MRI OF THE CERVICAL SPINE

HISTORY: This is a 35 year old female with a history of left arm paresthesia, left lower extremity paresthesia, leg numbness.

TECHNIQUE: T1 and T2 sagittal images. T1 and gradient axial images were obtained from C3 through the intervertebral disc space of T1-2. Some patient motion artifacts are seen on this which due degrade the quality of and somewhat limit this study.

FINDINGS: There is straightening of the normal curvature of the cervical spine which is non specific, possibly due to spasm. Mild disc space narrowing is seen between C5-6 and C6-7. The height and marrow appearance of the vertebral bodies are unremarkable. There is a very small central and slightly to the left side disc herniation at C6-7 which is mildly compressing the dura. The neural canal is otherwise normal. The cord is normal. The neural foramina are patent bilaterally.

IMPRESSION: THERE IS A VERY SMALL CENTRAL AND SLIGHTLY LEFT SIDED DISC HERNIATION AT C6-7 WHICH IS MILDLY COMPRESSING THE DURA.

Thank you for giving us the opportunity to examine your patient.



Frank Papa, MD

FP/gca

INDIANA OPEN MRI

119 Professional Center, Suite 305 ♦ Indiana, Pennsylvania 15701

A MEMBER OF THE MID-ATLANTIC
OPEN MRI NETWORK

Toll Free 888-270-9222 (724) 349-3110
Fax (724) 349-3149

#07340A
KIMBERLY BUCHANAN
SS # 189-56-7390
Dr. Ann Jesick
September 29, 1999

MRI OF THE LUMBAR SPINE

HISTORY: This is a 35 year old female with a history of left arm paresthesia, left lower extremity paresthesia, leg numbness.

TECHNIQUE: T1 and T2 sagittal images. T1 axial images were obtained through the intervertebral disc space of L1 through S1.

FINDINGS: Mild arthritic changes are seen. There is intervertebral disc space narrowing between L1 through L3 and L5-S1.

A slight disc bulge is seen at L1-2 minimally compressing the dura. There is a slight disc bulge at L5-S1 which is not involving the central canal or neural elements. There are no disc herniations on this exam. The neural foramina are patent bilaterally. The central canal and conus are normal. The height and marrow appearance of the vertebral bodies are unremarkable.

IMPRESSION: THERE IS A SLIGHT DISC BULGE AT L1-2 WHICH IS MINIMALLY COMPRESSING THE DURA.

THERE IS A VERY SMALL DISC BULGE AT L5-S1 WHICH IS NOT INVOLVING THE NEURAL CANAL OR NEURAL ELEMENTS.

NO DISC HERNIATIONS ARE SEEN ON THIS EXAM.

Thank you for giving us the opportunity to examine your patient.


Frank Papa, MD
FP/gca

EXHIBIT E-1

Dr. Baumann
The Gateway Center, Suite 310
Scranton, Pennsylvania 18520-1881

January 3, 1997

RE: Kils Buchanan

HISTORY

On February 7, 1996, Mrs. Buchanan came into my office for the purpose of evaluation and treatment for injuries sustained while working for Emerson Square Personal Care on February 4, 1996. The patient stated "I was lifting a gentleman that weighed about 100 pounds from the shower to his wheelchair with assistance and my lower half went to opposite than my top half. It felt like a rubber band snapping".

Patient entered this office with the following complaints:

1. Low back pain
2. Mid back pain
3. Upper back pain
4. Neck pain
5. Pain in both legs with tingling and numbness
6. Pain in right arm

Mrs. Buchanan was examined by Dr. Jose Amayo on April 9, 1996. His report is enclosed.

EXAMINATION

Examination performed on February 7, 1996 demonstrated the following positive orthopedics:

Forward bending -- caused moderate pain and pulling in low back
Boto Hail -- caused pain in thoraco-lumbar transition
Praxina Compression -- caused pain at C6-T1 on right
Shoulder Depression -- caused moderate pain at T2-T4 on right
Same test -- caused moderate pain at L3-L4 10 inches from floor
Thomas -- caused moderate pain at L3
Griffith -- Right leg 1/4 inch short
Hip Extension -- caused moderate pain at L4 on left
Lasegue -- caused mild L5/S1 twinge
Farber Patrick -- caused left hip pain
Knee Test -- caused moderate pain in upper right thoracic region

00001624

EUCHANAN, KIM
January 9, 1997
Page 3

Negative orthopedics include: Bechterew/ Braggard.

Cervical range of motion listed in degrees:

	Normal	Actual 02-07-96
Flexion	45	35
Extension	55	45
L. Lateral Bending	40	30
R. Lateral Bending	40	30
Left Rotation	70	70
Rt. Rotation	70	70

Thoracic/Lumbar range of motion listed in degrees:

	Normal	Actual 02-07-96
Flexion	75-90	80
Extension	30	20
L. Lateral Bending	35	30
R. Lateral Bending	35	30
Left Rotation	30	25
Rt. Rotation	30	25

THERMOGRAPHIC EXAMINATION

Thermographic examination performed February 7, 1996 revealed asymmetrical patterns in the cervical, thoracic and lumbar regions with possible nerve root or nerve fiber irritation. Thermography is a noninvasive and radiation-free method of evaluating certain types of pathology, vascular changes, and nerve involvement. Thermographic equipment uses colors to reveal the detected heat emissions and in a normal individual, the color representation should be symmetrical. Lumbar altered range of motion and orthopedic examination suggest injury to the lumbar spine. Thermographic examination displays the effect of those injuries at the neuro-musculature level.

BUCHANAN, KIM
January 3, 1997
1997

PHYSIOLOGIC EXAMINATION

Physiologic examination performed February 7, 1996 demonstrated a mildly decreased loss of cervical lordotic curve. Cervical curve measures +27 degrees. Subluxation noted at C5. Mild dextro-scoliosis apexed at T6. Subluxation noted at T6. Mild loss of thoracic lordotic curve. Levo-scoliosis apexed at L3. Mild loss of spaces between L5/S1. Left ilium rotated P12/EX2. Pelvic unleveling high on left. Lumbar curve measures +33 degrees. Facet hypertrophy at L5.

FUNCTIONAL CAPACITY EVALUATION

Mrs. Buchanan underwent computerized mechanical, isometric muscle test with torque curves and printed report of March 12, 1996. The equipment used in this testing measures precise strength capability. Test data provides accurate measurements needed to identify areas of weakness, to quantify performance deficiencies, to determine the extent of injury or disability, and evaluate rehabilitation goals and progress. The following tests representing critical job tasks were performed:

The strength features indicate that Mrs. Buchanan should be capable of light duty work. The definition of light duty work includes the following weight restrictions:

Patient may lift up to 10 pounds frequently (14-66% of the time);
Patient may lift 10 - 20 pounds occasionally (0-33% of the time).

TREATMENT

Chiropractic care to include specific corrective adjustments to the interosseous disrelationship of the vertebrae of the spine with gentle mobilizing and extension maneuvers. These adjustments were initiated at the frequency of three times a week.

DIAGNOSIS

T-6 subluxation; Acute, mild thoracic sprain/strain; Thoracic intervertebral disk disease disorder; Pain in thoracic spine; C-5 subluxation; acute, mild cervical sprain/strain

AM, XIN
Y 3, 1997

CHINA

A visual analog scale (VAS) was given to the patient to rate her perception of pain. Initially, she reported an 9 (out of 10) for current pain, an average of 9 and worst pain ever as 10. Her best recent VAS on April 1, 1996 reported a 7 for her current pain, an average of 8 and worst pain ever as 9. This VAS shows the presence of symptom magnification or inappropriate pain behavior.

The functional capacity evaluation demonstrated no signs of symptom magnification or inappropriate pain behavior. The patient's effort was unsatisfactory on none of the tests. All tests indicate that the patient put forth the maximum effort. The tests suggest that Mrs. Buchanan is capable of performing work at light duty.

The patient's objective assessment for her disability was measured using the Roland-Morris Neck and Low Back Questionnaires, the Oswestry Pain Questionnaire for low back and Vernon & Mair Neck Disability Index. All tests show appropriate response, no signs of symptom magnification, and evidence of mild disability. Copies of all questionnaires are included for your information.

DISCUSSION

Mrs. Buchanan suffered an injury of the cervical, thoracic and lumbar spine, of sprain/strain nature. This is demonstrated through X-ray, orthopedic test, range of motion and thermographic studies.

She made good progress while under our conservative chiropractic care. She was released to return to light duty on March 4, 1996. This was increased to medium duty on March 18, 1996. She indicated on March 25, 1996 she started to work for a friend at the pet boutique 15 to 30 hours a week maximum lifting was about 20 pounds occasional.

Mrs. Buchanan was last seen on March 29, 1996. At that time she was capable of light to medium duty as outlined in our functional capacity March 12, 1996 and job analysis correspondence which was forwarded to Betty McCloskey on March 29, 1996. She was released May 30, 1996 due to her withdrawal from treatment.

Home Phone: (412) 886-9505
Address: 1015 ...
Age: 31 Birthdate: 10-14-61 Marital: MARRIED
Zip Code: 15711

How many children: 2
Occupation: Nurse's Aid
Employer: Emerson Square Personnel
Work Phone: (412) 462-3111
Occupation: Worker
Work Phone: (412) 462-3111
Phone: (412) 462-7917

When? 9/87
When? 12/95

Have you ever suffered from:
Digestive problems
Nervousness
Stomach trouble
Anemia
Cancer
Rheumatic Fever

Purpose of this appointment: Lower/upper back pain & Spasm
Other doctors seen for this problem:
Have you been treated for any health condition by a physician in the last year? YES NO

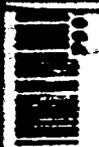
Describe:
What prescription medications do you take? NONE
What non-prescription medications do you take? NONE
Remarks/additional information:
I saw a Chiropractor about 3 years ago

Name of person responsible for payment: Emerson Square
Are you insured? YES (NO COMPANY) Blue Cross Blue Shield
HMO Keptelint

I understand that any insurance is an arrangement between my insurance carrier and myself. I understand that I/My Insurance Chiropractic Clinic, P.C. may bill my insurance carrier directly for services rendered to me. However, I clearly understand that all services rendered to me are my responsibility and I am personally responsible for payment. I also understand that all x-rays and test results are the property of the Trauma Chiropractic Clinic.

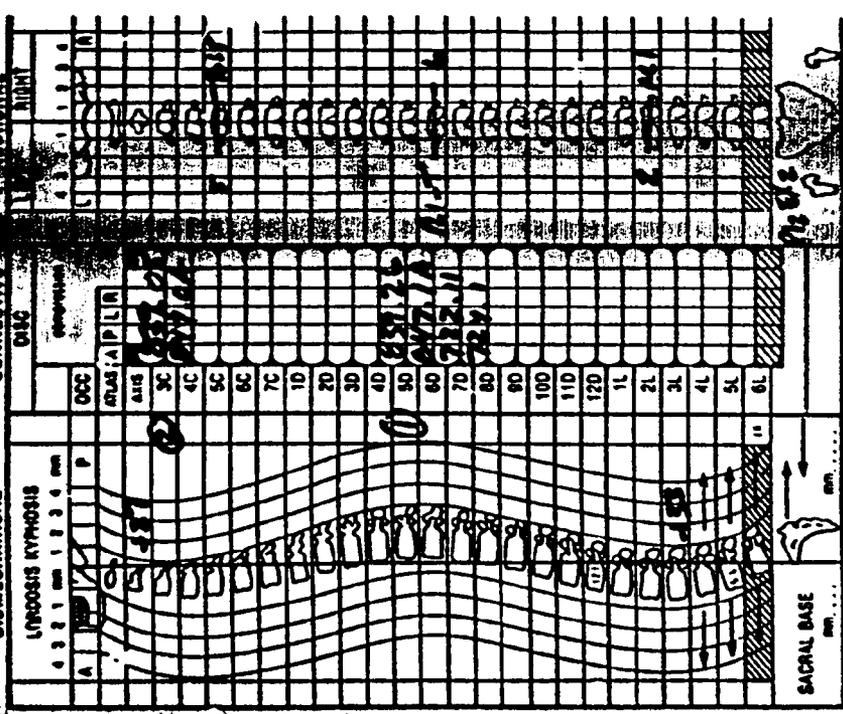
Patient's signature: Kimberley Buchanan SSN: 189156 7390 Date: 2-7-96
Guardian's signature: Information taken by: Date: 2-7-96

00007610



Name: BUCHANAN, KIM #13741 VC

DATE	3XV	2XV	1XV	2XW	1XW	Other
3-4				MIGRAINE, SICK, NAUSEA		
3-13/96				C. WHOLE BACK		
3-18				1 hour numb. Migraine, Nausea		
				C. Whole back		
				Arms numb, migraines, Climb		
				BACK		
				Neck numb Migraine/Seizure		
3-21				LB punching & burning into legs, C.		
				Back numb		
3-25				LB INTOLERANCE, TIGHT		
				Scheduled to visit, 3.1 for C. Fin.		
				R.F. Ret. Bilateral O/S 30 Aug 96		
4-1				44AS Lit about 2/66/66/66/66/66		
4-3/96				1-7-96 LBD @ ACMP (LSD)		
4-8				Lip. Injection, orthopedic surgeon		
4-29/96				L.B. S. INCHING. Foreman Aug 97		
4-29				L. Buchanan HA		
11-18				1 (Buchanan) HA		
				LSD. BUCKANAN, NUMBERS		
				TENDER		
				Has been leaving stockings / B. of Buchanan		
				of W.C. Buchanan tried to fix with		



Initial Visit 2-7-96 Accident Date 2-7-96

X-Ray 2-7-96

Therm 2-7-96

Dyna 3-13-96

Other _____

P.D. 2-7-96 3-1-96 4-1-96

AD 1657

REVIEWING PROFESSIONALS

RE: Client: Kimberly Buchanan
Review NO.: 0035166
State No.: 189-56-7390
License No.: 0396171041G08
Provider: Boush Chiropractic Clinic

VERIFICATION

I, David S. Bowman, D.C., do hereby verify and affirm that I personally wrote the attached report and that the report reflects the medical opinions of the reviewer.

I understand that false statements herein are made subject to the penalties of 18 U.S.C. Section 4904 relative to unsworn falsification to authorities.


Signature

5/9/96
Date

TRI-STATE REHABILITATION GROUP

Name: Kimberly S Buchanan Date of Accident: 2-4-96

1. Name of employer at time of accident: Emerson Square Personal Care

2. Length of time worked there prior to accident: 2 mos

3. Type of work being done at time of injury: Nurse Aid

4. In your own words, please describe accident: I was lifting a gentleman ^{Monte} into the shower to his wheelchair with assistance and the gentleman went the opposite way so he fell. I felt like I pulled my hand snapping = ERIVED SPONDED PLATE

5. Have you been treated by another doctor for this accident? Yes No
If yes, list doctor's name and address:

6. What type of treatment did you receive?

How long were you treated by this doctor?

6. Am I improved unchanged getting worse

7. What type of medicines are you taking? NONE

Do these medicines help? Yes No Don't know

8. Have you had physical therapy? Yes No If yes, how often?
 Daily Every other day Several times a week Weekly Every other week
 Monthly Other

Does your physical therapy help? Yes No Don't know

9. Prior to this accident, have you ever had any of the physical complaints similar to what you have now?
 Yes No Don't know

If yes, describe:

Were there similar complaints the results of a previous accident(s)? Yes No

Please provide details of accident(s):

10. Have you had any other serious accidents which required medical care? Yes No

Describe:

11. Have you had any serious illnesses that required hospitalization? Yes No

Describe:

00001636

12. Have you had any surgeries? Yes No
 If yes, list type of surgery and date: Hysterectomy - Gallbladder - Breast Reduction
2015 October 5

13. Have you had any nervous or mental illnesses? Yes No
 Have you had psychiatric care? Yes No
 14. Have you received a medical discharge from the Armed Forces? Yes No
 15. Have you returned to work since this accident? Yes No

If you have returned to work since your accident, please fill out the information below:

DATE	EMPLOYER	OCCUPATION	LIGHT DUTY PERCENT	FULL-TIME PERCENT

CURRENT MEDICAL COMPLAINTS

BACK PAIN:

1. Constantly I have pain in my:
 - low back mid back upper back
 - gradually suddenly
 - sometimes all of the time
2. My pain is in my:
 - right leg left leg both
 - right leg left leg both
3. I have pain:
 - Yes No
 - Yes No
4. My pain goes into my:
 - Yes No
 - Yes No
5. I have tingling and/or numbness in my:
 - Yes No
 - Yes No
6. My pain is worse when I:
 - cough or sneeze
 - sit
 - stand
 - walk
 - lift
 - push
 - pull
7. My back is worse with sexual activity
 - Yes No
 - Yes No
8. My pain wakes me up during the night
 - Yes No
 - Yes No
9. Changes in the weather affect my pain
 - Yes No
 - Yes No

NECK PAIN:

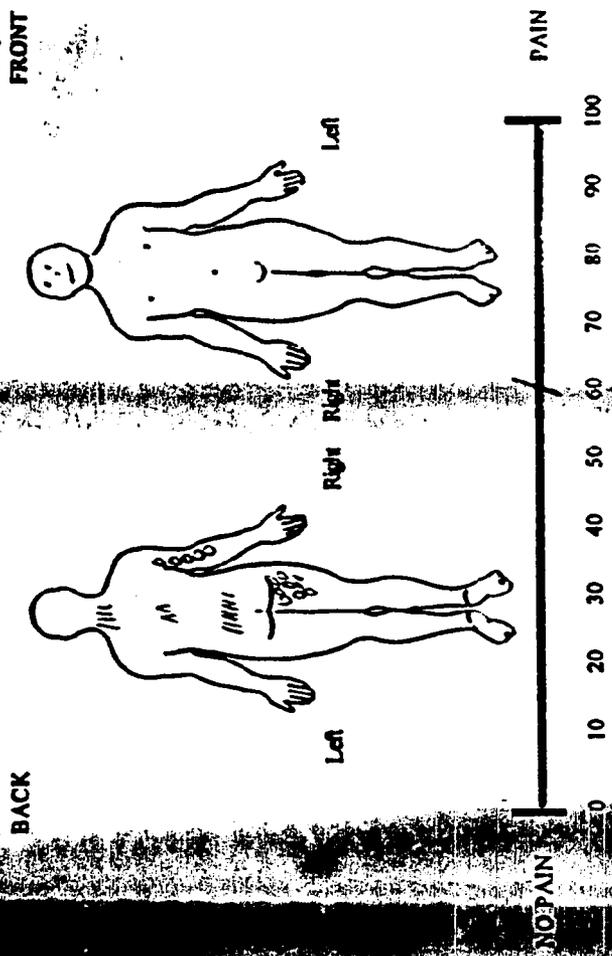
1. my neck pain is in my:
 - gradually suddenly
 - sometimes all of the time
2. I have pain:
 - right arm left arm both
 - right arm left arm both
3. My pain goes into my:
 - Yes No
 - Yes No
4. I have tingling and/or numbness in my:
 - Yes No
 - Yes No

10-16-97

PAIN DRAWING

DNV 4-1-94 Name Kinobsky, Eugene # _____
 Draw location of your pain on body outlines and multi-boxed it is on the line at the bottom of page.
 PLEASE draw in your box.

Burning	Numbrnes	Pins & Needles	Stabbing	Other
----	00000	.....	/////	XXXX
----	0000	.....	////	XX



PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your CURRENT level of pain:

NO PAIN	0	1	2	3	4	5	6	7	8	9	10
							X				

PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your AVERAGE level of pain:

NO PAIN	0	1	2	3	4	5	6	7	8	9	10
									X		

PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your WORST level of pain:

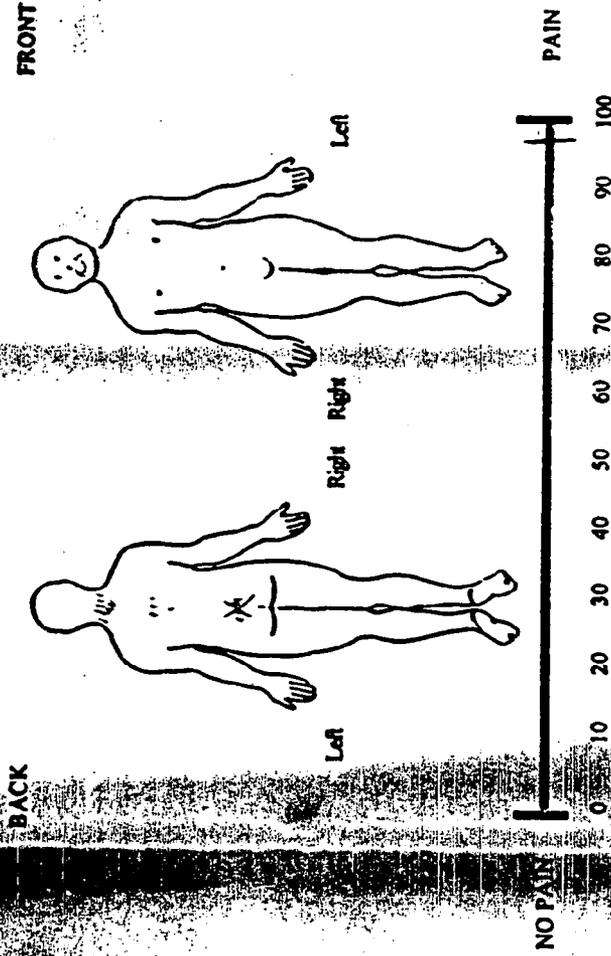
NO PAIN	0	1	2	3	4	5	6	7	8	9	10
									X		

PAIN AS BAD AS IT CAN BE

PAIN DRAWING

Date 3-96 Name Kim Buchanan # 13741
 Draw location of your pain on body outlines and mark how bad it is on the line at the bottom of page.
 PLEASE draw in your face.

Aches	Burning	Numbness	Pins & Needles	Stabbing	Other
////	////	00000	////	////	XXXX
////	////	0000	////	////	XX



PLACE A MARK THROUGH THE LINE TO INDICATE HOW BAD YOUR PAIN IS RIGHT NOW.

Place an X on the scale below to indicate your CURRENT level of pain:

NO	0	1	2	3	4	5	6	7	8	9	10
											X

PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your AVERAGE level of pain:

NO	0	1	2	3	4	5	6	7	8	9	10
						X					

PAIN AS BAD AS IT CAN BE

Place an X on the scale below to indicate your WORST level of pain:

NO	0	1	2	3	4	5	6	7	8	9	10
										X	

PAIN AS BAD AS IT CAN BE

Training of the Nurses
A woman with primary antibodies to HIV-1

ESTIMATED FUNCTIONAL CAPACITIES FORM

AIC Services, Inc.
 Suite 1700
 635 L Street
 Washington, D.C. 20004

Client: **Kimberly Buchanon**

Phone: (412) 393-3960
 Fax: (412) 393-0921

NOTE: This form is based on an 8-hour work day. "Occasionally" equals 14%, "Frequently" equals 34% to 66%, "Continuously" equals 100%.

Activity	Continuously	Frequently	Occasionally	Never
A. Client can lift (Sedentary)				
1. 10 lbs (Light)				
2. 25 lbs (Medium)				
3. 50 lbs (Heavy)				
4. 75 lbs (Very Heavy)				
B. Client can carry (Sedentary)				
1. 10 lbs (Light)				
2. 25 lbs (Medium)				
3. 50 lbs (Heavy)				
4. 75 lbs (Very Heavy)				
C. Client is able to:				
1. Push/Pull				
2. Climb Ladders				
3. Stoop/Bend				
4. Kneel/Sit				
5. Bend/Twist Above Shoulder				
6. Grasp Objects				
7. Manipulate Objects				
E. Client has hand/wrist Repetitive Movements:				
Client has hand/wrist Repetitive Movements:				
F. Environmental Restrictions:				
1. Unprotected Heights				
2. Moving Machinery				
3. Temperature Changes				
4. Dust, Fumes, Gases				
G. Client's work:				
Left Side				
Right Side				
Total				
Pan Time (Hours/Day):				
Full Time: Yes ___ No ___				

H. Comments: _____
 Enclosed is Functional Capacity Evaluation. Patient was returned to work to _____
 LIGHT DUTY ON 03-04-98 (allie enclosed)
 1. Physician's signature: Lawrence Bouma, D.C. Date: 3-29-96

JOB ANALYSIS
COR TITLE: During Assistant

REHABILITATION
CONSULTANT: Patricia M. Melby 5/14/96
Signature Date

EMPLOYER: I have reviewed the above analysis and feel that it accurately describes the job analysed including modifications with my business.
Signature _____ Date _____

WORKER: I have reviewed the above job analysis and feel it accurately describes the job duties including modifications associated with my previous job or prospective job.
Signature _____ Date _____

PHYSICIAN: (Your signature will authorize this worker for this position. Please indicate any further modifications necessary to assist this worker in returning to work.
Signature _____ Date _____

MODIFICATIONS AS LISTED
LIFTING MAXIMUM 75 POUNDS

COMMENTS:

PHYSICIAN RELEASE: I have reviewed the above job analysis and feel that this would be an appropriate position for this worker to engage in.
RETURN TO WORK DATE: 3-29-96
Barbara Deane Date
Signature

RECEIVED
MAR 25 1986

Phone: (412) 893-0000
Fax: (412) 893-0021

DATE 3-22



AIG Claim Services, Inc.
WORKERS' COMPENSATION
1700 CHOC TOWER BUILDING
17th Floor
Harrisburg, PA 17104

March 21, 1986

Lawrence, D. C.
2130 South 42nd W
Indiana, PA 15701

Claimant: Kimberly Buchanan
Claim #: 11-001738
File #: BK 411-03513
SSN: 69-56-7390
DOL: 92-04-96
Employer: Emerson Square Personal Care Home

Dear Doctor: Journal

I have been requested by AIGCS, Ms. Buchanan's Workers' Compensation Administrator, to determine claimant's return to work capabilities.

Enclosed is a Job Analysis of the Nursing Assistant III position which Ms. Buchanan was working at the time of her injury. Kindly review this and indicate on Page 5 if Ms. Buchanan can return to work in this capacity now. Enclosed, also, is an Estimated Functional Capacities form for completion and return to the undersigned along with the Job Analysis.

Thank you for your anticipated cooperation.

Sincerely,

Betty J. McCloskey
Betty J. McCloskey, BEN, CRNA, CIRS, CCH
Rehabilitation Consultant

BJM:jlt
cc: Amy Biles, AIGCS

Enclosure: Job Analysis
Estimated Functional Capacities form

Dictated but not read

11/85



BOUMA CHIROPRACTIC CLINIC, P.C.

210 Bush Ct West
Indian, Pennsylvania 15760
Telephone: (412) 461-4880

2-21-96

TO WHOM IT MAY CONCERN:

I RECOMMEND THAT KIM BE KEPT ON LIGHT DUTY FROM FEB. 19, 1996 UNTIL MARCH 4, 1996. SHE SHOULD INCREASE HER DUTIES BUT BE ALLOWED TO WORK AT HER OWN CAPABILITIES. SHE NO LONGER HAS A WEIGHT RESTRICTION BUT SHOULD WATCH THE WAY SHE BENDS AND LIFTS.

YOU WILL BE UPDATED BY MARCH 4, 1996. IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE OFFICE.

THANK YOU,

Lawrence Bouma D.C.
LAWRENCE BOUMA, D.C.



BOUMA CHIROPRACTIC CLINIC, P.C.

210 Bush Ct West
Indian, Pennsylvania 15760
Telephone: (412) 461-4880

TO WHOM IT MAY CONCERN:

I recommend that Kimberly Buchanan be placed on light duty. Restrictions are as follows:

1. Lift up to 20 pounds occasionally.
2. Lift up to 10 pounds frequently.
3. Lift less than 10 pounds frequently.

Kim must avoid continuous bending or lifting from the floor. When Kim is doing her laundry duties she needs to work within the restrictions given. If she needs to lift 2 or 3 articles of clothing at a time, Kim should do this even if it takes her the entire shift to complete her duty. These restrictions apply from February 9, 1996 until February 19, 1996. Dr. Bouma will update you on Kim's progress. Please contact our office at the above address if you have any questions.

Thank You,

Lawrence Bouma D.C.
LAWRENCE BOUMA, D.C.

BOUMA CHIROPRACTIC CLINIC, P.C.

818 1/2 1st St. West
Farmingdale, Pennsylvania 15752
Telephone: (412) 464-4488

MARCH 4, 1996

TO WHOM IT MAY CONCERN:

I RECOMMEND THAT KIM BE KEPT ON LIGHT DUTY FROM MARCH 4, 1996 UNTIL MARCH 18, 1996. SHE IS TO REMAIN AT INCREASING HER DUTIES, BUT WORKING TO HER OWN CAPABILITIES. THERE ARE NO WEIGHT RESTRICTIONS REQUESTED BUT SHE NEEDS TO WATCH THE WAY SHE BENDS AND LIFTS. IF YOU HAVE ANY QUESTIONS CONTACT OUR OFFICE AT THE ABOVE ADDRESS.

THANK YOU,

Lawrence Bouma D.M.

LAWRENCE BOUMA, D.C.

Bouma Chiropractic Clinic, P.C.
 2130 Route 422 West- Indiana, PA 15701
 412-465-4080

8 Parameters of the Chief Complaint

Location BUCHEANAN, KY # 13741 Date 02-07-96 CA 1c
10
TBP
657
MIN DULLS WTC
SET APT.
DRUGS
ALCOHOL
SMOKING
DIET
EXERCISE
TRAUMA
STRESS
ALLERGIES
LABORATORY
PHYSICAL
OTHER

DURATION
 1-2 days 2-7 days 1-2 weeks 2-6 months 1-2 years

SEVERITY
 0 1 2 3 4 5 6 7 8 9 10
 Dull pain Dull ache Constant ache Annoying At times excruciating

FREQUENCY
 At least Daily At night Every other day Weekly Monthly

MODE OF ONSET
 Gradual Sudden Fall on Slip wrong Lifting
 Carrying Bending over

RADIATION
 None Local Regional Distal

EXACERBATIONS
 Standing Walking Lifting Resting
 Bending Driving Climbing Staircase

REMISSIONS
 Sitting Lying Walking Resting

ADDITIONAL COMMENTS
Down my leg - sometimes both
Feet numb - Dorsal & L5-S1 area - pain upon driving

INDIAN, PA 15701
(412) 465-4100

CHIROPRACTIC ROENTGENOLOGICAL REPORT

PATIENT'S NAME: Kimberly Buchanan PATIENT # 13741
DATE OF X-RAY STUDY: 08-07-96

CERVICAL

Mildly decreased loss of cervical lordotic curve. Cervical curve measures + 27 degrees, subluxation noted at C5.

THORACIC SPINE

Mild dextro-scoliosis apexed at T6, subluxation noted at T6.

LUMBAR SPINE

Mild loss of lumbar lordotic curve. Levo-scoliosis apexed at L3; narrowed disc spaces between L5/S1; left ilium rotated P12/Rx2; pelvis unleveling high on left. Lumbar curve measures +33 degrees, facet hypertrophy at L5.

H. J. Gilbert, D.C.

Greg H. Gilbert, D.C.
D/C/C

0000 1653

INITIAL REPORT FORM

TO: AYO CLAIN SERVICES, INC, PO BOX 19809, WILMINGTON, DE 19809-9898

Patient's Name -- KIM BUCHANAN

SSN -- 189-96-7390

Employer -- EMERSON SQUARE PCH

Date of Injury -- 02/04/96

--- INCIDENT OF INJURY ---

Patient states he was lifting a gentleman from the shower to his wheelchair with assistance and my lower half went the opposite than my top half; it felt like a rubber band snapping. Between shoulder blades. Patient weighed about 200 pounds

--- PATIENT'S COMPLAINTS ---

Suddenly onset constant mid and upper back pain. Pain radiates into both legs with tingling/numbness in both legs. Patient also complains of neck pain radiating into the right arm, neck stiffness and headaches.

--- OBJECTIVE FINDINGS ---

Positive Orthopedics: Forward Bending; Foramina Compression (left); Shoulder Depression (bilateral); Adams Test; Nuchal Ely (left); Hip Extension; Soto Hall; Fabrer Patrick; Kemp Test (right); Lumbar ROM mildly decreased. Cervical ROM mildly decreased

--- DIAGNOSIS ---

T-6 subluxation 847.1; Acute, mild thoracic sprain/strain 722.1; Thoracic IVN disorder 724.1 Pain in thoracic spine 839.05 C-5 subluxatio

--- ALTERNATE SUMMARY --- X-RAYS and Examination results support direct causation between the accident and diagnosis.

--- DISABILITY DATA ---

Total Disability From - / /

Date - FEB 10, 1996

Chiropractor's Signature

Completed by - TONYA L. PICK

EXHIBIT F



UPMC HEALTH SYSTEM

Tri-State Neurosurgical Associates

Department of
Neurological Surgery

Administrative Office:
UPMC Presbyterian, 5C
200 Lothrop Street
Pittsburgh, PA 15213-2582
412-647-3604
1-888-234-4357
Fax: 412-647-3605

Clinical Office:
University Center, Suite 1C
120 Lytton Avenue
Pittsburgh, PA 15213
412-547-3604
1-888-234-4357
Fax: 412-647-3637

Joseph C. Maroon, MD
Vice Chairman
Department of
Neurological Surgery
University of Pittsburgh

Adnan A. Abia, MD

Gus K. Bejjani, MD

Matt El-Kadi, MD, PhD

Daniel A. Wecht, MD

CONSULTATION REPORT

PATIENT NAME: BUCHANAN, KIMBERLY
DATE: November 16, 1999

HISTORY:

Ms. Kimberly Buchanan is a 35-year-old woman who presents today for neurosurgical evaluation of back pain following a motor vehicle accident on September 6, 1999.

Ms. Buchanan states that she was involved in a motor vehicle accident on September 6, 1999 when she was broadsided by another vehicle. She went to the emergency room. Initial x-rays were read as negative. As her pain and discomfort progressed, she sought treatment from her medical doctor and then went for chiropractic treatment.

Today Ms. Buchanan states that she has neck and left shoulder pain which radiates down her arm to her fingers. She also has numbness and tingling of her hand with some right arm numbness. She states that her left side of her ~~left~~ shoulder is worse than her right.

She also complains of low back pain which radiates to her buttocks. She states that both legs are numb off and on and she has some knee discomfort. She also states that she has burning in her right wrist.

PAST MEDICAL HISTORY:

Past medical history is significant for hypertension, cancer, and thyroid disease.

CURRENT MEDICATIONS:

Medications include Lodine.

ALLERGIES:

MS. BUCHANAN HAS A LATEX ALLERGY AND IS ALSO ALLERGIC TO BENADRYL.

PAST SURGICAL HISTORY:

Past surgical history is significant for two C-sections, a hysterectomy, cholecystectomy, and a hernia.

SOCIAL HISTORY:

BUCHANAN, KIMBERLY

11/16/1999

Page 2

Ms. Buchanan is divorced. She is employed as a nurse's aide. Her highest level of education is twelve years. She does smoke and she does not abuse alcohol. She has two children ages 15 and 12.

FAMILY HISTORY:

Family history is significant for hypertension, diabetes, heart disease, cancer, thyroid disorders, and GI problems.

REVIEW OF SYSTEMS:

Cardiovascular: Negative for shortness of breath, palpitations, chest pain, or hypertension.

Respiratory: Negative for cough, wheezing, or shortness of breath.

Gastrointestinal: Negative for heartburn, abdominal pain, diarrhea, or rectal bleeding.

Genitourinary: Negative for dysuria, hematuria, or incontinence.

PHYSICAL EXAMINATION:

General: This is a well-developed female in no acute distress.

Neurologic: The patient ambulated through the office with a steady gait. Strength testing revealed no motor deficits. Sensation was intact to pinprick evaluation. Reflex testing revealed normal, intact and symmetrical reflexes of the bilateral upper extremities.

DIAGNOSTIC STUDIES:

An MRI was presented for review dated September 29, 1999. The MRI of the cervical spine reveals a small disc bulge at the C6-7 level eccentric to the left. The lumbar MRI revealed a slight disc bulge at the L1-2 and the L5-S1 levels with no herniation seen.

FINAL RECOMMENDATIONS:

I had a lengthy discussion with Mrs. Buchanan concerning her condition. Because of the severity of her symptoms, I have asked her to undergo EMG studies to help us further delineate the source of her pain. Ms. Buchanan was amenable to these recommendations and once we have the results of this study I will be in touch with Ms. Buchanan to offer further recommendations. Ms. Buchanan knows in the interim if any problems arise, she may contact my office at any time. Thank you for allowing us to participate in her care.

Daniel A. Wecht MD

Daniel A. Wecht, MD, MSc
Tri-State Neurosurgical Associates
Clinical Assistant Professor

BUCHANAN, KIMBERLY
11/16/1999
Page 3

Department of Neurosurgery-UPMC

CMC/jrp

d: Fri Apr 28 10:17:47 2000 t: April 28, 2000
vjn: 70263 djn: 88617
l: 90 \2007
Scribes Online

EXHIBIT G



THE
SARGENT'S
GROUP

Sargent's Court Reporting Service, Inc.

210 Main Street
Johnstown, PA 15901
(814) 536-8908

429 Forbes Ave., Suite 1300
Pittsburgh, PA 15219
(412) 232-3882

Two Penn Center Plaza
1500 JFK Boulevard
Philadelphia, PA 19102
(215) 564-9727

415 Market Street #302
Harrisburg, PA 17101
(717) 234-5751

12 East Ninth Street
Erie, PA 16501
(814) 459-0551

226 South Maple Ave. #104
Greensburg, PA 15601
(724) 837-8714

The Atrium
665 Philadelphia Street
Indiana, PA 15701
(724) 349-6631

513 Allegheny Street
Hollidaysburg, PA 16648
(814) 696-4391

106 North Second Street
Clearfield, PA 16830
(814) 765-8711

301 South Allen Street
Suite 105
State College, PA 16801
(814) 861-3560

109 W. Main Street
Suite 108
Somerset, PA 15501
(814) 445-7286

308 Seneca Street
Oil City, PA 16301
(814) 677-6329

179 Summers Street #614
Charleston, WV 25301
(304) 346-0826

Phoenix Plaza
Lower Level
22 East Union Street
Wilkes-Barre, PA 18702
(570) 826-7066

www.sargents.com

March 19, 2003

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Case: Buchanan vs Toombs
Deposition of: Kimberly
Buchanan
Date of Deposition: 11/12/02

Dear Attorney Oliver:

Enclosed you will find the Original transcript regarding the above-captioned matter.

After holding the Original for over the required time and no correction page has been returned, the Original is being forwarded on.

Thank you for your attention and patience in this matter.

Sincerely,

Sargent's Court Reporting
Service, Inc.

Enclosure

CC: Attorney Tomb

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

* * * * *

KIMBERLY S. *
BUCHANAN, *
 Plaintiff * Case No.
 vs. * 01-1429-C.D.
JUSTINE TOOMBS, *
 Defendant *

* * * * *

DEPOSITION OF
KIMBERLY S. BUCHANAN
November 12, 2002

ORIGINAL

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

1 DEPOSITION

2 OF

3 KIMBERLY S. BUCHANAN, taken on behalf
4 of the Plaintiff herein, pursuant to
5 the Rules of Civil Procedure, taken
6 before me, the undersigned, Lacey
7 Gray, a Court Reporter and Notary
8 Public in and for the Commonwealth of
9 Pennsylvania, at the offices of
10 Sargent's Court Reporting Service,
11 Clearfield, PA, on Tuesday, November
12 12, 2002 beginning at 10:45 a.m.

13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

MYRON HAY TOMB, ESQUIRE

Tomb, Mack & Kauffman, LLP.

52 South Ninth Street

Indiana, Pennsylvania 15701

COUNSEL FOR PLAINTIFF

KATHERINE V. OLIVER, ESQUIRE

McQuaide Blasko

811 University Drive

State College, PA 16801-6699

COUNSEL FOR DEFENDANT

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS: KIMBERLY BUCHANAN

EXAMINATION

by Attorney Oliver 7 - 121

CERTIFICATE 122

EXHIBIT PAGE1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

		<u>PAGE</u>
<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
One	Job Description	22
Two	Job Application	25
Three	Sketch of Sheetz	120

OBJECTION PAGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEY

PAGE

Tomb

114

P R O C E E D I N G S

KIMBERLY BUCHANAN, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY ATTORNEY OLIVER:

Q. Would you state your full name
for the record, please?

A. Kimberly S. Buchanan.

Q. Ms. Buchanan, my name is Katie
Oliver. We met right outside the
deposition today. I represent
Justine Toombs in this lawsuit that
you've brought against her. We're
here about an automobile accident
that, I believe, happened on
September 6th, 1999. Does that date
sound correct to you?

A. Yes.

Q. Have you ever given deposition
testimony before?

A. No.

Q. I'm just going to lay a few
ground rules. Today is my

1 opportunity to ask you some questions
2 about the accident and about the
3 claims that you have brought as a
4 result of that and the injuries that
5 you claim, and about your general
6 background as well. If at any point
7 I ask a question that is confusing,
8 or you can't hear or you don't
9 understand for some reason, I'm going
10 to ask that you go ahead and ask me
11 to either repeat it or rephrase it,
12 whatever you need. If you go ahead
13 and respond, I'm going to assume that
14 you understood my question and that
15 you're answering completely and
16 honestly to the best of your ability.
17 Is that fair to you?

18 A. That's fair.

19 Q. And your attorney Mr. Tomb is
20 here with you today. If you need to
21 take a break at any point, you need
22 to confer with him, that's fine.
23 Just let me know. I ask that if
24 there's a question pending, if you
25 can, go ahead and answer the question

1 first, but we can accommodate you.
2 Are you today taking any drugs, or
3 have you used alcohol, or anything
4 like that that might affect your
5 ability to testify accurately and
6 truthfully?

7 A. No.

8 Q. You want to try to keep your
9 voice up a little bit. The
10 stenographer is here taking down
11 everything we say, you know, for the
12 record here we need to try to give
13 oral responses instead of verbal
14 responses, instead of nodding or
15 shaking the head.

16 A. Okay.

17 Q. Also we both need to try to
18 wait for the other to finish speaking
19 before you start to give an answer.
20 You want to make sure that you, in
21 fact, know what my question is. I'll
22 try to do the same with your answer.
23 And just to start off with some
24 background, what's your date of
25 birth, please?

- 1 A. 6/24/64.
- 2 Q. And that makes you how old?
- 3 A. Thirty-eight (38).
- 4 Q. And where do you live?
- 5 A. 120 Fair Road.
- 6 Q. Where is that?
- 7 A. Indiana.
- 8 Q. And how long have you lived
9 there?
- 10 A. A year.
- 11 Q. Who do you live with?
- 12 A. Jeffrey Williams.
- 13 Q. And what's your relationship
14 to Jeffrey Williams?
- 15 A. Fiancé.
- 16 Q. Does anyone else live with you
17 at Fair Road?
- 18 A. No.
- 19 Q. How long have you been engaged
20 to Mr. Williams?
- 21 A. Eight years.
- 22 Q. So you and Mr. Williams were
23 engaged at the time of the accident
24 that we're here about; is that right?
- 25 A. Yes.

- 1 Q. And what about your before
2 your present address? What was your
3 address just prior to that?
- 4 A. 89 Wolf Road.
- 5 Q. Also Indiana?
- 6 A. Yes.
- 7 Q. How long did you live there?
- 8 A. Three years.
- 9 Q. Did you live there at the time
10 of the accident that we're here
11 about?
- 12 A. No, I just moved in there
13 shortly after the accident.
- 14 Q. Where did you live prior to
15 the Wolf Road address?
- 16 A. RD Number Two, Box 196.
- 17 Q. And you lived there when the
18 accident happened?
- 19 A. Uh-huh (yes).
- 20 Q. And that's in Indiana as well?
- 21 A. Yes.
- 22 Q. How long did you live at that
23 address?
- 24 A. A year.
- 25 Q. Why don't you give me one

1 more, how about the address just
2 before the RD Box 196. Where did you
3 live?

4 A. They changed it now with the
5 new 911. I can't give you the exact
6 ---.

7 Q. Sure. When you lived there,
8 what was it? Do you know?

9 A. It was just RD Number Two, Box
10 ---. Forget that, I'm sorry. 133
11 and that was in Rochester Mills.

12 Q. Is Rochester Mills in PA?

13 A. Yes.

14 Q. Are you originally from
15 Pennsylvania?

16 A. Yes.

17 Q. How long did you live at that
18 Rochester Mills address?

19 A. A year.

20 Q. And where in Pennsylvania are
21 you from?

22 A. Indiana.

23 Q. Have you lived in the Indiana
24 area all your life?

25 A. Yes.

1 Q. For the past eight years have
2 you lived with Jeffrey Williams?

3 A. Yes.

4 Q. Has that been continuously?

5 A. Yes.

6 Q. And in the past eight years
7 have you lived with anyone other than
8 Jeffrey Williams?

9 A. No.

10 Q. I take it you're not married
11 now; correct?

12 A. No.

13 Q. I'm sorry. You're not?

14 A. No, I'm not.

15 Q. Have you ever been married?

16 A. Yes.

17 Q. And how many times?

18 A. One.

19 Q. And you are divorced?

20 A. Yes.

21 Q. And when were you divorced?

22 Just the year is fine.

23 A. Finally, actual final was '99

24 I think. Yeah.

25 Q. Where was that divorce

1 finalized, do you know? What county?

2 A. Indiana.

3 Q. Do you have any children?

4 A. Yes.

5 Q. How many?

6 A. Two.

7 Q. And can you give me their
8 dates of birth, please?

9 A. Yeah, I can. June 5th of '85
10 and December 30th of '87.

11 Q. And your younger child's name,
12 please?

13 A. Tim.

14 Q. Last name?

15 A. Buchanan.

16 Q. And how about your older
17 child?

18 A. Tiffany.

19 Q. Also Buchanan?

20 A. Yes, she's the oldest.

21 Q. So your kids did not live with
22 you at the time of the accident;
23 right?

24 A. No.

25 Q. And have not lived with you at

1 all between the accident date and
2 today; is that correct?

3 A. Yes.

4 Q. Do they live with your former
5 husband?

6 A. Yes.

7 Q. Did you graduate from high
8 school, Ms. Buchanan?

9 A. No.

10 Q. What was the last year of ---

11 A. 11th.

12 Q. --- school?

13 A. 11th grade.

14 Q. 11th grade?

15 A. Uh-huh (yes).

16 Q. Okay. You need to try to wait
17 until I finish the question, please.
18 Okay?

19 A. I'm sorry.

20 Q. That's okay. But it's going
21 to be on the transcript, so we need
22 to know that we're talking about the
23 same thing. So 11th grade was your
24 last year of school?

25 A. Yes.

- 1 Q. And where was that, please?
- 2 A. Indiana High School.
- 3 Q. What year was that?
- 4 A. '82.
- 5 Q. And why was that your last
6 year of school?
- 7 A. My family moved --- at the
8 time we moved to a different state
9 and I just quit.
- 10 Q. You just never went back?
- 11 A. Well no, I went to another
12 school in the state of Mississippi
13 but at that time I just was having
14 family problems I guess.
- 15 Q. How long did you live in
16 Mississippi?
- 17 A. I don't remember.
- 18 Q. More than a year?
- 19 A. No, I can't say that.
- 20 Q. Other than Mississippi, is
21 Pennsylvania the only state that
22 you've ever lived in?
- 23 A. Yes.
- 24 Q. Did you ever go back and get a
25 GED?

- 1 A. (Indicates no.)
- 2 Q. Do you have any other
3 educational experience beyond that
4 11th grade year and a little bit, I
5 guess, of a 12th grade year?
- 6 A. Educational-wise? No.
- 7 Q. What about any special
8 training?
- 9 A. No.
- 10 Q. I'm sorry?
- 11 A. No.
- 12 Q. No certifications of any kind,
13 no courses?
- 14 A. No.
- 15 Q. Where do you work?
- 16 A. Environmental Service Labs.
- 17 Q. Is that in Punxsutawney?
- 18 A. No.
- 19 Q. Where is it?
- 20 A. It's in Indiana.
- 21 Q. How long have you worked
22 there?
- 23 A. April 24th of 2002.
- 24 Q. What's the name of your
25 immediate supervisor there, please?

1 A. Elizabeth Gregg.

2 Q. And what brought you to that
3 job?

4 A. I was looking, in the process
5 of trying to find a different job.
6 And someone I knew, knew of a
7 position and I was able to ---.

8 Q. What are your duties there?

9 A. Office manager and bookkeeper.

10 Q. Did you have any training in
11 relation to that job other than hands
12 on?

13 A. Just experience through the
14 job.

15 Q. Have you ever been an office
16 manager before?

17 A. No.

18 Q. How about a bookkeeper, have
19 you ever been a bookkeeper before?

20 A. Not with that title, no, but
21 jobs I have done entailed, you know,
22 working in the knowledge of a
23 bookkeeper.

24 Q. Your bookkeeping duties, what
25 do you typically do in a day? Do you

1 sit at a desk, do you stand, do you
2 ---? Can you describe just a typical
3 day for me right now?

4 A. I keep myself moving around a
5 lot, I sit at the desk and do some
6 computer work, do some filing, do
7 some copying, answer the phones.

8 Q. And what kind of hours do you
9 work now?

10 A. Monday through Friday, 7:30 to
11 4:30.

12 Q. Any overtime?

13 A. It depends.

14 Q. So it's fair to say you
15 occasionally have overtime?

16 A. Yes, I would say.

17 Q. You get paid on a weekly
18 basis?

19 A. Bi-weekly.

20 Q. And what's a typical paycheck
21 for you, ma'am?

22 A. \$650, \$659.

23 Q. Is that after taxes or before
24 taxes?

25 A. That's after.

1 Q. Did you fill out any kind of
2 written application to get that job
3 with Environmental Service Labs?

4 A. No.

5 Q. Before working for
6 Environmental Service Labs, what was
7 the last job you had before that?

8 A. Victorian Gardens Personal
9 Care Home.

10 Q. What were your job duties
11 there?

12 A. Nurse's aide.

13 Q. How long did you work there?

14 A. Three years.

15 Q. Can you give me a month and a
16 year that you started?

17 A. I can't give you an actual
18 ---. I know it was October, the end
19 of September, close to October.

20 Q. Of what year?

21 A. '99.

22 Q. You seem like you're guessing.

23 A. No, I just want to make sure
24 --- I'm trying to give you a specific
25 date and I don't think I can give you

1 a specific date.

2 Q. But you think that it was
3 1999?

4 A. No, I know it was '99, I'm
5 just trying to ---.

6 Q. And when did you stop working
7 there?

8 A. January 2002.

9 Q. But you didn't work there that
10 whole time continuously, did you?

11 A. Yeah.

12 Q. You did?

13 A. Uh-huh (yes).

14 Q. Why did you stop working there
15 in January 2002?

16 A. I needed a better job. I
17 needed more money.

18 Q. Is that the only reason?

19 A. Yeah.

20 Q. Was it ever communicated to
21 you by anyone at Victorian Gardens
22 that you had been discharged?

23 A. Yeah. Yes.

24 Q. Was that part of the reason
25 you left, were you fired?

1 A. No, I wasn't fired. I think
2 it was a mutual agreement because we
3 had some difficulties. I don't know
4 what the difficulties --- I don't
5 know. Whether it was working
6 together or communicating.

7 Q. So it's your testimony that
8 you were not fired from that job,
9 that you left of your own accord? Is
10 that fair?

11 A. It was mutual.

12 Q. I'm just going to hand you
13 ---. I'm going to mark this Buchanan
14 One and ask you to take a look at
15 that, please, for me. You want to
16 read through it?

17 (Buchanan One marked
18 for identification.)

19 WITNESS COMPLIES

20 BY ATTORNEY OLIVER:

21 Q. And I represent to you that
22 that was provided to me by Victorian
23 Gardens along with their file.

24 A. That's everything I had to do.

25 Q. I would ask you, on the top of

1 that, it indicates that it's a list
2 of job duties; right? Go ahead and
3 take a look.

4 A. Job description, yeah.

5 Q. And you just stated it was
6 everything you had to do. Let me
7 just ask the question so we're clear.
8 Does that list accurately describe
9 your job duties for Victorian
10 Gardens?

11 A. Yeah, 95 percent of it.

12 Q. You think there were more
13 duties than that?

14 A. Yeah.

15 Q. Why don't you tell me what
16 those were?

17 A. Well, I mean, you know, the
18 responsibility of taking care of the
19 residents. Making sure, you know,
20 that everything was done properly.
21 That's about it.

22 Q. What kind of hours did you
23 work for Victorian Gardens?

24 A. When I first was employed
25 there, I worked 7:00 to 3:30.

- 1 Q. 7:00 a.m.?
- 2 A. Yes, ma'am.
- 3 Q. And how long did that go on?
- 4 A. I would say about nine months
- 5 to a year. I can't pinpoint the
- 6 actual time. And then I was moved to
- 7 the midnight shift. I volunteered to
- 8 go to the midnight shift.
- 9 Q. And what would the midnight
- 10 shift hours be?
- 11 A. 12:00 to 8:30.
- 12 Q. 12:00 a.m. to 8:30 a.m.?
- 13 A. Yes.
- 14 Q. And was that, then, until you
- 15 left in January 2002?
- 16 A. Uh-huh (yes). I switched off
- 17 and on.
- 18 Q. Any reason that you switched
- 19 off and on? I mean was that ---?
- 20 A. If they needed me to.
- 21 Q. How many days a week was that
- 22 work?
- 23 A. Six. Five, six, seven. It
- 24 just depended.
- 25 Q. I'm going to hand you

1 something that's two pages I've
2 marked as Buchanan Two. And I'll ask
3 if you can identify that for me,
4 please?

5 (Buchanan Two marked
6 for identification.)

7 BY ATTORNEY OLIVER:

8 Q. And for the record I'll
9 represent to you that that too came
10 from Victorian Gardens' file.

11 A. Okay.

12 Q. Did you have a chance to look
13 that over?

14 A. Yes.

15 Q. And do you recognize that
16 document?

17 A. An application for employment.

18 Q. Is that something you've seen
19 before?

20 A. I haven't seen it for awhile,
21 but yes.

22 Q. And is that your handwriting
23 that appears on the application?

24 A. Yes, it is.

25 Q. And it's two pages. On page

1 two, is that your signature at the
2 bottom?

3 A. Uh-huh (yes).

4 Q. And the date beside it
5 9/10/99. Do you believe that that is
6 when you would have filled that out
7 and signed it?

8 A. Yes.

9 Q. At the time that you worked at
10 Victorian Gardens, that approximately
11 three year period, did you work
12 anywhere else at the same time?

13 A. Amguard Security.

14 Q. Anywhere else?

15 A. No. Prior to this or ---?

16 Q. No, at the same time. I don't
17 want you to focus on the application
18 anymore unless there's something on
19 there that jogs your memory. But
20 what I'm asking is during that time
21 frame that you said you worked at
22 Victorian Gardens, did you hold any
23 other jobs at the same time for any
24 of that period?

25 A. Yes.

1 Q. And where?

2 A. At Sandy's Cleaning Service.

3 Q. And when did you work at
4 Sandy's Cleaning Service?

5 A. The last couple of months.

6 Q. The last couple of months that
7 you were at Victorian Gardens?

8 A. Yes.

9 Q. So end of 2001, beginning of
10 2002?

11 A. Yes.

12 Q. How many hours did you work at
13 Sandy's Cleaning Service?

14 A. Just part-time. Maybe 15.

15 Q. Fifteen (15) hours a week?

16 A. Yeah. And that too of course
17 depended on the work.

18 Q. So you're saying you did not
19 have a set schedule there?

20 A. No. I mean I had to be there
21 --- I had to report to work or to her
22 when I got off work at Victorian
23 Gardens, but I could work until
24 11:00, I could work until 1:00, I
25 could work until ---.

1 Q. So you'd go from working the
2 night shift at Victorian Gardens and
3 then you'd report to Sandy's Cleaning
4 Service, stay for a few hours and
5 then go home? Is that what your day
6 was like?

7 A. Yeah.

8 Q. First of all, where is Sandy's
9 Cleaning Service?

10 A. In Indiana.

11 Q. And is that a corporation or
12 is that one person that kind of runs
13 something from her home?

14 A. Runs something from her home.

15 Q. Do you know what her address
16 is?

17 A. No.

18 Q. And what was your employer's
19 name, full name?

20 A. Sandy.

21 Q. And her last name, please?

22 A. Vulseski (phonetic).

23 Q. And why did you stop working
24 there?

25 A. Because I got the job I'm

1 doing now.

2 Q. Do you think that you worked
3 at Sandy's Cleaning Service up
4 through April of 2002?

5 A. I didn't work there the last
6 --- I would say through March.

7 Q. What were your duties for
8 Sandy's Cleaning Service

9 A. Cleaning.

10 Q. What kind of cleaning?

11 A. House.

12 Q. House cleaning, residences?

13 A. Uh-huh (yes).

14 Q. How many houses do you think
15 you'd clean a day?

16 A. I don't know, it depended.
17 Two maybe. It could be more.

18 Q. So you'd do things like you'd
19 vacuum, you'd mop, those kind of
20 duties?

21 A. Just did windows.

22 Q. Did you have any difficulty
23 with that? I mean, anything you
24 couldn't do because of physical
25 limitations in that house cleaning

1 job?

2 A. I couldn't lift, you know, I
3 couldn't move any furniture that
4 needed to be moved. I had a hard
5 time with the bending over aspect of
6 dusting, you know, without sitting
7 back up real quick, you know, and
8 taking a break.

9 Q. Was that a problem for you in
10 that job? I mean did it prevent you
11 from doing anything you were supposed
12 to be doing?

13 A. No.

14 Q. And those problems you said,
15 bending, lifting, was that something
16 that you think is --- that you're
17 claiming is related to the September
18 1999 accident?

19 A. Yes.

20 Q. Now, you've mentioned Sandy's
21 Cleaning. Were there any other jobs
22 that you had at the same time that
23 you worked at Victorian Gardens?

24 A. No.

25 Q. What about Amguard?

1 A. That was just right at the
2 beginning.

3 Q. You worked at both places
4 right at the beginning?

5 A. Yes.

6 Q. How long do you think that
7 was? A couple of weeks, a month?

8 A. Yeah, a couple of weeks.

9 Q. Now, you were working the day
10 shift at that point for Victorian
11 Gardens. So were you working Amguard
12 at night?

13 A. Uh-huh (yes).

14 Q. And what kind of hours were
15 you working there?

16 A. I would leave one and go right
17 to the other. They gave me leeway to
18 get there. It was like 4:00 to
19 12:00.

20 Q. So there were a couple of
21 weeks there that you worked double
22 shift, so to speak; right?

23 A. Not every day, but yes.

24 Q. How many days a week do you
25 think you did that?

- 1 A. Three to four.
- 2 Q. And what made you apply for
3 the job at Victorian Gardens?
- 4 A. Money. I needed to get
5 another job to be able to pay the
6 bills, so I did. I applied there.
- 7 Q. Can you elaborate on that?
8 Did Amguard not pay you enough or
9 were the hours not enough?
- 10 A. Yeah, the hours were enough, I
11 just needed something to supplement.
- 12 Q. To supplement what?
- 13 A. Just to supplement the money.
- 14 Q. To supplement the money from
15 Amguard?
- 16 A. Yes.
- 17 Q. Were you under the impression
18 at the time that you applied for the
19 job at Victorian Gardens that the
20 Amguard employment was going to end
21 for some reason?
- 22 A. No.
- 23 Q. And referring back to Buchanan
24 Two again. Can you tell me --- under
25 the former employer section here, you

1 have Amguard listed. And then
2 there's a reason, you have position,
3 security, and you see the reason for
4 leaving column? I just can't read
5 what that says. Can you tell me what
6 you've written under there?

7 A. Seasonal hire.

8 Q. What does that mean?

9 A. Well, there's more of the
10 seasons of the year that I work more
11 than others (sic).

12 Q. At Amguard?

13 A. Yes.

14 Q. So did you think the job was
15 ending then?

16 A. No. I just needed to be able
17 to pay my bills.

18 Q. Did you anticipate that there
19 was going to be less work for some
20 period coming up, though?

21 A. No.

22 Q. Why did you write seasonal
23 hire there?

24 A. Because during --- at this
25 working period, the work was there,

1 the hours were there. Now, four
2 months down the road it wouldn't be
3 as much. But at that point in time I
4 was not worried about it not being
5 ---.

6 Q. So when you sought the job at
7 Victorian Gardens, then, is it fair
8 to say that that wasn't because of
9 injuries that you relate to this
10 accident, it was more because of a
11 concern for supplementing your
12 income?

13 A. I wouldn't say that.

14 Q. Okay. Why don't you explain
15 what's not right about that to me,
16 please?

17 A. Well, at the time I was
18 looking for the job to supplement the
19 money, like I said. And as I
20 continued to do the job at Amguard,
21 the continual sitting at the desk,
22 the hard, you know, --- my job was in
23 a cold area, I sat at a hard desk.
24 It became increasingly harder to be
25 able to do that job at that position.

1 Q. But did you know that when you
2 applied for this job in September of
3 '99?

4 A. Know what?

5 Q. All these things that you just
6 told me. That it became hard to do
7 the position. When did this become a
8 concern of yours?

9 A. The very day I started back to
10 work.

11 Q. So it was an immediate
12 concern?

13 ATTORNEY TOMB:

14 Answer the question.

15 A. Yes. I'm sorry.

16 BY ATTORNEY OLIVER:

17 Q. How many days were you off of
18 work because of this accident? Any?
19 This happened on Monday, September
20 6th. Do you think you went to work
21 on Tuesday?

22 A. No.

23 Q. Did you actually miss days of
24 work where you had to call off and
25 say I can't come because I've been in

1 an accident?

2 A. Uh-huh (yes).

3 Q. How many days was that?

4 A. At least three, two or three.
5 I don't remember.

6 Q. You're looking around. Is
7 there something you can look at that
8 would help you to determine that?

9 A. No, I just didn't know ---.
10 No, I don't remember.

11 Q. Do you have any documentation
12 to prove that you were out those
13 days?

14 A. I don't have any personally,
15 no.

16 Q. But in any event, you think
17 two or three days would have been it?

18 A. Yeah, because I could not
19 afford to not go back to work.

20 Q. In fact, it looks like about
21 four days later you applied for a
22 second job right?

23 A. Uh-huh (yes).

24 Q. And just to be clear, when you
25 applied for that second job you, at

1 that point, thought that your duties
2 at Amguard would be continuing just
3 on a seasonal basis; right?

4 A. Yeah.

5 Q. Now, I thought somewhere along
6 the line that you, or through your
7 attorney, had represented that you
8 had been laid off from your job at
9 Amguard. Is that not accurate, or
10 were you laid off?

11 A. Laid off?

12 Q. Yes.

13 A. Now?

14 Q. From Amguard.

15 A. Well no, because I was told if
16 I could not do my job I would be laid
17 off.

18 Q. Let me back up a little bit.
19 When did you start working at
20 Amguard?

21 A. Off and on from '97.

22 Q. Sometime in '97?

23 A. March of '97, if I'm not
24 mistaken.

25 Q. And when did you stop working

1 there?

2 A. Shortly after I got this job.

3 Q. Shortly after the Victorian
4 Gardens job?

5 A. Yeah.

6 Q. And through the time from when
7 you started to when you stopped, were
8 your duties for Amguard pretty much
9 the same?

10 A. Yes.

11 Q. And would you describe those
12 for me, please?

13 A. Sat at a desk and made, you
14 know, --- controlled the people going
15 in and out of the gate.

16 Q. A gate for what?

17 A. A guard shack for the power
18 plant.

19 Q. And it was outside?

20 A. Yes.

21 Q. In one of those little booth
22 type things?

23 A. Uh-huh (yes).

24 Q. And what was the actual
25 location where you worked?

1 A. There was three.

2 Q. And where were they?

3 A. Keystone, Conemaugh and Homer
4 City.

5 Q. Keystone, Conemaugh and where?

6 A. Homer City.

7 Q. Can you spell the first part
8 of that, please?

9 A. Homer?

10 Q. Yes, H-O-M-E-R?

11 A. Yes.

12 Q. Any particular location that
13 you were assigned to or did you
14 regularly circulate between them?

15 A. No, I circulated between all
16 three.

17 Q. And you told me that --- you
18 said something about working for
19 Amguard on and off over that period
20 of time. What did you mean by that?

21 A. If the work was slow at a
22 particular plant, I was off for a
23 couple of weeks.

24 Q. Was it ever more than a couple
25 of weeks?

1 A. Sometimes it was like a month
2 and a half. Two months was the
3 longest.

4 Q. In 1998, did you have any
5 other jobs other than Amguard?

6 A. I worked at Kaufmann's.

7 Q. Was that in '98?

8 A. '98, I don't --- that was in
9 '99. In '98, no. I think I worked
10 at Emerson Square.

11 Q. And that was as a nurse's
12 aide; right?

13 A. Yeah.

14 Q. Same kind of duties that you
15 did at Victorian Gardens?

16 A. Uh-huh (yes).

17 Q. During the time that you
18 worked at Amguard, was it typical for
19 you to have a second job at the same
20 time?

21 A. No, not really because my
22 fiancé kind of helped me with money.

23 Q. What does he do?

24 A. He's a truck driver.

25 Q. Can you tell me for the year

1 1999, before this accident, how many
2 months --- or how much time do you
3 think you were not working for
4 Amguard because of the seasonal
5 nature of this business?

6 A. I can't be sure.

7 Q. Do you think if we looked at
8 your tax returns we could get an idea
9 of that?

10 A. Yes, probably. I'm sorry.

11 Q. Other than the Amguard job,
12 had you ever worked in security
13 before?

14 A. No.

15 Q. And you had had jobs with
16 bookkeeping duties before that?

17 A. Yes.

18 Q. I don't know if you can do
19 this or not, but is it possible for
20 you to tell me, --- if somebody asked
21 you to kind of sum up your work
22 history and what, you know, what the
23 nature of your work was, could you do
24 that or is it so varied that you
25 couldn't even tell me?

- 1 A. Up to this point?
- 2 Q. Up to the point of the
3 accident.
- 4 A. Retail, I worked in retail.
5 Retail management.
- 6 Q. That pretty well summarizes
7 your work history in your mind?
- 8 A. Uh-huh (yes).
- 9 Q. When you say retail
10 management, were you a sales clerk?
- 11 A. I was a sales clerk and I was
12 a manager.
- 13 Q. Stores like Kaufmann's?
- 14 A. I was a sales clerk at
15 Kaufmann's.
- 16 Q. How many stores did you
17 actually have a manager position?
- 18 A. One. No, two. I'm sorry,
19 two.
- 20 Q. At Amguard, who was your
21 immediate supervisor?
- 22 A. Whoever was on guard duty at
23 the power plant at the time. I
24 didn't, you know, have an immediate
25 there.

1 Q. So there's no name that you
2 can give me?

3 A. Not that I can remember, no.
4 Because they were --- each shift was
5 a different person that I didn't
6 know, you know, that well.

7 Q. Do you know Dave Dunkin? Does
8 that name sound familiar to you?

9 A. No, that doesn't.

10 Q. And I'm sorry if I've asked
11 you this, but can you --- what kind
12 of hours did you work in a typical
13 day for Amguard?

14 A. Anywhere from 8 to 12,
15 sometimes 16. If someone didn't show
16 up, you had to stay.

17 Q. And was that generally the
18 night shift?

19 A. Yes.

20 Q. You haven't worked there since
21 shortly after this accident, the
22 September '99 accident, is that your
23 testimony?

24 A. Uh-huh (yes).

25 Q. And why did you stop working

1 there, at Amguard?

2 A. I couldn't sit for the long
3 periods of time. I couldn't sit,
4 it'd be cold, you know, in the cold
5 area where I was at without having a
6 headache or a backache or being
7 uncomfortable. You couldn't leave
8 your position, you had to stay there.
9 You couldn't get up, you know, you
10 could get up and move around for like
11 two minutes but, you know, you had to
12 be in the secure area at all times.
13 And they didn't supply you with a
14 lavish chair to sit in. They just
15 gave you a hard chair.

16 Q. So it's your testimony that
17 you left fully of your own accord for
18 those reasons?

19 A. Yes.

20 Q. And were you laid off from
21 Amguard?

22 A. No.

23 Q. And had you not had this
24 accident, do you think you'd still be
25 working at Amguard today?

1 A. Yeah, I think. My original
2 plans were to go take a course and
3 get my Act 357 so that I would be
4 able to be increased wage-wise. That
5 was my original plan.

6 Q. What's Act 357?

7 A. Where you're allowed to carry
8 firearms.

9 Q. Did you ever do that, take
10 that course?

11 A. No, I never did.

12 Q. Do you only have that one job
13 now?

14 A. Yes.

15 Q. Now, it's my understanding you
16 were making a wage loss claim in this
17 case; is that right?

18 A. Yes.

19 Q. And how much money do you
20 claim that you've lost? Can you tell
21 me that?

22 A. I can't tell you that.

23 Q. Is it your contention that you
24 still have a continuing wage loss
25 claim or is it just a discreet period

1 of time that we're talking about?

2 A. It's just a discreet period of
3 time.

4 Q. And what is that period of
5 time?

6 A. Until, I would say, April when
7 I started this job.

8 Q. April of 2002?

9 A. Uh-huh (yes).

10 Q. Beginning when? Right at the
11 day of the accident or sometime after
12 that?

13 A. Sometime after that.

14 Q. So your wage loss claim ends
15 in April of 2002 and you began your
16 current job?

17 A. Yes.

18 Q. And I want to ask you to think
19 for a few minutes and tell me if you
20 can say or connect it to some event
21 of when it began?

22 A. Well, it began, I would say,
23 whenever I couldn't properly do my,
24 you know, the ability to do my job at
25 Amguard. And I tried it, you know,

1 to handle both, but I just couldn't
2 do the sitting aspect of it.

3 Q. Did you ever file a claim for
4 wage loss benefits with your own
5 insurance, under your own insurance
6 policy?

7 A. No.

8 Q. You did not?

9 A. I don't think.

10 Q. Are you aware of whether or
11 not you have wage loss benefits under
12 your own insurance policy?

13 A. No.

14 Q. You just don't know that one
15 way or the other; is that right?

16 A. No. I don't know if I have it
17 or not. It was never specified to
18 me.

19 Q. By who, by your insurance
20 company?

21 A. Yeah.

22 Q. I'm not going to make a copy
23 of this unless anybody wants to. I'm
24 going to point your attention to one
25 of the documents that I received when

1 I subpoenaed your insurance company.
2 And it looks like an application to
3 me. It's not signed. I just want to
4 ask you if you recognize the
5 handwriting on that application?

6 A. Yes, I recognize the writing.

7 Q. And who's is it?

8 A. That's mine.

9 Q. So you filled out that
10 application?

11 A. Yeah. Anything the insurance
12 company sent me I filled it out. I
13 don't know ---. What was that for?

14 Q. All I can say is that they
15 were documents provided to me by your
16 insurance company. Now, how was it
17 that you learned the Victorian
18 Gardens position?

19 A. I think it was in an ad in the
20 paper.

21 Q. While you were working there,
22 did you ever look for employment at
23 any places that might have paid more?

24 A. Yes.

25 Q. Did you interview anyplace

- 1 else?
- 2 A. At Indian Haven Nursing Home.
- 3 Q. Anyplace else?
- 4 A. Not that I recollect.
- 5 Q. Did you fill out an
- 6 application there?
- 7 A. Yes, I did.
- 8 Q. And you just didn't get that
- 9 job, or what happened with that?
- 10 A. I didn't have the
- 11 qualifications, I didn't have the
- 12 certification that I needed.
- 13 Q. You don't have any special
- 14 training in security or to be a
- 15 security guard, do you?
- 16 A. No.
- 17 Q. And was Amguard your only
- 18 experience in that field?
- 19 A. Yes.
- 20 Q. Do you keep a diary?
- 21 A. No.
- 22 Q. Did you keep a diary at the
- 23 time of this accident?
- 24 A. No.
- 25 Q. What about between the

1 accident and today?

2 A. No.

3 Q. Have you kept a diary in that
4 time?

5 A. No.

6 Q. Have you, to your
7 recollection, given any statements
8 about how this accident occurred?
9 And by this, I mean the September '99
10 accident. And I don't want to know
11 about discussions you may have had
12 with your attorney.

13 A. Other than the insurance
14 company, State Farm itself?

15 Q. Yes.

16 A. No, I have not given anything
17 to anyone.

18 Q. And do you recall giving a
19 statement to State Farm Insurance
20 Company that was recorded?

21 A. I don't remember that, but I
22 think ---. Yes, I think.

23 Q. You think that that occurred?

24 A. Yeah, I think. I can't be
25 sure.

- 1 Q. Have you ever seen a copy of a
2 statement that was attributed to you?
3 You know, a transcribed ---
- 4 A. No.
- 5 Q. --- paper of that recording?
6 A. Not to my recollection. I
7 don't ---.
- 8 Q. Do you have any photographs
9 showing either the location of this
10 accident or your vehicle? Anything
11 like that?
- 12 A. No, I don't.
- 13 Q. Have you ever had any
14 photographs like that?
- 15 A. No.
- 16 Q. How about any pictures
17 showing, you know, what you contend
18 are injuries relating to this
19 accident?
- 20 A. I don't have any photos of
21 anything.
- 22 Q. No vehicle photos?
- 23 A. No. The guy who fixed my car
24 may have, but I don't have any.
- 25 Q. And as far as witnesses to

1 this accident ---. I know that you
2 were obviously were involved, Justine
3 Toombs. Jeff Williams was in your
4 car; right?

5 A. Yes.

6 Q. And there was also an occupant
7 in Ms. Toombs' car?

8 A. Right.

9 Q. Were there any other witnesses
10 to the accident that you're aware of?

11 A. Not that I'm aware of.

12 Q. And since this accident
13 occurred, have you had any contact
14 with Justine Toombs?

15 A. No.

16 Q. And how about with her
17 brother?

18 A. No.

19 Q. Do you have a current driver's
20 license?

21 A. Yes.

22 Q. Is it a Pennsylvania license?

23 A. Yes.

24 Q. Did you have a valid license
25 at the time of the accident?

- 1 A. Yes, I did.
- 2 Q. And that was a Pennsylvania
3 license?
- 4 A. Yes, ma'am.
- 5 Q. Has your license ever been
6 suspended?
- 7 A. No.
- 8 Q. How about revoked?
- 9 A. No.
- 10 Q. Do you have any restrictions
11 on your license?
- 12 A. No.
- 13 Q. Is wearing glasses a condition
14 of your license?
- 15 A. No.
- 16 Q. You have glasses on today, I
17 see?
- 18 A. Yeah.
- 19 Q. What's that for?
- 20 A. I only use them for like
21 computer glasses. Like to do, you
22 know, computer work, but it's such a
23 habit to put them on in the morning
24 that I just automatically put them
25 on.

1 Q. Were you wearing them at the
2 time of the September '99 accident?

3 A. No, I didn't develop this
4 until I started working closely with
5 the computer every day.

6 Q. So you didn't wear glasses at
7 all in September of '99; is that
8 accurate?

9 A. I wore them for like just the
10 same as --- just like needlework, you
11 know, like to sew. But nothing that
12 required me to have them for reading
13 or anything like that.

14 Q. Have you ever served in the
15 military?

16 A. No.

17 Q. And have you ever been
18 arrested?

19 A. No.

20 Q. I'm sorry. No?

21 A. No.

22 Q. I guess it would follow that
23 you've never been convicted for a
24 crime; is that right?

25 A. Right.

1 Q. Do you need to take a break?

2 A. I'm all right. If you don't
3 mind me standing up for a few
4 minutes.

5 Q. That's fine. Do you know if
6 you've ever been the subject of a
7 criminal investigation at all, that
8 you're aware of?

9 A. They did like a criminal
10 background check when I became
11 employed with the security company.
12 Other than that, I had to have one
13 also when I became working at the
14 nursing home to see if I like had a
15 criminal past with children or
16 elderly, you know, to see if I would
17 be --- to work with, you know, the
18 elderly people. Other than that, no,
19 I don't know of anybody investigating
20 that ---.

21 Q. And you're not aware of ---?
22 I'm sorry, go ahead.

23 A. All right. Go ahead.

24 Q. You're not aware of the police
25 ever investigating you or accusing

1 you of committing a crime?

2 A. Yeah, I'm aware of that.

3 Q. And can you tell me about
4 that?

5 A. I used a girlfriend's credit
6 card to buy my fiancé a gun which, in
7 fact, it wasn't hers. I did not know
8 that, I was not aware of that. I had
9 another attorney and went to --- was
10 put on the ARD program.

11 Q. For that use of the credit
12 card?

13 A. Yes. And I had to do --- I
14 didn't have a record or anything like
15 that, but that's what that was for.

16 Q. Were you charged then with a
17 crime? Were you charged with theft
18 by deception?

19 A. I don't think so because --- I
20 don't know.

21 Q. Have you ever pled guilty to a
22 criminal charge?

23 A. I don't think.

24 Q. When was that incident with
25 the credit card?

1 A. '98 I think.

2 Q. Was that only one time?

3 A. Oh, yeah.

4 Q. And was that the only time
5 you've ever been arrested or ---

6 A. Yes.

7 Q. --- or the subject of a
8 criminal investigation?

9 A. Yes.

10 Q. No driving incidents or
11 anything like that?

12 A. No.

13 Q. Have you ever given testimony
14 before, either as a party or a
15 witness in a legal proceeding?

16 A. No.

17 Q. Have you ever brought a claim
18 for personal injuries before?
19 Whether or not it was a lawsuit, just
20 a claim that somebody should give you
21 money because of an injury?

22 A. No.

23 Q. Have you ever brought a
24 Workers' Compensation claim before?

25 A. No.

1 Q. Are you certain of that?

2 A. Well, I don't understand what
3 you mean by brought a claim.

4 Q. Have you ever sought money
5 through the Workers' Compensation
6 system claiming you were injured on
7 your job?

8 A. No.

9 Q. Before the accident in October
10 of 1999, had you ever been in a car
11 accident before?

12 A. No.

13 Q. No other car accidents?

14 A. No other car accidents.

15 Q. How about after it? Any other
16 car accidents after the '99?

17 A. No.

18 Q. Have you ever brought a claim
19 for Social Security disability, any
20 kind of benefits like that?

21 A. No.

22 Q. I want to broaden it from car
23 accidents. Let's say going back to
24 1995. Since 1995 and up to September
25 of 1999, let's take that window. Did

1 you have any accidents that caused
2 you injury?

3 A. I had one accident when I
4 worked at Emerson Square Personal
5 Care Home.

6 Q. And when was this?

7 A. I don't know. I can't
8 remember the date.

9 Q. Can you give me a year or you
10 just can't even do that?

11 A. I would say late '95, early
12 '96.

13 Q. And why don't you describe for
14 me what occurred?

15 A. I was giving a gentleman a
16 shower who was 270 pounds, if not
17 more. I was trying to move him from
18 his wheelchair to the shower stall
19 and he decided he didn't want to
20 stand up anymore and he just like
21 dropped himself. And in that time I
22 went to catch him, and when I did I
23 pulled a muscle in my back at the
24 time.

25 Q. And so you were injured during

1 that incident?

2 A. I went to the chiropractor
3 care and was put on light duty.

4 Q. You seemed to hesitate when I
5 asked if you were injured. Are you
6 ---?

7 A. Well, I don't know if you want
8 to call a --- you know, a muscle,
9 like a pulled muscle, I guess that's
10 an injury.

11 Q. So your answer is yes you were
12 injured or you don't know or ---?

13 A. I don't know.

14 Q. And how long did you have
15 treatment for that injury or that
16 muscle pull?

17 A. Less than two weeks.

18 Q. Did you see anybody other than
19 a chiropractor after that incident?

20 A. No.

21 Q. Only the chiropractor. And
22 you think about two weeks of care?

23 A. Yes.

24 Q. And what was bothering you,
25 exactly, then? Do you remember?

1 A. It was just like something was
2 out of place. I had to readjust it a
3 couple of times. He had put me onto
4 a restriction of light duty until,
5 you know, everything got back to
6 normal or until I felt comfortable
7 with it.

8 Q. And it's your testimony that
9 everything did get back to normal?

10 A. Yes.

11 Q. Just kind of on its own?

12 A. With not lifting 200 pound men
13 for a couple of weeks, but yes it
14 did. I went right back to normal.

15 Q. After a couple of weeks you
16 think?

17 A. Yeah, I would say, give or
18 take.

19 Q. Who was the chiropractor that
20 you saw for that?

21 A. Doctor Bouma.

22 Q. And he's the same chiropractor
23 that you saw after the September '99
24 accident; right?

25 A. Yes.

1 Q. Have you ever been to see
2 another chiropractor other than
3 Doctor Bouma?

4 A. No, I don't ---. No, wait,
5 I'm sorry. Doctor --- I forget his
6 name. Me and my ex-husband went
7 there one time just to get adjusted,
8 it was just the thing to do then I
9 guess. But it wasn't --- I didn't --
10 -. I don't remember his name.

11 Q. Do you know where the practice
12 was?

13 A. It's right on Philadelphia
14 Street, I think.

15 Q. Is that in Indiana?

16 A. Yes.

17 Q. It's your testimony that was
18 just one time?

19 A. Yeah, I think it was just one.
20 Because he went back more than I did,
21 but it was just once.

22 Q. Do you have any idea, you
23 know, approximately what year that
24 was?

25 A. No. To be honest, I don't. I

1 don't remember.

2 Q. Now, you've identified one
3 other accident between 1995 and the
4 September '99 car accident. Were
5 there any other incidents during that
6 time period where you were injured
7 and sought medical treatment?

8 A. I had one incident at the
9 nursing home, at Victorian Gardens,
10 where there again I fell in the
11 shower. I don't know if I just
12 stoved it, like my wrist.

13 Q. That would have had to be
14 after this September '99 accident
15 though; right?

16 A. Yes.

17 Q. I want to focus on that window
18 between 1995 and September of '99.
19 We have the car accident, and we have
20 the one that you just told me about
21 at the first nursing home. Were
22 there any other injuries you had? No
23 slip and falls?

24 A. No.

25 Q. Assaults?

1 A. No.

2 Q. Nothing like that at all?

3 A. Not that I can recollect, no.
4 Nothing.

5 Q. When you had that slip and
6 fall before in the shower with that
7 200-something pound man, I think you
8 identified that as late '95, early
9 '96. Did you go to the hospital
10 after that?

11 A. I went through the
12 administrative procedures where at
13 that time I felt I just had pulled
14 something and I just needed to get
15 adjusted. So I went with one of
16 their Workmen's Compensation approved
17 chiropractors at that time, and
18 that's who was on their list.

19 Q. So you did not go to a
20 hospital emergency room; is that
21 right?

22 A. No.

23 Q. Now, I want you to describe
24 for me the injuries that you feel you
25 sustained in this accident, what your

1 symptoms have been. Again the
2 September '99 accident. Sorry.

3 A. The injuries that I had
4 sustained at the accident?

5 Q. Yes. We're here about an
6 accident of September 6th, 1999;
7 right?

8 A. Okay, yeah.

9 Q. And what I want you to do for
10 me, if you can, is to just tell me
11 what you think your injuries were.

12 A. I had severe headaches, a lot
13 of neck pain, low back pain, I had a
14 lot of numbness in my legs. I can't
15 sit for very long without, you know,
16 getting uncomfortable or numb, or
17 riding in a car for 15, 20 minutes my
18 back is already starting to become
19 numb. I never had that before. Just
20 --- sleeping at night.

21 Q. What about sleeping?

22 A. It's hard to sleep because if
23 I lay on my --- either one of my
24 sides they go numb, so I have to
25 continue --- I have to toss and turn

1 around and to get comfortable.
2 Because, you know, because it's going
3 numb I never had that before. I
4 can't ride on my fiancé's motorcycle
5 like 15 miles without my back and my
6 legs going numb, you know, that was
7 ---. I had a lot of muscle spasms at
8 the time also, they have subsided.

9 Q. Anything else?

10 A. No.

11 Q. Are there any of those things
12 that you just told me about that you
13 still experience today?

14 A. Yes.

15 Q. And why don't you tell me what
16 symptoms that you still have today
17 that you relate to the accident?

18 A. Each and every one of them.

19 Q. All of those continue?

20 A. Yes.

21 Q. Now, you told me that the
22 muscle spasms though have subsided?

23 A. Yes, they have subsided. I
24 don't have to rely on any, you know,
25 medication. Just the Tylenol here

1 and there. But as far as the
2 numbness, the backaches, they still
3 --- everything ---.

4 Q. Is it any different than it
5 was a week after the accident? Have
6 those symptoms improved at all or do
7 you think they're the same?

8 A. Well, they have improved. The
9 headaches have improved greatly, you
10 know, they used to be all the time.
11 And now their just ---. You know
12 what I mean? They're not like they
13 used to be, you know.

14 Q. How often do you have
15 headaches now?

16 A. I think the headache part has
17 --- once a week maybe, not even that.

18 Q. And you think those headaches
19 are related to the accident of
20 September '99?

21 A. I don't know that to be true.
22 I don't know.

23 Q. You said there was a period
24 when they were all the time. When do
25 you think that was?

1 A. The first --- I had them clean
2 up until six, eight months after, you
3 know, continual --- I just had a
4 headache all the time.

5 Q. For about six to eight months?

6 A. I can't --- yeah. It's hard
7 to say because at the time when I
8 didn't pay attention to the time.

9 Q. You just kind of carried on as
10 usual?

11 A. Yeah, I had to.

12 Q. So you carried on with your
13 daily routine; is that right?

14 A. Yeah.

15 Q. Now, I want you to list for me
16 all the doctors that you went to see
17 for injuries you relate to this
18 accident, the September '99 accident?

19 A. I went to see Doctor Jesick.

20 Q. Is Doctor Jesick your family
21 doctor then?

22 A. Yes.

23 Q. Did you have any other doctor
24 you went to regularly at that time?

25 A. That's her. She's my doctor.

1 Q. How long has she been your
2 family doctor?

3 A. I can't say. She's been ---
4 ten years. It could be eight, but
5 ten years.

6 Q. So Doctor Jesick. Who else?

7 A. Doctor Bo'uma.

8 Q. That's the chiropractor;
9 right?

10 A. Yes. And Doctor Jesick sent
11 me to see a doctor in Pittsburgh, but
12 I don't remember his name.

13 Q. Is that Doctor Wecht or El
14 Kadi?

15 A. I don't know.

16 Q. A neurosurgeon?

17 A. Yes.

18 Q. How many times did you see
19 that doctor?

20 A. I only saw that doctor once.

21 Q. Any other doctors?

22 A. I don't think so. I think
23 that's it.

24 Q. And you went to the hospital,
25 too; right?

- 1 A. Yes, the day of the accident.
- 2 Q. Is that Clearfield County?
- 3 A. No.
- 4 Q. I'm sorry. Where did you go?
- 5 A. Indiana County.
- 6 Q. Indiana. I'm sorry.
- 7 A. Whatever that doctor's name
8 was, but I could not --- I don't
9 know.
- 10 Q. And you went and you were
11 treated and released that same day;
12 right?
- 13 A. Yes.
- 14 Q. Did they give you any
15 medicines, do you remember what they
16 did for you there?
- 17 A. They gave me Vicodin, Flexeril
18 and something else, but I forget the
19 name of it. It was for like the
20 headaches and the muscle spasms. I
21 don't remember. If there was a name,
22 I don't remember.
- 23 Q. How did you get to the
24 hospital? Did you drive yourself
25 there?

1 A. No, the tow truck driver
2 dropped me off.

3 Q. You didn't go by ambulance?

4 A. No.

5 Q. Did Jeff Williams go with you?

6 A. I don't remember if he did or
7 not.

8 Q. But when you went to the
9 hospital you didn't need any
10 stitches, you weren't cut; right? No
11 bleeding?

12 A. No.

13 Q. You were able to walk; right?

14 A. Yes.

15 Q. You didn't have any broken,
16 bones?

17 A. No.

18 Q. Did you have any visible
19 bruises or anything?

20 A. I had some on my side here.

21 Q. On your left side?

22 A. My left side and then up my
23 arm, but they weren't from --- they
24 were from hitting the side of the
25 door.

1 Q. And when is the last time you
2 went to see a medical person, and
3 that includes a chiropractor or
4 physical therapy or anything like
5 that, for these injuries?

6 A. The last person I seen for the
7 injuries was Doctor Bouma, but I
8 can't be sure of the exact date. It
9 was just ---. I would say it's been
10 a year.

11 Q. And I'm just going to
12 represent that I got records from
13 Doctor Bouma and it looked like to me
14 that you went to see him shortly
15 after the accident. You went for
16 about two months.

17 A. Uh-huh (yes).

18 Q. And then you stopped for a
19 year and a half?

20 A. Uh-huh (yes).

21 Q. And then you went back for a
22 little while. Does that sound right?

23 A. Yes.

24 Q. Why did you stop?

25 A. Because I didn't have the

1 money to pay for the visits and the
2 insurance company wasn't going to pay
3 for them.

4 Q. Who told the insurance company
5 wasn't going to pay for them?

6 A. I found out the second I
7 received the letter and it said or
8 Doctor Bouma's office received a
9 letter or something to that aspect
10 that it wasn't being covered anymore.
11 So I just didn't go anymore.

12 Q. If you received a letter like
13 that, is that something you would
14 still have?

15 A. I didn't receive that. I'm
16 saying --- I don't know if the doctor
17 received a letter or ---. I think if
18 I had received a letter I would have
19 given it to Myron, but I don't ---
20 because I was told by the doctor's
21 office that they were no longer going
22 to pay that and I wasn't going to,
23 you know, be able to go.

24 Q. And we're talking about in
25 1999; right? I just want to focus on

1 ---. You're sure though that that's
2 the reason you stopped having
3 treatment is that the doctor's office
4 told you the insurance company
5 wouldn't pay for it anymore?

6 A. Right.

7 Q. Did you make any follow up
8 calls, call the insurance company,
9 ask what was going on?

10 A. I called Myron's office and I
11 called Doctor Bouma's office back to
12 make sure of what was, you know,
13 going on. And that's the way, you
14 know, I interpreted it.

15 Q. Now, was that last year though
16 or was that ---? Remember we just
17 talked about kind of two different
18 periods of treatment, one in 1999 and
19 then one in 2001. And there's about
20 a year and a half between there with
21 no treatment. Which time are you
22 talking about right now when you're
23 saying I was told no more payment?

24 A. I think it was the first time.
25 But I don't know.

1 Q. During that year and a half or
2 so were you seeing anybody else?

3 A. I got the chicken pox, but I
4 didn't see anybody else other than my
5 gynecologist.

6 Q. But you weren't going to see
7 anybody for injuries you relate to
8 this accident; right?

9 A. No.

10 Q. You said you had one other
11 shower incident during that time
12 period. Did you have any other
13 accidents during that time period?

14 A. No, I didn't. I'm allergic to
15 latex and I had to go over to the
16 hospital because I was having an
17 allergic reaction to rubber gloves,
18 but no.

19 Q. And just so I understand you.
20 You claim that that period of
21 chiropractor treatment in 2001 that
22 second one. You claim that that's
23 because of this accident two; right?
24 The September '99 accident?

25 A. Yes.

1 Q. So if you thought the
2 insurance company wasn't paying for
3 it the first time, why did you go
4 back the second time? Did something
5 change?

6 A. No. Because I was talking to
7 Myron and he told me that if I had
8 felt that I needed to go, I needed to
9 go. And something wasn't right and I
10 went.

11 Q. And did the insurance company
12 pay for it?

13 A. Yes.

14 Q. When you say talking to Myron,
15 you mean your lawyer?

16 A. Yes, that's right.

17 Q. Did you have any trouble with
18 the insurance company paying for it
19 that second time?

20 A. No.

21 Q. And when I looked at Doctor
22 Bcuma's records there was a letter in
23 his file that looked like it might be
24 your handwriting. Do you remember
25 writing a letter about why you didn't

1 have any treatment during that
2 period?

3 A. I remember writing a letter
4 that stated that, due to the fact
5 that the insurance wasn't --- I can't
6 say exactly.

7 Q. But you do recall writing a
8 letter about it?

9 A. Because I had had a surgery in
10 the meantime.

11 Q. What surgery was that?

12 A. By a female doctor.

13 Q. And what kind of surgery was
14 that?

15 A. They took a cyst out or
16 something. Cyst or whatever you want
17 to call it.

18 Q. So you had a cyst removed?

19 A. Yeah.

20 Q. What year was that? That was
21 after the accident?

22 A. Yeah.

23 Q. I'm sorry. Go ahead. So you
24 wrote this letter to ---. Did you
25 write it to Doctor Bouma?

- 1 A. I don't remember.
- 2 Q. You remember writing a letter
3 of that nature though, about ---?
- 4 A. Yeah, something's telling me I
5 wrote a letter about something but I
6 don't remember.
- 7 Q. Do you know why you did that?
- 8 A. No, I don't.
- 9 Q. You don't know if somebody
10 asked you to do that?
- 11 A. I've totally forgotten all
12 about it. I did.
- 13 Q. So if Doctor Bouma's records
14 indicate that you haven't seen him
15 since October of 2001, does that
16 sound about right to you or do you
17 think you've seen him since then?
- 18 A. No, I haven't seen him since
19 then.
- 20 Q. Other than at the emergency
21 room did any other doctor prescribe
22 you medications for the pain
23 complaints you had?
- 24 A. Doctor Jesick might have
25 prescribed ---. I remember her

1 prescribing something for the --- I
2 think she just refilled my Flexeril.

3 I think that's what it was.

4 Q. How long do you think you were
5 taking medications after the
6 accident? Again, for injuries that
7 you relate to it.

8 A. About six months.

9 Q. And during that year and a
10 half that you weren't having
11 treatment, you know, that break in
12 treatment with Doctor Bouma. You
13 were still working; right?

14 A. Right.

15 Q. And at one point maybe even
16 two jobs because we're looking at
17 ---? No, I'm sorry. You would've
18 been working at Victorian Gardens
19 then. Okay. Why did you stop
20 treating with Doctor Bouma in October
21 of 2001? Why did you stop going?

22 A. Because I was ---. In 2001?

23 Q. Yes.

24 A. Because at that time he was
25 like adjusting me when I went and I

1 felt better and I didn't need to go
2 back.

3 Q. But you didn't just tell me a
4 little while ago that you had
5 continual problems and pains this
6 whole time?

7 A. Well, yeah, but I mean I had
8 to pay for it on my own and I didn't
9 have any insurance and I couldn't
10 afford it.

11 Q. Who told you you had to pay
12 for it on your own?

13 A. The doctor's office.

14 Q. How much money have you paid
15 out of your pocket for medical
16 expenses for these Doctor Bouma's
17 visits?

18 A. I couldn't --- I don't know.
19 Maybe \$100 bucks maybe. I would just
20 write a check, you know, or give him
21 cash. I don't remember.

22 Q. Can you prove to me how many
23 times you actually paid him out of
24 your own pocket?

25 A. I think I paid him twice out

1 of my own pocket.

2 Q. When was that?

3 A. The last couple of times I
4 went. But other than I didn't have
5 any out-of-pocket expenses.

6 Q. Do you have any documentation
7 to prove those payments?

8 A. I might if I didn't throw them
9 away.

10 Q. And was there some point when
11 the insurance company during that
12 second time denied you payments for
13 those visits?

14 A. Uh-huh (yes).

15 Q. There was?

16 A. Yes.

17 Q. And do you have documentation
18 to show that?

19 A. I just went by what the
20 doctor's office told me.

21 Q. So were you feeling better or
22 could you not pay for it? Why was it
23 that you stopped?

24 A. It was a little bit of
25 everything.

1 Q. Did you ever have any physical
2 therapy after this accident?

3 A. No.

4 Q. Do you recall it being
5 recommended by that neurosurgeon that
6 you went to that you have some more
7 testing?

8 A. I don't recall that.

9 Q. You don't recall that?

10 A. No.

11 Q. Do you recall ever being
12 recommended to have some tests that
13 you then didn't follow through and
14 have?

15 A. No.

16 Q. When this September '99
17 accident happened, were you taking
18 any prescription medications
19 regularly then?

20 A. No.

21 Q. Were you on anti-depressant
22 medications at that time?

23 A. No.

24 Q. Now, as far as any limitations
25 that you experienced because of the

1 injuries from this accident, I think
2 at one point you told me you pretty
3 much just carried on. Are there any
4 limitations that you had that you
5 haven't already described to me?

6 A. No.

7 Q. So is it fair to say you
8 really weren't prevented from doing
9 anything that you would normally do?

10 A. No. I could still do the
11 things that I normally do, but it
12 wasn't without pain or being
13 uncomfortable.

14 Q. Is it fair to say that it was
15 never recommended that you have
16 surgery or anything like that?

17 A. No, it wasn't recommended.

18 Q. Do you have any plans sitting
19 here today to have treatment in the
20 future for injuries you relate to the
21 September '99 accident?

22 A. I could go right now to the
23 chiropractor.

24 Q. Are you planning to do that?

25 A. I don't know.

1 Q. Is that any different than it
2 was in October of 2001? I mean are
3 you going to do that?

4 A. No, I don't plan on going
5 today, but I'm not saying I can't.
6 I'm not planning on it.

7 Q. Now, as far as your daily
8 activities, you know, you could do
9 the normal things you do at your
10 home; right?

11 A. Yes.

12 Q. Never prevented from doing
13 anything like that; is that right?

14 A. Sometimes it takes me longer
15 to do it because I have to sit down
16 because my leg hurts or my back is
17 killing me. But other than that, no,
18 I've tried to do everything that I
19 normally do.

20 Q. And it's your testimony that
21 the only other time you had any back
22 or neck problems was for about two
23 weeks after that incident in '95/'96;
24 right?

25 A. Yeah.

1 Q. Just a real short period then?

2 A. Yeah.

3 Q. Now, as far as the accident
4 itself, it was in Dubois; correct?

5 A. Yes.

6 Q. At the Sheetz there?

7 A. Yes.

8 Q. Is that the intersection of
9 322 and 119?

10 A. Yes.

11 Q. And where were you going when
12 that happened?

13 A. Jeff and I were just taking a
14 ride up to Elk County to visit, to
15 see elk for the day.

16 Q. Was that ---?

17 SHORT BREAK TAKEN

18 BY ATTORNEY OLIVER:

19 Q. So you're going for a drive,
20 it's September 6th, 1999. Your
21 fiancé, was he only person in your
22 vehicle other than you?

23 A. Yes.

24 Q. And did either of you have to
25 work that day?

- 1 A. No.
- 2 Q. What were you going into the
3 Sheetz for?
- 4 A. Just like a pee break, get a
5 cup of coffee.
- 6 Q. And how long had you been
7 driving that day?
- 8 A. I would say probably 45
9 minutes to an hour I would say.
- 10 Q. So you'd come right from home?
- 11 A. Yes.
- 12 Q. Sheetz Run Road, is that the
13 RD Two that you gave me?
- 14 A. Yeah, that's the one address
15 that they changed to.
- 16 Q. And what time of the day did
17 the accident happen? Do you recall?
- 18 A. It was like around lunchtime.
19 Between 11:00 and 1:00 I think. I
20 can't be for sure.
- 21 Q. And how would you describe the
22 traffic conditions as you came in to
23 Dubois?
- 24 A. It was busy because it was a
25 holiday.

1 Q. And were you familiar with
2 that ---? This happened at a Sheetz
3 parking lot; right?

4 A. Uh-huh (yes).

5 Q. And had you ever been to that
6 Sheetz before?

7 A. Yes.

8 Q. I'm sorry?

9 A. Yes, I had been.

10 Q. Fairly often?

11 A. Yeah, maybe once a month or
12 --- take a ride up north.

13 Q. So it'd be fair to say that
14 you're familiar with that
15 intersection and parking lot?

16 A. Yes.

17 Q. And as far as the ---. I
18 guess first let me ask you to, if you
19 could explain to me kind of what the
20 lay out of that lot is. Maybe the
21 best way if you can would be to have
22 you draw. Can you draw a diagram of
23 it?

24 A. Yeah.

25 Q. Obviously not the scale, just

1 so we're on the same page.

2 A. This is the red light.

3 Q. Could you label that 119
4 there, just so I know?

5 A. I don't know what this number
6 is.

7 Q. Okay.

8 A. This is the red light and then
9 here is the Sheetz, this is the
10 Sheetz. Well it's not over that far.

11 Q. Sure.

12 A. Then you come around and this
13 is all parking area. Here's the gas
14 pumps and here's where the cars would
15 be like getting gas. This is a
16 little thing, throughway and this is
17 the Sheetz here.

18 Q. Can you write the word cars,
19 just right along the side there?

20 A. Okay.

21 Q. And then gas pump.

22 A. Gas pump. Okay. And here's
23 cars here, too.

24 Q. How many gas islands if you
25 will are there?

1 A. I don't remember that.

2 Q. More than one?

3 A. Yeah, because there were cars
4 on each side. So it's probably one
5 with like three or four dual things.
6 And here's the parking lot where you
7 come in.

8 ATTORNEY TOMB:

9 Speak up.

10 A. You come in here and here's
11 like a ---.

12 BY ATTORNEY OLIVER:

13 Q. I'm just going to repeat so we
14 have this on the record. You're
15 coming off of 119?

16 A. 119, right.

17 Q. And you've drawn the one
18 entrance from 119. Is there more
19 than one or just that one?

20 A. There's one over here.

21 Q. Okay. But as far as if you're
22 coming from 119 is there only one
23 entrance to get in from there?

24 A. If you're going straight. To
25 my recollection, yes, because this is

1 all curb. I turned in here, like
2 this.

3 Q. You took a right?

4 A. Yes, took a right. And this
5 door.

6 Q. This is the door to Sheetz?

7 A. And then this is the front of
8 the store.

9 Q. Can you write that instead of
10 just ---.

11 A. Sorry, I'm making a mess of
12 this.

13 Q. That's okay. You're doing
14 fine.

15 A. And this is the parking. It's
16 kind of angled and then this is here.

17 Q. The parking kind of ---. The
18 store front jots out beyond the
19 parking area?

20 A. Yeah, right.

21 Q. Can you label that parking?
22 Thank you. Is there parking on the
23 other side as well?

24 A. I think. I never came in on
25 that side, so I really don't know. I

1 only know this side. And then
2 there's like a kerosene gas pump here
3 and I came in here. Now, meantime
4 there's cars like backing out of the
5 parking spots here and stuff. Okay?
6 So I come in here and here's a
7 parking spot and these are all
8 parking spots. And I come in here
9 and I was going in here. And just as
10 I was going in here.

11 Q. Where are we headed?

12 A. To that parking spot.

13 Q. To the very first parking
14 spot?

15 A. Yeah. I was going there.

16 Q. Okay.

17 A. Okay?

18 Q. The closest parking spot to
19 the store?

20 A. The one that was open, yeah.
21 Closest to the store.

22 Q. And the rest of them were full
23 of cars, is that what you're saying?

24 A. Uh-huh (yes). I was coming
25 here. Now, this is a throughway.

1 Q. In front of the store?

2 A. Yeah, were the handicapped
3 people get up on, like on both sides
4 of the ramp. There's no parking and
5 you're supposed to ---.

6 Q. Okay. Can you write
7 handicapped ramp just on one side.
8 We're not going to be able to tell
9 the scratching later, that's why.
10 Sorry, go ahead.

11 A. And this is like a no parking
12 zone, a no throughway. You're
13 supposed to keep it open so the
14 handicapped people can get on there.

15 Q. You called it a throughway.
16 Is it your testimony that it's a
17 throughway or it's not a throughway?

18 A. It's a throughway. If I'm
19 saying the right word. I can't
20 explain it. Like you're not allowed
21 to be going through there.

22 Q. You're not allowed to drive
23 there, in front of the store?

24 A. Right. No driving through or
25 parking there.

1 Q. Does it say no driving?

2 A. No throughway. I'm pretty
3 sure.

4 Q. Did it say that before
5 September of '99?

6 A. I'm not sure because there is
7 a sign and something on the road.

8 Q. What does it say?

9 A. I think it says no throughway,
10 no parking.

11 Q. So you told us that you don't
12 think people are allowed to drive
13 through there; right?

14 A. Yeah.

15 Q. And there is anything else you
16 need to add on there?

17 A. No.

18 Q. You've drawn the one entrance,
19 can you write the word entrance
20 there, please? If you didn't come in
21 that entrance that you've drawn and
22 you would proceed a little more down
23 119, is there another entrance to
24 enter into the Sheetz parking lot?

25 A. I don't know to be honest with

1 you. I don't know.

2 Q. So when you pulled in to
3 Sheetz that day you took a right into
4 the parking lot; right?

5 A. Uh-huh (yes).

6 Q. And how many cars were at the
7 gas pumps?

8 A. I don't remember that.

9 Q. Can you in general terms
10 describe whether they were full or
11 ---?

12 A. I would --- yeah, they were
13 full of cars.

14 Q. They appeared full?

15 A. Uh-huh (yes).

16 Q. You said the parking spaces
17 that you were coming near, all of
18 them were full except this one;
19 right?

20 A. Yeah, because the car had just
21 ---. When I was coming in here a car
22 backed out of here and was going so
23 that left that open.

24 Q. So you actually watched a car
25 back out of that space that you were

1 going to pull into?

2 A. Uh-huh (yes).

3 Q. And did that car back out
4 after you had already pulled into the
5 lot or as you were doing that?

6 A. I was coming in and as I'm
7 like coming in, you're already
8 scoping for a parking spot, when
9 you're pulling in you're already
10 looking for a parking spot. So I
11 noticed this car coming out, get in,
12 was leaving and I was just ---.

13 Q. Did you have to stop for that
14 car or anything?

15 A. It was already gone before I
16 even came.

17 Q. Out of the way. So as you
18 were pulling in you were looking
19 around up in that area to see if
20 there were any parking spots; right?

21 A. Right, just looking around
22 making sure everything was, you know,
23 all right. Because it was busy.

24 Q. And you were looking for a
25 parking spot; right?

1 A. Yeah, I'd seen I had a parking
2 spot when I was right here.

3 Q. When you were right here was
4 there a car in that parking spot or
5 not?

6 A. It was backing out of that
7 parking spot.

8 Q. So as you're pulling in you
9 notice that a car is pulling out of
10 the spot. That would leave one spot,
11 so you're looking to get in to that
12 spot where the car is leaving; right?

13 A. Yeah.

14 Q. Your car was a --- what kind
15 of car were you driving?

16 A. '97 Ford Escort.

17 Q. And that would be a --- that's
18 a five-speed vehicle?

19 A. Yes.

20 Q. When you pulled in what gear
21 were you in?

22 A. Going from second to first.

23 Q. As you made the turn?

24 A. Uh-huh (yes). Because the red
25 light is not that far from here to

1 here.

2 Q. Were you stopped at the red
3 light first?

4 A. Yeah.

5 Q. It was red?

6 A. It was red. And I didn't even
7 get to second. You know what I mean?
8 I went from first to second right as
9 I'm going in and then went into
10 first.

11 Q. So by the time you get into
12 the parking lot you're in first gear;
13 is that right?

14 A. Yeah, which is maybe five mile
15 an hour. Six something like that,
16 because you can't go really fast when
17 you're in first gear.

18 Q. When you pulled in did you
19 have any awareness of what was going
20 on? We're talking about the, you
21 know, the side of the store where you
22 were going to park. Do you have any
23 idea what was going on the other side
24 of the store?

25 A. No.

1 Q. A lot of traffic there; right?

2 A. Only thing I noticed that was
3 busy was the gas pumps. I don't know
4 nothing about this side.

5 Q. So you make the right, as
6 you're making the right you see this
7 car pulling out of that first spot,
8 you think I'm going to park in that
9 spot; right? And tell me what
10 happens then.

11 A. I go in to the thing and just
12 as my car is ---.

13 Q. To the thing, you mean the
14 parking stall?

15 A. Yeah. I'm sorry. Just as I
16 go --- head towards the parking
17 stall, the front end of my car is
18 just touching getting to go in and
19 just as I went in the car come
20 through there and smacked me. Right
21 there, just hit me.

22 Q. Where did it hit you?

23 A. Between the front end and
24 where the door and the front end meet
25 and that.

1 Q. Did you see the other car
2 coming before there was an actual
3 collision?

4 A. No.

5 Q. What about Jeff? Did he see
6 that other car coming?

7 A. I can't say what he saw.

8 Q. Did he ever talk to you about
9 it?

10 A. Yeah. He did.

11 Q. Did he ever tell you whether
12 he saw that other car coming?

13 A. Well, just as the --- I was
14 told by him, just as the collision
15 happened he seen that she was going
16 to hit me.

17 Q. And how long did before that
18 did he see it? Did he tell you?

19 A. No.

20 Q. I mean was it --- is your
21 impression from what he said, is that
22 it was right as it was happening?

23 A. Yeah.

24 Q. And did Jeff yell anything to
25 you?

1 A. No.

2 Q. Were you talking with Jeff
3 when this happened?

4 A. No.

5 Q. Do you know that or do you not
6 recall?

7 A. I don't recall if I was, but I
8 don't, you know, ---.

9 Q. Was your radio on?

10 A. No, it was broke. The fuse
11 was dead.

12 Q. How fast were you going as you
13 came toward that first spot next to
14 Sheetz there?

15 A. Not very fast at all,
16 practically just crawling.

17 Q. Can you tell me in miles per
18 hour what your speed was?

19 A. Six mile an hour maybe.
20 Because when you're in first gear you
21 can't really go much faster because
22 the engine is like going.

23 Q. So you're judging how fast you
24 were going by how fast you can go in
25 first gear?

1 A. No.

2 Q. Did you look at your
3 speedometer?

4 A. I can't say.

5 Q. From the time that you took
6 the right and pulled in until the
7 time that you come up to this spot, I
8 understand your nose is just getting
9 into the spot; right?

10 A. Well, it's not in my drawing,
11 but my nose is just ---. I was just
12 coming in and just as my front end
13 was just like getting to where the
14 lines end for your parking spot.
15 Okay? It was there and she'd come
16 through there and hit me.

17 Q. So the front end of your car
18 wasn't really into the spot yet but
19 you were about to kind of break that
20 threshold; right?

21 A. Yeah.

22 Q. So between the time that you
23 go to there and the collision happens
24 from when you pulled in, had you
25 stopped your car at all?

1 A. I don't think so, no. I was
2 not going very fast because it was
3 very busy..

4 Q. Now, when you were pulling in
5 and you said that there were cars and
6 the pumps looked pretty full. Were
7 there cars, you know, facing the
8 direction of that entrance at the
9 pumps? Do you know what I mean?

10 A. The cars were like this. This
11 is the front.

12 Q. Why don't you draw an arrow
13 pointing to where the front of the
14 cars were? Okay. So they would be
15 pulling --- if they were pulling away
16 from the pump, they'd be pulling in
17 the direction that you're coming
18 across; right?

19 A. Because there were cars ---.
20 Yeah. There was an Explorer, a big
21 one here.

22 Q. So when you take the right and
23 you come through and you're heading
24 towards your parking spot what's
25 happening to the right of you? What

1 are the cars over there doing when
2 you're pulling through the parking
3 lot?

4 A. Here?

5 Q. Yes, at the gas pumps. We'll
6 start there.

7 A. Nothing. They were just
8 pumping gas. They were sitting
9 there.

10 Q. You're sure that the people
11 were pumping gas at that point or
12 could they have been in their cars
13 waiting for awhile?

14 A. They could have been in the
15 store, but there was a gentleman
16 pumping his gas, I can remember that.
17 Because he has an Explorer and there
18 was a car here because it was full.
19 there was a car and a car.

20 Q. And I correct that you don't
21 know what all of those people were
22 doing along with those cars?

23 A. No, I don't.

24 Q. And it was daytime; right?

25 A. Yeah.

- 1 Q. Nobody had headlights on; is
2 that right?
- 3 A. No.
- 4 Q. Clear day?
- 5 A. Yes.
- 6 Q. And what did you as you passed
7 the pump? And then there were pumps
8 to your right; correct?
- 9 A. Yeah.
- 10 Q. And lots of cars?
- 11 A. Yeah.
- 12 Q. So would it be fair to say you
13 didn't have a clear view of the
14 parking lot over to your right on the
15 other side of those pumps as you
16 pulled past the pumps?
- 17 A. This parking area here?
- 18 Q. Yes.
- 19 A. And this here? No.
- 20 Q. No what?
- 21 A. No, I didn't have ---. I mean
22 I knew, I was watching when I was
23 going on around me in this section.
- 24 Q. In the section of the parking
25 spot you were pulling in to?

1 A. When I was coming in, but in
2 the meantime I'm watching to make
3 sure there's no car, you know, no
4 cars coming here. And you can
5 visibly see that these cars weren't
6 going anywhere because they were
7 doing something.

8 Q. But you don't know what they
9 were doing?

10 A. No, but I mean over here, no.

11 Q. You don't know what was going
12 on over on that other side of the
13 pumps?

14 A. No, I don't. No.

15 Q. And what did you do as you
16 passed these pumps, the last pumps,
17 you know that you have to clear
18 before you get up to where your spot
19 is. Did you look to your right and
20 see whether there were any cars
21 coming?

22 A. Yeah, I pulled through here.
23 I was going very slowly and I, you
24 know, knew it was busy and I was
25 being very cautious because I'm

1 afraid of getting in an accident. So
2 I went very slowly and one minute she
3 wasn't there and the next minute she
4 was.

5 Q. When you say she wasn't there,
6 are you testifying that you actually
7 looked over to your right?

8 A. Yeah.

9 Q. And you saw no cars coming as
10 you cleared that last gas pump?

11 A. Yeah, guaranteed.

12 Q. You looked over Jeff, was he
13 in your way?

14 A. No.

15 Q. Did you ask him to help you
16 look?

17 A. I don't remember asking him to
18 help me because I don't --- you know.

19 Q. Did you have to look around
20 him?

21 A. No.

22 Q. So you looked over there and
23 this whole you called it the --- you
24 said it's not a throughway. This
25 whole area was clear?

1 A. I can't say that it was clear.
2 You know what I mean? I can't say
3 that it was clear, but I remember
4 going very slow because of all the
5 cars moving around me. And there was
6 people moving in the parking lot and
7 I was being very cautious not to hit
8 any of them. And I was just being
9 very cautious. I can't say that
10 there was nobody here.

11 Q. Let me ask you again to be
12 clear. Did you look in that area, in
13 the area where you say people can't
14 park and drive? Did you look and see
15 if there was anybody coming?

16 A. No, I didn't look.

17 Q. You did not?

18 A. I mean I looked in this area
19 around me, but I didn't like lean
20 over around these cars and look down
21 that throughway.

22 Q. So you didn't look down to the
23 right to see if there was cars coming
24 as you cleared that last set of pumps
25 on your way to the parking spot?

1 A. No, because I was already, you
2 know, going in there.

3 Q. And when you were pulling in
4 you said you were in first gear. Was
5 your foot on the gas?

6 A. No, because I use --- I have a
7 clutch and a brake and I was using
8 the brake at the time.

9 Q. You were braking toward this
10 spot?

11 A. Uh-huh (yes).

12 Q. You didn't have your foot on
13 the gas at all?

14 A. No.

15 Q. When did you take your foot of
16 your gas? You come into the parking
17 lot ---.

18 A. Right here.

19 Q. And then you take your foot
20 off the gas?

21 A. Yeah, because if the car is
22 moving you can use --- control your
23 car by the brake. That's how I do
24 it.

25 Q. So you're saying you kind of

1 coasted in there; is that right?

2 A. Yeah.

3 Q. You had your foot on the
4 clutch?

5 A. Well, if you push the clutch
6 in and you put your foot on the brake
7 you can control moving without having
8 to ---.

9 Q. I'm just asking so we're
10 clear. You had your foot on the
11 clutch and you were using the brake;
12 right?

13 A. Yeah. That's how I always
14 drive it.

15 Q. After the collision did your
16 car move forward at all into the
17 spot?

18 A. It stayed right here because
19 when she hit me it debilitated it, it
20 did not move from that spot.

21 Q. So you think it just --- as
22 soon as you got hit you think it
23 stopped right away?

24 A. Oh, I know it stopped right
25 away.

1 Q. Did you apply your brake at
2 any point?

3 A. Where?

4 Q. During this whole incident?

5 A. Well, yeah. Yeah.

6 Q. When did you do that?

7 A. I just told you that I used
8 the clutch and the brake to coast to
9 where I was.

10 Q. So do you think you had your
11 foot on the brake at the time that
12 you got hit?

13 A. I don't know.

14 Q. But am I correct that you did
15 not brake because of seeing a car
16 coming at you; right? Because you
17 didn't see the car?

18 A. I didn't see the car coming at
19 me.

20 Q. Am I correct that you did not
21 apply your brake in reaction to that
22 other car?

23 A. No, because I didn't see the
24 car coming.

25 Q. What about right after she hit

1 you? Do you know if you slammed on
2 the brake or anything like that?

3 A. I don't remember. It stopped
4 the car.

5 Q. And can you describe for me
6 the impact when that collision
7 occurred?

8 A. It was just like my car
9 stopped dead when she hit me and it
10 just like threw me to the side.

11 Q. Did you have your seatbelt on?

12 A. Yeah.

13 Q. And you were thrown to the
14 left, is that what you're saying?

15 A. To the driver's --- yeah. It
16 was just like ---.

17 Q. Did you hit anything in the
18 vehicle?

19 A. I hit the door and the handle.
20 That's what bruised me, the handle.

21 Q. What part of your body hit
22 that?

23 A. This part.

24 Q. Your left arm?

25 A. Uh-huh (yes).

1 Q. What about Jeff? Did he hit
2 anything inside the vehicle?

3 A. If I'm not mistaken he hit his
4 --- because he like --- and then when
5 it hit he come over and then he
6 bounced back and hit his arm, his
7 right arm, on the door.

8 Q. Now, the impact didn't move
9 your whole car, did it?

10 A. It just like --- it moved it a
11 little bit because it broke the tie
12 rods. And it like pushed --- it
13 didn't push it, but it like moved it
14 over a little bit. Not much.

15 Q. Do you think your car went any
16 further into the parking spot after
17 you were hit?

18 A. No.

19 Q. In fact, if I recall correctly
20 you had made a statement about things
21 being thrown from your dashboard or
22 thrown in the car. Can you describe
23 that for me?

24 A. The stuff that was like in the
25 console was all over the front when

1 it hit threw it all over the floor.

2 Q. Did it go to the side, did it
3 go backward or what happened to those
4 items?

5 A. The stuff in the console?

6 Q. Yes.

7 A. It went on the floor to the
8 driver's side.

9 Q. Was there anything else that
10 was thrown around or displaced?

11 A. I don't know. There was --- I
12 had some stuff in the back that was
13 thrown on to --- like the back seat,
14 onto the floor, but it wasn't much.

15 Q. Are you able to tell me or to
16 estimate for me how fast the other
17 car that hit you was going?

18 A. No, I couldn't tell you.

19 Q. You couldn't do that?

20 A. No.

21 Q. Have you talked with Jeff
22 Williams about that?

23 A. No.

24 Q. Has he ever said to you
25 anything about how fast he thought

1 that car was going?

2 A. He's just made comments that
3 she had to be going fast enough to
4 break your tie rods. But, you know,
5 he'd never said anything.

6 Q. From what he said is it your
7 impression that he doesn't know how
8 fast she was going?

9 ATTORNEY TOMB:

10 I object to the
11 question.

12 A. I can't answer that. I don't
13 know.

14 BY ATTORNEY OLIVER:

15 Q. You don't know? All right.
16 So the collision occurs, then what
17 happens next?

18 A. I got out of the car and I
19 went to ---. By this time someone
20 had come over and said that they had
21 called, you know, 911. I don't know
22 how it was, don't remember. Someone
23 come over and said that they done
24 that. I sat down on the side of the
25 curb because I was like shaken up.

1 Somebody helped Jeff get out of the
2 car. I don't know who that was
3 because the door was --- he couldn't
4 get the door open so they pulled the
5 door to get him out. I don't
6 remember who, you know, because no
7 one ---. I went in to the Sheetz to
8 ask why it was taking so long for
9 someone to get there, you know, for
10 the police to get there. I asked Jus
11 ---. Is her name Justine, I think?

12 Q. Justine Toombs. The women you
13 sued?

14 A. Right. If everything was
15 okay, you know, if she was all right
16 and she said that she was fine. Her
17 boyfriend or the person who was with
18 her at the time made a phone call and
19 within a few minutes her parents ---
20 it might have been longer than a few
21 minutes. It just seemed like a few
22 minutes, everything was going so
23 hectic at that time. Her parents
24 came. In the meantime I called my
25 insurance company, State Farm, and

1 they told me what to do, what I
2 needed to do, you know, like what
3 information to get from her. And
4 let's see. After that they got all
5 the information. The cop that was
6 there I don't even know if he even
7 --- I don't think he even wrote a
8 report. But if I'm not mistaken he
9 knew her personally, Justine.

10 Q. Why do you think that?

11 A. Because he made a comment that
12 he knew --- he asked Jeff if he
13 should write a report and Jeff said
14 whatever you need to do. And he was
15 like well, you know, everything seems
16 to be okay. There's no need to write
17 a report. I can't remember the exact
18 words or the exact comment, but it
19 lead me to believe that he knew her
20 personally because he made a comment
21 about well they're good people I know
22 them from the area, we don't need to
23 write a report or something like
24 that. That's just hearsay. You know
25 what I'm saying?

1 Q. Sure.

2 A. And then I called the
3 insurance company back to make sure
4 that I could get my tow truck from
5 home. Because it was a holiday and I
6 would have to sit there forever
7 waiting for a tow truck company that
8 I didn't know. And they came and got
9 the car and I went back home with
10 them.

11 Q. You went back home or to the
12 hospital?

13 A. Well, I was heading home but
14 in the ride in the tow truck I had
15 them drop me off at the emergency
16 room because by then everything had
17 settled in.

18 Q. And by settling in you mean
19 ---?

20 A. I guess the shock wore off.

21 Q. And you had the kinds of
22 complaints that you told me about
23 already?

24 A. Yes.

25 Q. So there were no ambulances

1 called to the scene; right?

2 A. No.

3 Q. Now, did you hear Justine
4 Toombs say anything at the scene
5 other than you said you talked to her
6 and asked if she was all right. Did
7 you hear something else?

8 A. No. I heard Jeff say to her
9 boyfriend --- what the hell are you
10 doing going through there so fast?
11 And he said --- I don't remember what
12 he said. And he said something to
13 the fact that well --- I don't
14 remember, you know. I remember him
15 saying something to him and I was
16 just sitting there because I was like
17 starting to --- get real shaky
18 because I was scared. But other than
19 that I can't remember what they said.
20 They were speaking to each other but
21 I can't remember what they said.

22 Q. Do you remember did Justine
23 appear upset or anything like that?
24 Can you tell me?

25 A. I don't remember.

1 Q. I'm sorry?

2 A. I don't remember.

3 Q. Do you remember swearing at
4 either Justine or the passenger in
5 her car?

6 A. Well, he said something to me
7 and I just said what the hell, you
8 know, what the hell are you doing?
9 You know, why are you going ---? You
10 know, I was just like --- I could not
11 believe he would be going through
12 there ---.

13 Q. Who's he? The passenger in
14 her car?

15 A. No. I could not believe that,
16 you know, she would be going through
17 there so fast and he would get out
18 and yell at me for going fast or
19 something.

20 Q. When you say he would yell at
21 me then, do you mean the passenger in
22 her car?

23 A. Yeah. And I think I just said
24 what the hell --- I don't remember my
25 exact words, but like right now I

1 would say what the hell do you think
2 you're doing, is what I would say.

3 Q. And you don't remember kind of
4 repeatedly swearing and yelling and
5 carrying on?

6 A. I don't remember doing that. I
7 don't think that I would do that.

8 Q. Do you remember saying there,
9 at the scene, that you had pulled in
10 front of Justine's car? Did you say
11 that?

12 A. That I had pulled in front of
13 Justine's car?

14 Q. Yes.

15 A. No.

16 Q. Do you remember admitting that
17 it was your fault there?

18 A. No.

19 Q. I'm going to just mark this
20 drawing as Buchanan Three that you've
21 done for us.

22 (Buchanan Exhibit
23 Number Three marked for
24 identification.)

25 A. Okay.

1 BY ATTORNEY OLIVER:

2 Q. I know we've talked pretty
3 exhaustively about the claims, about
4 what you think happened. But is
5 there ---? Let me just end I guess
6 by asking you is there anything that
7 we haven't talked about today that
8 you feel is important either about
9 the way this accident happened or
10 about your injuries that you feel is
11 an important thing that we need to
12 discuss?

13 A. I can't think of anything.

14 Q. You feel we pretty much
15 covered everything in this
16 deposition?

17 A. I think so.

18 ATTORNEY OLIVER:

19 Thank you. I don't
20 have any further questions and
21 I appreciate your time.

22 * * * * *

23 DEPOSITION CONCLUDED AT 12:38 P.M.

24 * * * * *

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF INDIANA)

C E R T I F I C A T E

I, Lacey C. Gray, Notary Public in and for the Commonwealth of Pennsylvania, do hereby certify:

That the witness was hereby first duly sworn to testify to the truth, the whole truth, and nothing but the truth; that the foregoing deposition was taken at the time and place stated herein; and that the said deposition was taken in Stenotype by me and reduced to typewriting, and constitutes a true and correct record of the testimony given by the witness.

I further certify that the reading and signing of said depositions were (not) waived by counsel for the respective parties and by the witness.

I further certify that I am not a relative, employee or attorney of any of the parties, nor a relative or employee of counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and stamp this 30th day of Jan 2003.

Lacey C. Gray

NOTARIAL SEAL
LACEY C. GRAY, Notary Public
Indiana, Indiana County, PA
My Commission Expires May 1, 2006

MIDNIGHT JOB DESCRIPTION

DO ROUNDS EVERY HOUR, MORE OFTEN IF SOMEONE IS NEW, OR SICK. SWEEP AND SCRUB ALL THE BATHROOMS EVERY NIGHT (INCLUDING MIRRORS, TOILETS, SINKS, BASE OF COMMODES AND FLOOR ALL AROUND).

SWEEP AND DUST LIVING ROOM EACH NIGHT, INCLUDING TV AND STAND. PULL FURNITURE AND CLEAN BEHIND EVERY TUESDAY.

POLISH WRUNGS OF DINING ROOM CHAIRS MONDAY, WEDNESDAY, AND FRIDAY.

DO ALL PERSONAL RESIDENT LAUNDRY.

SCRUB THE FRONTS OF CUPBOARDS, STOVE AND FRIDGE EVERY NIGHT. ON THE 15TH OF EACH MONTH, GET A DAMP CLOTH (A BROOM WORKS ALSO) AND GO ALONG THE BASEBOARD RUG THE LENGTH OF THE HALLWAY, MAKING SURE TO GET THE DOORWAYS. MOVE ALL THE FURNITURE ALONG THE HALL AND CLEAN BEHIND IT.

DUST STANDS IN HALLWAYS.

START MORNING BATHS BY 4:00 AM. MAKE ANY BEDS OF RESIDENTS THAT YOU GET UP.

BRING RESIDENTS TO THE DINING ROOM FOR BREAKFAST, FEED ANY RESIDENTS NEEDING ASSISTANCE. HELP DAYSHIFT WITH DISHES, AND TRANSFERRING RESIDENTS TO THE BATHROOM OR LIVING ROOM.

YOU ARE ALSO RESPONSIBLE FOR VACUUMING AS NEEDED.

MAKE SURE TO EMPTY ALL THE GARBAGE ACCUMULATED DURING YOUR SHIFT. PUT THE LAUNDRY AWAY BEFORE LEAVING INCLUDING TOWELS, WASHCLOTHS, SHEETS AND PILLOWCASES. HELP THE OTHER FLOOR NURSES AIDE WITH ANY LIFTING OF RESIDENTS.

CLEAN THE REFRIGERATOR, INSIDE AND OUT, EVERY WEDNESDAY.

Borhanan 1

~~Pratt Street~~

Anytime work

APPLICATION FOR EMPLOYMENT

PRE-EMPLOYMENT QUESTIONNAIRE
EQUAL OPPORTUNITY EMPLOYER

2PM 9-21-99

7:30

DATE 9-10-99

PERSONAL INFORMATION

NAME (LAST NAME FIRST) Buchanan Kimberly S		SOCIAL SECURITY NO. 189 - 54 - 7390	
PRESENT ADDRESS 1624 Cheese Rd	CITY Indiana	STATE Pa	ZIP CODE 15701
PERMANENT ADDRESS	CITY	STATE	ZIP CODE
PHONE NO. (724) 463-9060	REFERRED BY Job Center		

EMPLOYMENT DESIRED

POSITION Nurses Aide	DATE YOU CAN START Now	SALARY DESIRED
ARE YOU EMPLOYED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF SO, MAY WE INQUIRE OF YOUR PRESENT EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
EVER APPLIED TO THIS COMPANY BEFORE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	WHERE?	WHEN?

NAME AND LOCATION OF SCHOOL	YEARS ATTENDED	DID YOU GRADUATE?	SUBJECTS STUDIED
GRAMMAR SCHOOL			
HIGH SCHOOL Indiana High	12	yes	Business
COLLEGE			
TRADE, BUSINESS OR CORRESPONDENCE SCHOOL			

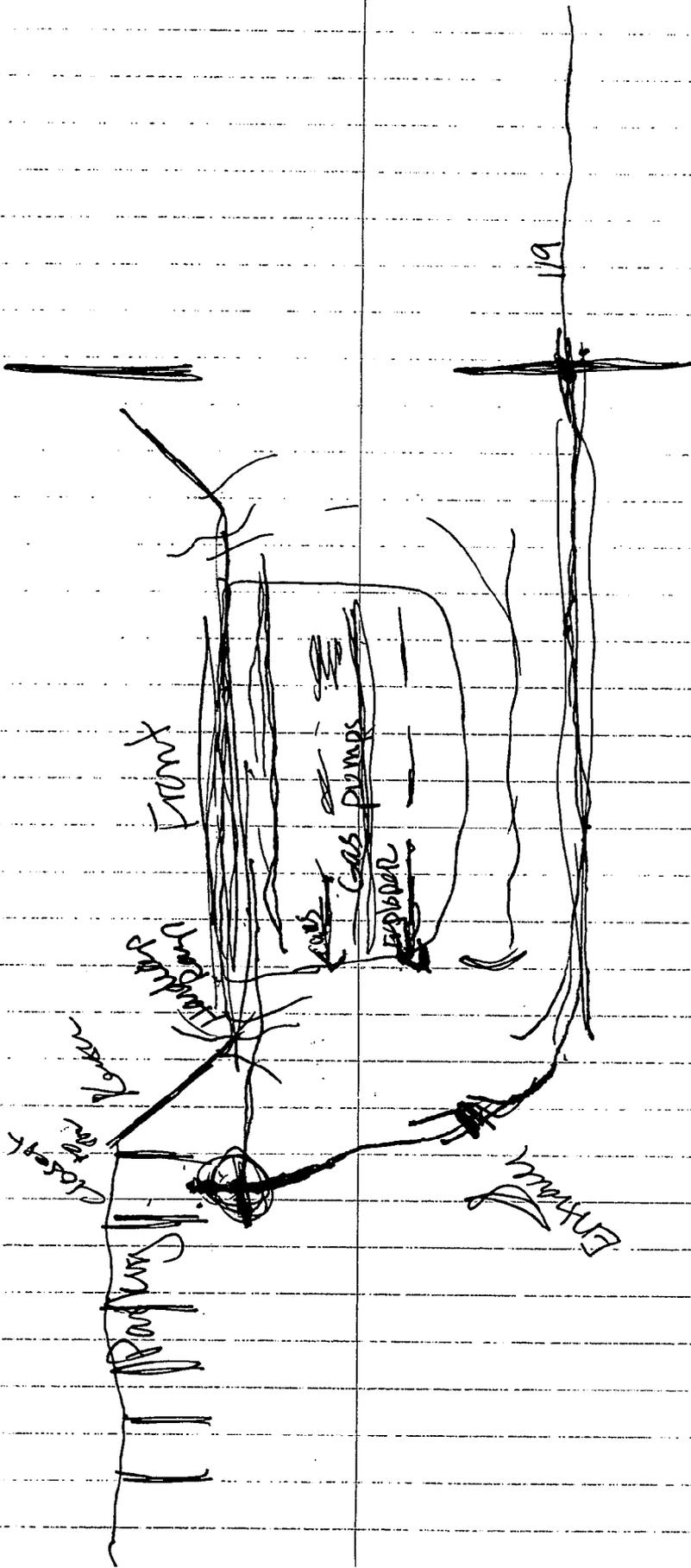
GENERAL

SUBJECTS OF SPECIAL STUDY/RESEARCH WORK OR SPECIAL TRAINING/SKILLS Customer Service, Computer, Crafts, Community Service	
U.S. MILITARY OR NAVAL SERVICE N/A	RANK —

FORMER EMPLOYERS

(LIST BELOW LAST FOUR EMPLOYERS, STARTING WITH LAST ONE FIRST)

DATE MONTH AND YEAR	NAME AND ADDRESS OF EMPLOYER	SALARY	POSITION	REASON FOR LEAVING
FROM 3-97 TO	Am Guard Security	7.00	Security	Seasonal Hire
FROM 8-97 TO 3-99	Kaufman's Indana	minimum	Sales	Hours
FROM 95 TO 1 year 3	Emerson Square	minim	Nurse Aid	Don't get along with some employees
FROM TO				



Brennan 3

EXHIBIT H

INJURED PARTY Buchanan, Ken

CLAIM NUMBER 38 J294-328

ACCIDENT DATE 9-6-99

MAXIMUM BENEFIT 10,000

DATE RECD	DATE PAID	PROVIDER	DATES OF TREATMENT	AM'T BILLED	AM'T PAID	O/S BAL.	TOTAL PAID	P
9-15	9-30	(Elex Prof Fee) Indiana Hosp	9-6	1,065.40	279.27			
9-25	10-4	Radiologic Cms.	"	82.1	43.73			
9-27	"	Diamond Drug Rx's	9-7 + 9-10	207.58	166.86		489.06	
10-14	10/29	Ultrac Image	9-29	1360.1	1065.30			
10-13	"	Bourma Chiro	9-14	225.1	117.51			
	"	Dr. Jesick, MD	9-10	72.1	42.00			
	"	Bourma Chiro	9-14	225.1	34.80		1,748.67 ^{OK}	
11/20	1/5/99	Bourma Chiro	9/15 → 10/27	462.00	351.75			1.62
12/20	1/5/99	" " "	11/15/99	35.00	27.57		2127.99	1.62
11/22	1/5/99	DIAMOND DRUG Rx's	9-29 + 10-11-99		97.55		2225.54 ^{OK}	
5/19	8/22	Tri-State Neuro	11/16/97	194-	117.58			2.55
8/8	"	Jesick, MD	11/15/99	42-	42-		238.51 ²	-
1/22/01	8/23/01	Bourma Chiro	4/26-7/17	435-	311.41			-

FILED

ICG

M12:27 PM
FEB 17 2004
Amy Oliver

SPS

William A. Shaw
Prothonotary/Clerk of Courts

TOMB, MACK AND KAUFFMAN
ATTORNEYS AT LAW
52 SOUTH NINTH STREET
INDIANA, PENNSYLVANIA 15701

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

KIMBERLY S. BUCHANAN,
Plaintiff,

vs.

JUSTINE TOOMBS,
Defendant.

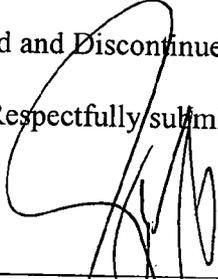
:
: No. 01-1429 - C.D.
:
:
:
:

PRAECIPE

TO THE PROTHONOTARY:

Kindly mark the above-captioned case "Settled and Discontinued".

Respectfully submitted,



Myron Hay Tomb
Attorney for Plaintiff
Pa. I.D. #16771
Tomb, Mack & Kauffman, LLP
52 South Ninth Street
Indiana, PA 15701
(724) 357-9990

FILED

FEB 25 2004

William A. Shaw
Prothonotary

FILED

0 1:34 34 See Court to Attorney

FEB 25 2004

William A. Shaw
Prothonotary

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

CIVIL DIVISION

Kimberly S. Buchanan

Vs.

No. 2001-01429-CD

Justine Toombs

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 25, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$145.95 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of February A.D. 2004.

William A. Shaw, Prothonotary