

02-245-00  
OLGA WEBER -vs- DUBOIS REGIONAL MEDICAL CENTER et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OLGA WEBER,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER, i/t/d/b/a DUBOIS REGIONAL  
MEDICAL CENTER HOME HEALTH  
SERVICE,

Defendant.

CIVIL DIVISION

No. 02-245-CO

ISSUE NO.:

PRAECIPE FOR WRIT  
OF SUMMONS

Civil Action/Code:

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

Beth A. Lazzara, Esquire  
PA I. D. #62250

GOODRICH, GOODRICH  
& LAZZARA, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219  
(412) 281-1455

**FILED**

FEB 20 2002

1/30/02 bazzara pd  
William A. Shaw \$80.00  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

## CIVIL DIVISION

OLGA WEBER, )  
Plaintiff, ) No. GD  
vs. ) Issue:  
DUBOIS REGIONAL MEDICAL ) JURY TRIAL DEMANDED  
CENTER, i/t/d/b/a DUBOIS REGIONAL )  
MEDICAL CENTER HOME HEALTH )  
SERVICE, )  
Defendant. )

## **PRAECIPE FOR WRIT OF SUMMONS**

TO: PROTHONOTARY

Kindly issue a Writ of Summons in the above-captioned case in excess of Twenty Thousand (\$20,000.00) Dollars.

GOODRICH, GOODRICH & LAZZARA, P.C.

Beth A. Lazzara, Esquire  
429 Fourth Avenue  
1400 Law & Finance Building  
Pittsburgh, PA 15219  
(412) 281-1455  
Attorney for Plaintiff

**COPY**

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

**SUMMONS**

**Olga Weber**

**Vs.**

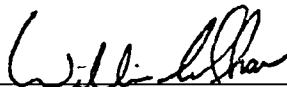
**NO.: 2002-00245-CD**

**DuBois Regional Medical Center, i/t/d/b/a  
DuBois Regional Medical Center Home Health Service**

**TO: DUBOIS REGIONAL MEDICAL CENTER, i/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME HEALTH SERVICE**

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

Date: 02/20/2002

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:  
Beth A. Lazzara, Esquire  
429 Fourth Avenue  
1400 Law & Finance Building  
Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

245

No.: 02-246 CD

**ISSUE: PRAECIPE FOR ENTRY OF  
APPEARANCE**

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 – FAX

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD.

Michael A. Sosnowski  
Attorneys for Defendants

**FILED**

MAR 12 2002

10:34 AM  
m/10:34/noc

William A. Shaw  
Prothonotary

902

OLGA WEBER : IN THE COURT OF COMMON PLEAS  
Plaintiff, : CLEARFIELD COUNTY, PA  
vs. : 245  
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a : No.: 02-246 CD  
DUBOIS REGIONAL MEDICAL CENTER HOME :  
HEALTH SERVICE, :  
Defendants. : **JURY TRIAL DEMANDED**

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Kindly enter my appearance as counsel of record for the Defendants, DUBOIS  
REGIONAL MEDICAL CENTER i/t/d/b/a DUBOIS REGIONAL MEDICAL CENTER HOME HEALTH  
SERVICE, in the above-captioned action.

**McINTYRE, DUGAS, HARTYE & SCHMITT**

Michael A. Sosnowski  
Attorneys for DEFENDANTS

**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D.#: 67207**  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
PH: (814) 696-3581  
FAX: (814) 696-9399

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

02-245-CO

No.: 02-246-CO

**ISSUE: PRAECIPE FOR ISSUANCE  
OF RULE TO FILE COMPLAINT**

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE  
PA ID# 67207**  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 – FAX

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD THIS 14<sup>TH</sup> DAY OF  
MARCH, 2002.

Michael A. Sosnowski  
Attorneys for Defendants

**FILED**

MAR 15 2002  
M 1940/ no cc  
William A. Shaw Rule to  
Prothonotary Atty.

OLGA WEBER : IN THE COURT OF COMMON PLEAS  
Plaintiff, : CLEARFIELD COUNTY, PA  
vs. : *02-245-CO*  
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a :  
DUBOIS REGIONAL MEDICAL CENTER HOME :  
HEALTH SERVICE, :  
Defendants. : **JURY TRIAL DEMANDED**

**PRAECIPE FOR ISSUANCE OF RULE TO FILE COMPLAINT**

TO: PROTHONOTARY

Please enter a Rule upon the plaintiff, OLGA WEBER, to file a Complaint in the above-captioned action within twenty (20) days of the date of service of said Rule.

McINTYRE, DUGAS, HARTYE & SCHMITT

*Michael A. Sosnowski*  
Atorneys for Defendant

**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
**P.O. Box 533**  
**Hollidaysburg, PA 16648**  
**(814) 696-3581**

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

**COPY**

Olga Weber

Vs.  
DuBois Regional Medical Center  
DuBois Regional Medical Center Home Health Service

Case No. #2002-00245-CD

**RULE TO FILE COMPLAINT**

TO: Olga Weber, Plaintiff

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

---

William A. Shaw, Prothonotary

Dated: March 15, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

No.: 02-246 CD<sup>5</sup>

**ISSUE: CERTIFICATE OF SERVICE  
OF RULE TO FILE COMPLAINT**

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
PA ID# 67207  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 – FAX

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD.

Michael A. Sosnowski  
Attorneys for Defendants

**FILED**

MAR 25 2002

1110712002  
William A. Shaw  
Prothonotary

OLGA WEBER : IN THE COURT OF COMMON PLEAS  
Plaintiff, : CLEARFIELD COUNTY, PA  
vs. :  
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a :  
DUBOIS REGIONAL MEDICAL CENTER HOME :  
HEALTH SERVICE, :  
Defendants. : **JURY TRIAL DEMANDED**

5  
No.: 02-248 CD

**CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT**

TO: PROTHONOTARY

You are hereby notified that on the **22<sup>nd</sup> day of March, 2002**, Defendant, DUBOIS REGIONAL MEDICAL CENTER, i/t/d/b/a DUBOIS REGIONAL MEDICAL CENTER HOME HEALTH SERVICE, served a RULE upon the Plaintiff, by mailing the original of same via First Class Mail, postage prepaid, addressed to the Plaintiffs' counsel:

Beth A. Lazzara, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219

McINTYRE, DUGAS, HARTYE & SCHMITT

Michael A. Sosnowski  
Atorneys for Defendant  
**Michael A. Sosnowski, Esquire**  
**PA I.D. #67207**  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 – FAX

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

Olga Weber

Vs.  
DuBois Regional Medical Center  
DuBois Regional Medical Center Home Health Service

Case No. #2002-00245-CD

RULE TO FILE COMPLAINT

TO: Olga Weber, Plaintiff

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



\_\_\_\_\_  
William A. Shaw, Prothonotary

Dated: March 15, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OLGA WEBER,

CIVIL DIVISION

Plaintiff,

No. 2002-00245-CD

vs.

ISSUE NO.:

DUBOIS REGIONAL MEDICAL  
CENTER, i/t/d/b/a DUBOIS REGIONAL  
MEDICAL CENTER HOME HEALTH  
SERVICE,

**COMPLAINT**

Defendant.

Civil Action/Code:

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

Beth A. Lazzara, Esquire  
PA I. D. #62250

GOODRICH, GOODRICH  
& LAZZARA, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219  
(412) 281-1455

**FILED**

APR 15 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

## CIVIL DIVISION

OLGA WEBER, )  
Plaintiff, ) No. GD 02-245-CD  
vs. ) Issue:  
DUBOIS REGIONAL MEDICAL ) JURY TRIAL DEMANDED  
CENTER, i/t/d/b/a DUBOIS REGIONAL )  
MEDICAL CENTER HOME HEALTH )  
SERVICE, )  
Defendant. )

**COMPLAINT**

AND NOW, comes the Plaintiff, Olga Weber, by and through her attorneys, Beth A. Lazzara, Esquire and Goodrich, Goodrich & Lazzara, P.C., and files the following Complaint:

1. The Plaintiff, Olga Weber, is an adult individual, who at all times relevant resided Sprinkle Mills, Jefferson County, Pennsylvania.

2. The Defendant, DuBois Regional Medical Center, i/t/d/b/a DuBois Regional Medical Center Home Health Service is a general health care facility located in Clearfield County and which renders medical services, including in-home nursing services, within Jefferson County.

3. Plaintiff Olga Weber has the medical condition of multiple sclerosis, which restricts her ability to move freely and independently, thereby requiring the use of a Hoyer sling lift to be transferred from her bed to her scooter or chair and vice versa.

4. Plaintiff is unable to operate the Hoyer sling lift herself and requires assistance during the transfers, which is provided by an agent, servant and/or employee of the Defendant. This assistance includes the operation of the Hoyer sling lift.

5. On or about February 20, 2000, while in the process of being transferred from her scooter to her bed through the use of the Hoyer sling lift, and with the assistance of Defendant's agent, who was operating the lift, Plaintiff was caused to fall from the lift onto the floor, sustaining injuries to both of her legs.

6. As a result of the fall from the Hoyer lift, Plaintiff was caused to suffer the following injuries, which have caused her to incur substantial medical expense and suffer unneeded pain and discomfort:

- a.) Acute oblique fracture of the right proximal tibial shaft;
- b.) Transverse impacted fracture of the right fibular neck;
- c.) Transverse fracture of the left upper tibial shaft with lateral angulation;
- d.) Transverse fracture of the left upper fibular shaft;
- e.) Generalized trauma and injury to the left lower extremity;
- f.) Generalized trauma and injury to the right lower extremity;
- g.) Generalized contusions, bruises and abrasions throughout her body.

7. The care and treatment that Plaintiff Olga Weber received from the Defendant, through the actions of its agents, employees, and/or servants, was negligent in general and in the following particulars:

- a.) In failing to properly assemble the Hoyer sling lift prior to its use to transfer Plaintiff;
- b.) In incorrectly assembling the Hoyer sling lift;

- c.) In failing to test the Hoyer sling lift after its assemblage in order to ensure that the lift was in safe and good working order prior to attempting to transfer the Plaintiff;
- d.) In using inappropriate techniques and procedures during the transfer process;
- e.) In incorrectly performing the transfer procedure;
- f.) In failing to protect the Plaintiff from falls during the transfer process;
- g.) In failing to take the appropriate steps to eliminate or minimize the chances of a fall occurring during a transfer while using the Hoyer sling lift;
- h.) In failing to provide the proper training and instruction to home health aides regarding the use of the Hoyer sling lift for transfers of patients; and
- i.) In failing to send a properly and appropriately trained and instructed home health aide to perform transfers using the Hoyer sling lift.

7. As a result of the aforesaid injuries, the Plaintiff Olga Weber has suffered the following damages:

- a.) She has incurred in the past, and will incur in the future, substantial medical expenses;
- b.) She has experienced in the past, and will experience in the past, and will experience in the future, substantial pain, suffering and inconvenience;
- c.) She has experienced in the past, and will experience in the future, the loss of the ordinary pleasures of life;
- d.) She has experienced in the past, and will experience in the future, substantial bodily disfigurement; and
- e.) She has suffered in the past, and will suffer in the future, other emotional economic and physical harm.

WHEREFORE, Plaintiff Olga Weber respectfully requests judgment against the Defendant in an amount in excess of \$20,000.00.

JURY TRIAL DEMANDED.

Respectfully Submitted,



Beth A. Lazzara, Esquire

Attorney for Plaintiff

Goodrich, Goodrich & Lazzara, P.C.

429 Fourth Avenue, Suite 1400

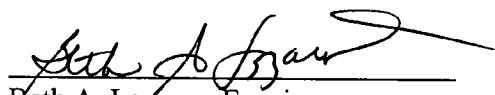
Pittsburgh, PA 15219

(412) 281-1455

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 11th day of April, 2002 by U.S. Mail, First Class, postage pre-paid to the following:

Michael A. Sosnowski, Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648-0533

  
Beth A. Lazzara, Esquire  
Attorney for Plaintiff

FILED

rec

M 1:34 AM  
APR 15 2002  
Amy

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

24s

No.: 02-246-CD

**ISSUE:**  
**ANSWER TO COMPLAINT**

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 - FAX

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD.

Michael A. Sosnowski  
Attorneys for Defendants

**FILED**

APR 25 2002

17110:18120CL 8/20  
William A. Shaw  
Prothonotary

OLGA WEBER	:	IN THE COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY, PA
	Plaintiff,	:
vs.	:	No.: 02-246 CD
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a	:	
DUBOIS REGIONAL MEDICAL CENTER HOME	:	
HEALTH SERVICE,	:	
	Defendants.	<b>JURY TRIAL DEMANDED</b>

**ANSWER TO COMPLAINT**

DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER, i/t/d/b/a DUBOIS REGIONAL MEDICAL CENTER HOME HEALTH SERVICE ("DRMC"), through its counsel, MCINTYRE, DUGAS, HARTYE & SCHMITT, files the following Answer to plaintiff's Complaint.

1. The averments of Paragraph 1 are correct and accurate to the best of DRMC's knowledge and information. Accordingly, they are admitted.
2. The averments of Paragraph 2 are admitted.
3. With respect to the averments of Paragraph 3, DRMC's only knowledge and information about plaintiff's medical condition is contained within the medical records in its possession for plaintiff. Accordingly, to the extent averments in this paragraph are consistent with said records, they are admitted. To the extent they are inconsistent, they are denied and strict proof thereof is demanded at the time of trial.
4. With respect to the averments of Paragraph 4, DRMC's only knowledge and information about plaintiff's medical condition is contained within the medical records in its possession for plaintiff. Accordingly, to the extent averments in this paragraph are consistent with said records, they are admitted. To the extent they are inconsistent, they are denied and strict proof thereof is demanded at the time of trial.
5. The averments of Paragraph 5, are denied as stated. By way of further response, it is denied that plaintiff was "caused to fall to the floor." By way of further additional response, it is DRMC's understanding that plaintiff slipped from her scooter when she had muscle spasms.

6. With respect to the averments of Paragraph 6, including all subparagraphs contained therein, DRMC's knowledge concerning plaintiff's medical condition and/or injuries is solely that contained within plaintiff's medical records under DRMC's control. To the extent these averments are consistent with said records, they are admitted. To the extent they are inconsistent with said records, they are denied. To the extent there is insufficient information contained in said records to admit or deny these averments, DRMC is without sufficient knowledge or information to respond and, accordingly, these averments are deemed denied. Strict proof thereof is accordingly demanded at the time of trial.

7. The averments of Paragraph 7, including all subparagraphs contained therein, are generally denied pursuant to Pa R.C.P. 1029(e).

7(should be 8). With respect to the averments contained in Paragraph 7 (2<sup>nd</sup>-should be 8), including all subparagraphs contained therein, DRMC is without sufficient knowledge or information to admit or deny these averments. Accordingly, they are deemed denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, DRMC, respectfully denies that it is liable to any party and demands that judgment be entered in its favor and that this matter be dismissed with prejudice.

Respectfully submitted,

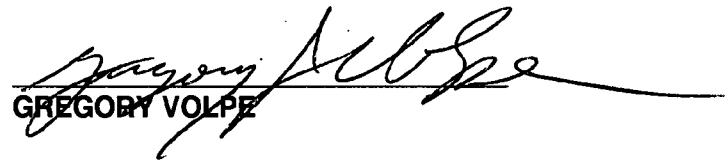
McINTYRE, DUGAS, HARTYE & SCHMITT

  
\_\_\_\_\_  
Attorney for Defendant  
**Michael A. Sosnowski, Esquire**  
**PA I.D. 67207**  
**P.O. Box 533**  
**Hollidaysburg, PA 16648**  
**(814) 696-3581**  
**(814) 696-9399 Fax**

**VERIFICATION**

I, **GREGORY VOLPE**, am the designated representative for the Defendant in this matter, DuBois Regional Medical Center, i/t/d/b/a DuBois Regional Medical Center Home Health Service. In that capacity, I am authorized to verify this Answer. Additionally, I am represented by counsel in this capacity. I have furnished to my counsel factual information upon which the foregoing Answer to Complaint is based. To the extent that it is based on the factual information provided to counsel, I verify that those facts are true and correct to the best of my knowledge, information and belief. However, the language is that of counsel and, to the extent that it goes beyond the factual information which I have provided to counsel, I have relied upon counsel in making this verification.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsifications to authorities.



**GREGORY VOLPE**

Date: 4-19-02

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12123

WEBER, OLGA

02-245-CD

VS.

DUBOIS REGIONAL MEDICAL CENTER I/t/d/b/a DUBOIS REGIONAL MEDI

PRAECIPE & SUMMONS

**SHERIFF RETURNS**

NOW MARCH 1, 2002 AT 2:00 PM EST SERVED THE WITHIN PRAECIPE & SUMMONS ON DUBOIS REGIONAL MEDICAL CENTER I/t/d/b/a DUBOIS REGIONAL MEDICAL CENTER HOME HEALTH SERVICE, DEFENDANT AT EMPLOYMENT, 100 HOSPITAL AVE., WEST UNIT, RISK MGR. DEPT., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARGE KENNIS, P.I.C. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: MCCLEARY

Return Costs

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

Sworn to Before Me This

30<sup>th</sup> Day Of April 2002  
William A. Shaw

So Answers,

Chester A. Hawkins  
by Marilyn Harris  
Chester A. Hawkins  
Sheriff

**FILED**  
01/25/02  
APR 30 2002  
cc

*W.A. Shaw*  
William A. Shaw  
Prothonotary

COP

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

SUMMONS

**Olga Weber**

Vs.

NO.: 2002-00245-CD

**DuBois Regional Medical Center, i/t/d/b/a  
DuBois Regional Medical Center Home Health Service**

TO: DUBOIS REGIONAL MEDICAL CENTER, i/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME HEALTH SERVICE

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

Date: 02/20/2002

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:  
Beth A. Lazzara, Esquire  
429 Fourth Avenue  
1400 Law & Finance Building  
Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

02-245-C0

No.: 02-246 CD

ISSUE: NOTICE OF SERVICE  
OF GENERAL INTERROGATORIES,  
EXPERT INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO  
PLAINTIFF DATED 8/2/02

FILED

AUG 8 2002

MP:221no CL  
William A. Shaw *AS*  
Prothonotary

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
PA ID# 67207  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
PH: 814/696-3581  
FAX: 814/696-9399

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD THIS 2<sup>ND</sup> DAY OF  
AUGUST, 2002.

Michael A. Sosnowski

Attorneys for Defendants

OLGA WEBER : IN THE COURT OF COMMON PLEAS  
Plaintiff, : CLEARFIELD COUNTY, PA  
vs. : No.: 02-246 CD  
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a :  
DUBOIS REGIONAL MEDICAL CENTER HOME :  
HEALTH SERVICE, :  
Defendants. : **JURY TRIAL DEMANDED**

**NOTICE OF SERVICE OF GENERAL INTERROGATORIES, EXPERT INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFF DATED 8/2/02**

TO: PROTHONOTARY

You are hereby notified that on the **2nd** day of **AUGUST, 2002**, Defendant, DuBois Regional Medical Center i/t/d/b/a DuBois Regional Medical Center Home Health Service served General Interrogatories, Expert Interrogatories and Requests for Production of Documents Directed to Plaintiff Dated 8/2/02 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Beth A. Lazzara, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219

McINTYRE, DUGAS, HARTYE & SCHMITT

*michael a. sosnowski*  
Atorneys for Defendant, DUBOIS REGIONAL  
MEDICAL CENTER i/t/d/b/a DUBOIS REGIONAL  
MEDICAL CENTER HOME HEALTH SERVICES  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D #: 67207**  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

246  
No.: 02-~~216~~ CD

**ISSUE:**  
**MOTION TO COMPEL**  
**DISCOVERY RESPONSES**

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA ID# 67207**  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 – FAX

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD.

Michael A. Sosnowski  
Attorneys for Defendants

**FILED**

JUL 08 2003

William A. Shaw  
Prothonotary

OLGA WEBER : IN THE COURT OF COMMON PLEAS  
Plaintiff, : CLEARFIELD COUNTY, PA  
vs. : *245*  
No.: 02-~~246~~ CD  
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a :  
DUBOIS REGIONAL MEDICAL CENTER HOME :  
HEALTH SERVICE, :  
Defendants. : **JURY TRIAL DEMANDED**

**MOTION TO COMPEL DISCOVERY RESPONSES**

Defendant, DuBois Regional Medical Center, t/d/b/a DuBois Regional Medical Center Home Health Service, through its counsel, McIntyre, Dugas, Hartye & Schmitt, files the following Motion to Compel Discovery Responses, averring in support thereof as follows:

1. This is a medical negligence action, specifically in connection with the fall sustained by plaintiff on or about February 20, 2000.
2. This action was initiated through a Praecept for Writ of Summons on February 20, 2002. A Complaint was subsequently filed in April, 2002.
3. In order to further this litigation, defendant served General and Expert Interrogatories and Requests for Production of Documents upon plaintiff on or about August 2, 2002. A copy of the Notice of Service for this discovery is attached hereto as Exhibit "A".
4. Not having received responses to the outstanding discovery, counsel for the defendant corresponded with plaintiff's counsel on October 21, 2002, inquiring about the status of discovery. A copy of this letter is attached hereto as Exhibit "B".
5. Several months passed, during which counsel for the defendant verbally extended the time in which plaintiff could respond to the outstanding discovery.
6. When the verbal extensions were exceeded, defense counsel corresponded with plaintiff's counsel on May 7, inquiring about the status of the discovery. A copy of the May 7, 2003, letter is attached hereto as Exhibit "C".

7. Plaintiff's counsel responded with a letter dated May 9, 2002 [sic], indicating that discovery responses were nearly complete and should be available within two weeks. A copy of this letter is attached hereto as Exhibit "D".

8. An excess of seven weeks have passed since plaintiff's counsel's May 9, 2002 [sic] letter. There have been no discovery responses forthcoming.

9. The discovery at issue requests information pertaining to the plaintiff, her medical history, her claimed damages, potential trial experts, documents related to the case, and various other matters pertaining to the parties, claims and damages alleged in this case.

10. The defendant is severely prejudice in its defense of this case by not having the requested information available.

WHEREFORE, defendant, DuBois Regional Medical Center, t/d/b/a DuBois Regional Medical Center Home Health Service, respectfully requests that this Court enter an Order compelling plaintiff to provide full, complete and verified responses to the outstanding discovery.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

*Michael A. Sosnowski*  
Atorneys for Defendant, DUBOIS REGIONAL  
MEDICAL CENTER i/t/d/b/a DUBOIS REGIONAL  
MEDICAL CENTER HOME HEALTH SERVICES  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D #:** 67207  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399

MIX 130 MH

OLGA WEBER : IN THE COURT OF COMMON PLEAS  
Plaintiff, : CLEARFIELD COUNTY, PA  
vs. : No. 02-~~246~~<sup>245</sup> CD  
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a :  
DUBOIS REGIONAL MEDICAL CENTER HOME :  
HEALTH SERVICE, : Defendants. : JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF GENERAL INTERROGATORIES, EXPERT INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFF DATED 8/2/02**

TO: PROTHONOTARY

You are hereby notified that on the **2nd** day of **AUGUST, 2002**, Defendant, DuBois Regional Medical Center i/t/d/b/a DuBois Regional Medical Center Home Health Service served General Interrogatories, Expert Interrogatories and Requests for Production of Documents Directed to Plaintiff Dated 8/2/02 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Beth A. Lazzara, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219

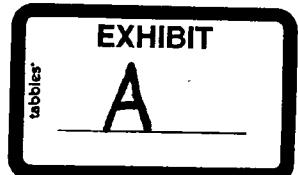
McINTYRE, DUGAS, HARTYE & SCHMITT

**FILED**

AUG 6 5 2002

William A. Shaw  
Prothonotary

Attorneys for Defendant, DUBOIS REGIONAL  
MEDICAL CENTER i/t/d/b/a DUBOIS REGIONAL  
MEDICAL CENTER HOME HEALTH SERVICES  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
**PA I.D #:** 67207  
P.O. Box 533  
Hollidaysburg, PA 16648  
PH: 814/696-3581  
FAX: 814/696-9399



LAW OFFICES  
**McINTYRE, DUGAS, HARTYE & SCHMITT**

JOHN L. McINTYRE  
STEPHEN L. DUGAS  
FRANK J. HARTYE  
LOUIS C. SCHMITT, JR.  
HEATHER A. HARRINGTON  
MICHAEL A. SOSNOWSKI

P. O. BOX 533  
HOLLIDAYSBURG, PA 16648-0533

—  
(814) 696-3581  
FAX (814) 696-9399  
www.mdhslaw.com

October 21, 2002

Our Reference: MIIX 130 MH

Beth A. Lazzara, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219

Re: Olga Weber vs. DuBois Regional Medical Center i/t/d/b/a DuBois Regional  
Medical Center Home Health Service  
No. 2002 – 245 CD (Clearfield County)

Dear Beth:

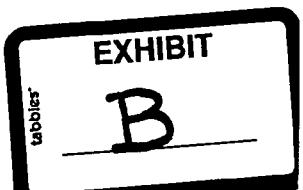
I directed Discovery to your attention on August 2, 2002. Please let me know when I can expect to receive responses.

Thank you.

Very truly yours,  
*Michael A. Sosnowski*

Michael A. Sosnowski

MAS:sir



LAW OFFICES  
**MCINTYRE, DUGAS, HARTYE & SCHMITT**

JOHN L. MCINTYRE  
STEPHEN L. DUGAS  
FRANK J. HARTYE  
LOUIS C. SCHMITT, JR.  
HEATHER A. HARRINGTON  
MICHAEL A. SOSNOWSKI

P. O. BOX 533  
HOLLIDAYSBURG, PA 16648-0533  
—  
(814) 696-3581  
FAX (814) 696-9399  
[www.mdhslaw.com](http://www.mdhslaw.com)

May 7, 2003

Our Reference: MIIX 130 MH

Beth A. Lazzara, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219

Re: Olga Weber vs. DuBois Regional Medical Center i/t/d/b/a DuBois Regional  
Medical Center Home Health Service  
No. 2002 – 245 CD (Clearfield County)

Dear Beth:

I hope this letter finds you well. I am writing to inquire about the status of my outstanding Interrogatories, Request for Production, etc. Would you please give me an idea when I can expect to receive full, complete and verified responses?

Thank you.

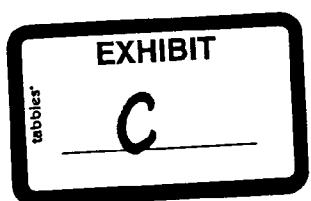
Very truly yours,

Michael A. Sosnowski

MAS:slh

bcc: Marge Kennis, Risk Management, DuBois Regional Medical Center

Kristine L. Moyles, RN, CPCU, ARe, MIIX Insurance Company  
Casefile No: 37779-01





# Goodrich, Goodrich & Lazzara, P.C.

---

Attorneys at Law

William F. Goodrich  
John P. Goodrich  
Beth A. Lazzara  
Joshua P. Geist  
Steven M. Barth

OF COUNSEL  
Nancy Z. Goodrich

SUITE 1400  
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429 FOURTH AVENUE  
PITTSBURGH, PA 15219

(412) 281-1455 • FAX (412) 232-4545 • 800-215-1455

GREENSBURG OFFICE  
(724) 834-5122

May 9, 2002

Michael A. Sosnowski, Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648-0533

In Re: Olga Weber vs. DuBois Regional Medical Center i/t/d/b/a DuBois Regional Medical Center Home Health Service

No. 2002-245 CD

Dear Mr. Sosnowski:

I deeply apologize for the delay in providing discovery responses to you on this case. I actually have a draft sitting on my desk in front of me. I believe that I will be able to get you the completed, final version within 2 weeks. My secretary is out on maternity leave, so I'm a little short-handed, but I think that this timeframe is more than reasonable.

Again, I am sorry for the delay. Should you have any questions at all, please don't hesitate to call me.

Sincerely,

  
Beth A. Lazzara

BAL/

2002-245 CD-1

EXHIBIT

tabbed

D

**FILED**

in 10:19 BA NOCC

JUL 08 2003

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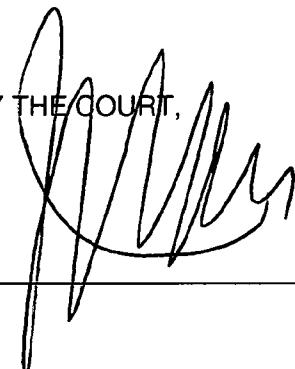
William A. Shaw  
Prothonotary

Olga Weber vs. DuBois Regional Medical Center, i/t/d/b/a 02-245-CD  
DuBois Regional Medical Center Home Health Service

**PROPOSED ORDER**

AND NOW, this 9<sup>th</sup> day of July, 2003, the Court having considered defendant's Motion to Compel Discovery Responses, it is hereby ordered that said Motion is granted. Accordingly, plaintiff shall provide full, complete and verified responses to defendant's outstanding General and Expert Interrogatories and Request for Production of Documents within twenty (20) days from the date of this Order.

BY THE COURT,



J.

**FILED**

JUL 09 2003

William A. Shaw  
Prothonotary

FILED

1cc

7/3/03  
JUL 6 2003

Atty Sosnowski  
En C.R.

William A. Shaw  
Secretary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION

OLGA WEBER

Plaintiff,

vs.

*245*  
No.: 02-246 CD

DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a  
DUBOIS REGIONAL MEDICAL CENTER HOME  
HEALTH SERVICE,

Defendants.

**ISSUE:**  
NOTICE OF DEPOSITION

Filed on behalf of DEFENDANTS

Counsel of Record for this Party:  
**MICHAEL A. SOSNOWSKI, ESQUIRE**  
PA ID# 67207  
McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581  
(814) 696-9399 – FAX

I CERTIFY THAT A TRUE AND CORRECT COPY  
OF THE WITHIN HAS BEEN SERVED ON ALL  
COUNSEL OF RECORD THIS 9<sup>TH</sup> DAY OF  
JUNE, 2004.

Michael A. Sosnowski  
Attorneys for Defendants

**FILED**

JUN 14 2004

William A. Shaw  
Prothonotary/Clerk of Courts

OLGA WEBER	:	IN THE COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY, PA
Plaintiff,	:	
vs.	:	No.: 02-246 CD
DUBOIS REGIONAL MEDICAL CENTER, I/t/d/b/a	:	
DUBOIS REGIONAL MEDICAL CENTER HOME	:	
HEALTH SERVICE,	:	
Defendants.	:	<b>JURY TRIAL DEMANDED</b>

**NOTICE OF DEPOSITION**

TO: Beth Lazzara, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219  
Counsel for Plaintiff

Please take notice that the deposition of Plaintiff, OLGA WEBER shall be taken upon oral examination by an official Court Reporter at the **DuBois Regional Medical Center, 100 Hospital Avenue, DuBois, PA** on the **23<sup>rd</sup> day of June, 2004**, commencing at **11:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

**McINTYRE, DUGAS, HARTYE & SCHMITT**

*Michael A. Sosnowski*  
Attorney for Defendants

Michael A. Sosnowski, Esquire  
PA I.D. #67207  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

FILED  
MAY 8 2004  
JUN 14 2004  
cc

*Shaw*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OLGA WEBER,

## CIVIL DIVISION

**Plaintiff,**

No. 2002-00245-CD

vs.

ISSUE NO.:

DUBOIS REGIONAL MEDICAL  
CENTER, i/t/d/b/a DUBOIS REGIONAL  
MEDICAL CENTER HOME HEALTH  
SERVICE.

## PRAECIPE TO SETTLE AND DISCONTINUE

Defendant.

**Civil Action/Code:**

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

Beth A. Lazzara, Esquire  
PA I. D. #62250

GOODRICH, GOODRICH  
& LAZZARA, P.C.  
1400 Law & Finance Building  
Pittsburgh, PA 15219  
(412) 281-1455

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

## CIVIL DIVISION

OLGA WEBER, )  
Plaintiff, ) No. GD 02-245-CD  
vs. ) Issue:  
DUBOIS REGIONAL MEDICAL ) JURY TRIAL DEMANDED  
CENTER, i/t/d/b/a DUBOIS REGIONAL )  
MEDICAL CENTER HOME HEALTH )  
SERVICE, )  
Defendant. )

## **PRAECIPE TO SETTLE AND DISCONTINUE**

TO: Prothonotary

SIR:

To settle, discontinue or satisfy--verdicts, judgments, executions, awards, decrees, equity, liens, counterclaims or crossclaims and plaintiff's case or as to garnishee only, D.S.B., M.L. & Claims.

**OTHERS:**

John J. Sauer  
Attorney for Plaintiff

I hereby certify that the foregoing is a true and correct statement of the above case.

This statement is made subject to the penalties of 18 PA. C.S. § 4904 relating to unsworn falsifications to authorities.

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

**CIVIL DIVISION**

**Olga Weber**

**Vs.**

**No. 2002-00245-CD**

**DuBois Regional Medical Center**

**DuBois Regional Medical Center Home Health Service**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA

County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 8, 2004, marked:

Discontinued, settled and ended.

Record costs in the sum of \$120.35 have been paid in full by Attorney Lazzara.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 8th day of November A.D. 2004.

---

William A. Shaw, Prothonotary

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

BILL OF COSTS

Olga Weber,

Vs. 2002-00245-CD

DuBois Regional Medical Center, DuBois  
Regional Medical Center Home Health Service, Total \$120.35

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$80.00	Writ of Summons	Attorney Lazzara
\$40.35	Sheriff's Return	Attorney Lazzara

Certified from the record this 8th day of November, 2004.

---

WILLIAM A. SHAW  
PROTHONOTARY