

02-746-CD
JOHN D. LUTTMAN etux -vs- SCOTT CASTEEL etal

Date: 3/26/2009

Clearfield County Court of Common Pleas

User: LMILLER

Time: 09:38 AM

ROA Report

Page 1 of 2

Case: 2002-00740-CD

Current Judge: Fredric Joseph Ammerman

John D. Luttman, et al vs. Scott Casteel, et al

Civil Other

Date		Judge
5/9/2002	X Filing: Praecipe for Writ of Summons Paid by: Luttman, Audrey L. (plaintiff) Receipt number: 1842299 Dated: 05/09/2002 Amount: \$80.00 (Check) Tw CC and Writs to Attorney	No Judge
5/20/2002	X Praecipe For Entry of Appearance on behalf of Defendant, SCOTT CASTEEL. s/Walter Fredrick Wall, Esq. Certificate of Service no cc 1 copy CA	No Judge
	X Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
	X Praecipe For Rule To File Complaint. Filed by s/Walter Fredrick Wall, Esq. Rule to Atty Wall	No Judge
5/24/2002	X Certificate of Service of Rule to File Complaint, upon: Eugene Reimbold, Esq. Filed by s/Walter Fredrick Wall, Esquire no cc	No Judge
6/28/2002	X Complaint In Civil Action. Filed by s/Eugene J. Reinbold, Esq. Verification s/John D. Luttman s/Audrey L. Luttman Certificate of Service 1 cc Atty Reinbold	No Judge
7/12/2002	X Preliminary Objections. Filed by s/Walter Fredrick Wall, Esq. Certificate of Service no cc	No Judge
	X Praecipe For Argument. Filed by s/Walter Fredrick Wall, Esq. no cc	No Judge
8/28/2002	X Filing: Certificate of Service of Request for Documents. No cc.	No Judge
	X Filing: Certificate of Service of Interrogatories. No cc.	No Judge
11/21/2002	X Motion To Compel Discovery. filed by s/Walter FRedric Wall, Esq. Certificate of Service Praecipe for Argument s/Walter Fredric Wall, Esq. no cc	John K. Reilly Jr.
	X ORDER OF COURT, NOW, this 21st day of November, 2002 re: 1. Count I John K. Reilly Jr. of the Complaint is stricken. 2. The following paragraphs, 22a, 22k, 22l are stricken. 3. The term "generally and" is stricken from pagagraph 22. 4. The terms "including, but not by way of limitation" is stricken from paragraph 23. by the Court, s/JKR,JR,P.J. 4 cc Atty Wall	
	X Stipulation Of Counsel. s/Eugene Reinbold, Esquire s/Walter Fredrick Wall, Esquire no cc	John K. Reilly Jr.
11/26/2002	X ORDER, NOW, this 25th day of November, 2002, Rule issued upon Plaintiffs, Rule Returnable the 27th day of December, 2002, at 10:00 a.m. by the Court, s/JKR,JR.,P.J. 2 cc Atty Wall w/Service Memo From Marcy	John K. Reilly Jr.
12/2/2002	X Certificate of Service, Rule Returnable on the Motion to Compel Discovery upon EUGENE REINBOLD, ESQUIRE filed by s/Walter Fredrick Wall, Esq. no cc	John K. Reilly Jr.
12/9/2002	X Certificate of Service, Order of Court Dated 21st day of November, 2002, served upon EUGENE REINBOLD, ESQUIRE. filed by s/Walter Fredrick Wall, Esquire no cc	John K. Reilly Jr.
12/18/2002	X Answer and New Matter to Plaintiffs' Complaint Filed on Behalf of Defendan Scott Casteel, D.C. filed by s/Walter Fredrick Wall, Esquire Verification s/Scott Casteel, D.C. Certificate of Service no cc	John K. Reilly Jr.
12/23/2002	X Answer To Motion to Compel Discovery. filed by s/Eugene J. Reinbold, Esquire Certificate of Service no cc	John K. Reilly Jr.
	X Filing: Praecipe to withdraw Defendant's Motion to Compel. No cc.	John K. Reilly Jr.



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

November 24, 2003

Valerie Rosenbluth Park, Esquire
Attorney at Law
25 East State Street
Doylestown, PA 18901

Chris A. Pentz, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

RE: CITIBANK (SOUTH DAKOTA) N.A.
vs.
LEO D. BUSH
No. 01-1785-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Thursday, January 15, 2004 at 1:00 P.M.** The following have been appointed as Arbitrators:

Michael P. Yeager, Esquire, Chairman
Richard H. Milgrub, Esquire
Mark A. Falvo, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court

Very truly yours,

Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: Michael P. Yeager, Esquire
Richard H. Milgrub, Esquire
Mark A. Falvo, Esquire

Date: 3/26/2009

Clearfield County Court of Common Pleas

User: LMILLER

Time: 09:38 AM

ROA Report

Page 2 of 2

Case: 2002-00740-CD

Current Judge: Fredric Joseph Ammerman

John D. Luttman, et al vs. Scott Casteel, et al

Civil Other

Date		Judge
6/16/2003	X Notice of Deposition of Plaintiffs, JOHN D. LUTTMAN and AUDREY L. LUTTMAN on Thursday, July 17, 2003 at 11:00 a.m. filed by s/Walter Fredrick Wall, Esquire no cc	John K. Reilly Jr.
8/15/2003	X Certificate of Service of Defendant's Interrogatories and Request for Production of Documents. No CC	John K. Reilly Jr.
9/3/2003	X Certificate of Service, Defendants' Interrogatories and Request For Production of Documents Directed to Plaintiffs - Third Set upon: Eugene Reinbold, Esquire filed by s/Mary Lou Maierhofer, Esquire no cc	John K. Reilly Jr.
10/18/2007	X Notice of Proposed Termination of Court Case, mailed to parties (see Original), filed.	John K. Reilly Jr.
12/17/2007	X Statement of Intention to Proceed, filed by Atty. Reinbold no cert. copies.	John K. Reilly Jr.
8/14/2008	X Praecipe for Entry of Appearance/Praecipe for Withdrawal of Appearance, filed. On behalf of Defendants, Scott Casteel t/d/b/a Casteel Chiropractic Center, Scott Casteel, individually, and Casteel Chiropractic Center, a partnership or similar entity, enter appearance of Mary Lou Maierhofer, Esquire, and withdraw appearance of Meyer, Darragh, Buckler, Bebenek & Eck, PLLC and Daniel C. Lawson, Esquire. No CC, copy to C/A	John K. Reilly Jr.
2/18/2009	X Certificate of Service, filed. That on the 16th day of February 2009, a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiffs-Fourth Set was served upon Eugene Reinbold Esq., by U.S. Mail, filed by s/ Mary Lou Maierhofer Esq. No CC.	John K. Reilly Jr.
2/19/2009	X Praecipe For Status Conference, filed by s/ Mary Lou Maierhofer, Esquire. No CC	John K. Reilly Jr.
2/23/2009	X Rule Returnable, NOW, this 23rd day of February, 2009, Status Conference to be held the 30th day of March, 2009, at 10:30 a.m. BY THE COURT: s/Fredric J. Ammerman, P.J. One CC Attorney Maierhofer	Fredric Joseph Ammerman
3/2/2009	X Certificate of Service, filed. That on the 27th day of February 2009 served a Certificate of Service for Rule Returnable dated February 23, 2009 upon Eugene Reinbold Esq by mailing a true and correct copy by first class mail, filed by s/Mary Lou Maierhofer Esq. No CC.	Fredric Joseph Ammerman

ARBITRATION CASES – JUNE 14, 2004

8:30

BMP SYSTEMS, INC., a duly
formed and existing Pennsylvania
Corporation

vs.

BIERLY'S OFFICE EQUIPMENT, INC.
No. 03-1864-CD

Theron G. Noble, Esquire

James N. Bryant, Esquire

Arbitrators:

Carl A. Belin, Jr., Esquire, Chairman
J. Richard Lhota, Esquire
Michael S. Marshall, Esquire

1:00

MERRILL JONES and RUTH
JONES, his wife, and JONES
AUTO SALVAGE, a/k/a JONES
SALVAGE

vs.

MICHAEL TREJO
No. 02-1456-CD

Girard Kasubick, Esquire

Philip L. Zulli, Esquire

Arbitrators:

Carl A. Belin, Jr., Esquire, Chairman
J. Richard Lhota, Esquire
Michael S. Marshall, Esquire

Non Jury Trial

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

**JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,**

Case No.: 02-740-CJ

Plaintiffs,

vs.

**SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,**

Type of Pleading:

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

Defendants.

**Filed on Behalf of:
Plaintiffs**

Counsel of Record for this Party:

**Eugene J. Reinbold, Esquire
PA I.D.#: 00938**

**2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(412) 220-9650**

FILED

MAY 09 2002

**William A. Shaw
Prothonotary**

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

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,
his wife,

Case No.:

Plaintiffs,

vs.

SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Defendants.

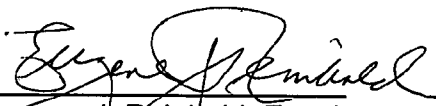
**PRAECIPE FOR
WRIT OF SUMMONS IN CIVIL ACTION**

TO: Prothonotary, Clearfield County,

Sir:

Kindly issue a Writ of Summons in Civil Action in the above-captioned matter.

Respectfully submitted:


Eugene J. Reinbold, Esquire
Attorney for Plaintiffs
PA ID#: 00938

2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(412) 220-9650

2

FILED

MAY 09 2002

9/11/17 a.m.

William A. Shaw
Prothonotary

Shaw (2) cc to all
and units

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

SUMMONS

**John D. Luttman
Audrey L. Luttman**

Vs.

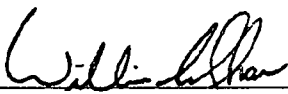
NO.: 2002-00740-CD

**Scott Casteel, trading and doing business as
Casteel Chiropractic Center, Scott Casteel individually, and Castteel Chiropractic Center,
a partnership or similar entiry**

**TO: SCOTT CASTEEL
CASTEEL CHIROPRACTIC CENTER**

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: 05/09/2002



William A. Shaw
Prothonotary

Issuing Attorney:
Eugene J. Reinbold, Esq.
2600 Boyce Plaza Road
Suite 119
Pittsburgh, Pa. 15241

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on Behalf of Defendant, Scott
Casteel

Counsel of Record for this Party:

WALTER FREDRICK WALL, ESQUIRE
PA. I.D. #23657

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.
120 Lakemont Park Blvd.
Altoona, PA 16602

Telephone No.: (814) 941-4600
Fax No.: (814) 941-4605

FILED

MAY 20 2002
m/130/1 copy CA
William A. Shaw
Prothonotary

no cc



WFW/msp/PRINCE-104797

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

PRAECIPE FOR ENTRY OF APPEARANCE

Please enter the appearance of Walter Fredrick Wall, Esquire of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC on behalf of Defendant, Scott Casteel, in the above captioned matter.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:



WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, Scott Casteel

120 Lakemont Park Boulevard

Altoona, PA 16602

Phone No.: (814) 941-4600

ID # 23657


CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Walter Fredrick Wall, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that on this **16th day of May, 2002**, I have served the foregoing Praecipe for Entry of Appearance on behalf of Defendant, Scott Casteel, upon all counsel/parties of record, by mailing a true and correct copy of same by United States first class mail, postage prepaid as follows:

*Eugene Reimbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)*

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12511

LUTTMAN, JOHN D. & AUDREY L.

02-740-CD

VS.

CASTEEL, SCOTT t/d/b/a CASTELL CHIROPRACTIC CENTER

SUMMONS

SHERIFF RETURNS

NOW MAY 10, 2002 AT 10:35 AM DST SERVED THE WITHIN SUMMONS ON
SCOTT CASTEEL IND. & T/D/B/A CASTEEL CHIROPRACTIC CENTER,
DEFENDANT AT EMPLOYMENT, 10 NORTH MAIN ST., DUBOIS, CLEARFIELD
COUNTY, PENNSYLVANIA BY HANDING TO BRIDGET RUBRITZ, SECRETARY A
TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO
HER THE CONTENTS THEREOF.
SERVEDBY: COUDRIET/RYEN

NOW MAY 10, 2002 AT 10:35 AM DST SERVED THE WITHIN SUMMONS ON
CASTEEL CHIROPRACTIC CENTER, DEFENDANT AT EMPLOYMENT, 10 NORTH
MAIN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
BRIDGET RUBRITZ, SEC. A TRUE AND ATTESTED COPY OF THE ORIGINAL
SUMMONS AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET/RYEN

Return Costs

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

FILED

MAY 20 2002

01323
William A. Shaw
Prothonotary

Sworn to Before Me This

20th Day Of May 2002

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

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

WFW/msp/PRINCE-104797

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please enter a Rule upon the Plaintiffs, JOHN D. LUTTMAN and AUDREY L. LUTTMAN, to file a Complaint in the above-captioned matter within twenty (20) days of the date of service of said Rule.

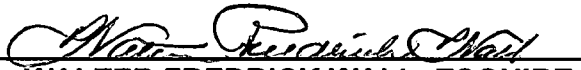
MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

FILED

MAY 20 2002

William A. Shaw
Prothonotary

BY:


WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

DATE: May 16, 2002

FILED

MAY 20 2002

MAY 20 2002

Rule to set back

William A. Shaw

Prothonotary

[Signature]

COPY

WFW/msp/PRINCE-104797

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

RULE

AND NOW, this 20th day of May, 2002, upon consideration of the foregoing Praecipe and on Motion of Walter Fredrick Wall, Esquire, Counsel for the Defendant, a Rule is granted on the Plaintiffs to file their Complaint Sec. Leg within twenty (20) days of service of said Rule, or Judgment of Non Pros may be entered.



Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

You are hereby notified that on the 22nd day of May, 2002, Defendant, Scott Casteel, by his Counsel, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, served a Rule upon Plaintiffs, JOHN D. LUTTMAN and AUDREY L. LUTTMAN, by mailing the original of same first-class mail, postage prepaid as follows:


*Eugene Reimbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)*

FILED

MAY 24 2002

William A. Shaw
Prothonotary

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

RULE

AND NOW, this 20th day of May, 2002, upon consideration of the foregoing Praecipe and on Motion of Walter Fredrick Wall, Esquire, Counsel for the Defendant, a Rule is granted on the Plaintiffs to file their Complaint Sec. Leg within twenty (20) days of service of said Rule, or Judgment of Non Pros may be entered.



Prothonotary

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

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,

Case No.: 02-740-CD

Plaintiffs,

vs.

SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Type of Pleading:

COMPLAINT IN CIVIL ACTION

Defendants.

Filed on Behalf of:
Plaintiffs

Counsel of Record for this Party:

Eugene J. Reinbold, Esquire
PA I.D.#: 00938

2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(412) 220-9650

FILED

JUN 28 2002

011155/111111 Reinbold
William A. Shaw
Prothonotary EJS

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

**JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,**

Case No.: 02-740-CD

Plaintiffs,

vs.

**SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,**

Defendants.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Plaintiff's Complaint is served, by entering a written appearance personally or by objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

**David Meholic, Court Administrator
Clearfield County Courthouse
Clearfield, Pennsylvania 16830
(814) 765-2641 x 1303**

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

**JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,**

Case No.: 02-740-CD

Plaintiffs,

vs.

**SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,**

Defendants.

COMPLAINT IN CIVIL ACTION

AND NOW come Plaintiffs, by and through their attorney, Eugene J. Reinbold, Esquire
and files the following Complaint against the within named Defendants to recover damages upon
cause of action whereof the following are statements:

**COUNT I.
CHIROPRACTIC NEGLIGENCE**

**JOHN D. LUTTMAN v. SCOTT CASTEEL, trading and doing business as
CASTEEL CHIROPRACTIC CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER, a partnership or similar entity**

- 1. Plaintiffs are individuals residing in Clearfield County, Pennsylvania and are husband and wife.**
- 2. Defendant, Scott Casteel, is an individual duly licensed to practice chiropractic medicine in the Commonwealth of Pennsylvania with a place of business at 10 North Main Street, Dubois, Clearfield County, Pennsylvania.**
- 3. The Defendant, Scott Casteel, at all times pertinent hereto traded and did business as Casteel Chiropractic Center.**

4. In the alternative, the Defendant, Scott Casteel is a member of Casteel Chiropractic Center, a partnership or other similar entity.

5. At all pertinent times set forth herein, the term "Defendant" shall refer to Defendant Casteel and Defendant Casteel Chiropractic Center.

6. The events hereinafter complained of occurred in or about the months of May and June, 2000.

7. On or about May 4, 2000, Husband-Plaintiff, an employee of United Parcel Service, injured his low back, hip and leg in a work-related mishap.

8. Husband-Plaintiff sought and received medical care and treatment for the work-related injury and subsequently, in mid-May 2000, saw the Defendant, Scott Casteel for a chiropractic treatment for pain in his low back for the injuries sustained on May 4, 2000.

9. The Defendant, Scott Casteel, took x-rays of Husband-Plaintiff's neck and back, although Husband-Plaintiff was not experiencing neck pain.

10. Although Husband-Plaintiff had not complained of any neck pain Defendant and another servant, agent and employee of Casteel Chiropractic Center, performed manipulations upon Husband-Plaintiff's neck, as well as his back.

11. On or about May 15, 2000, Husband-Plaintiff returned to Defendant Casteel for further manipulations and adjustments.

12. At that time, Husband-Plaintiff experienced an odd sensation in his leg and under his right arm and felt warm and sweaty.

13. Husband-Plaintiff continued to seek further medical treatment, although he believes that an MRI was negative.

14. On or about June 10, 2000, Husband-Plaintiff again saw Defendant Casteel who adjusted Husband-Plaintiff's neck and back. After the treatment, Husband-Plaintiff experienced loss of use of his left side.

15. Husband-Plaintiff later returned to Defendants and received additional spinal adjustments by a servant, agent or employee of the Defendants.

16. On or about June 11, 2000, Husband-Plaintiff experienced further medical problems which caused him to lose his balance and fall to the floor.

17. Husband-Plaintiff subsequently was taken to a hospital in Dubois, Pennsylvania where he was admitted.

18. Husband-Plaintiff was then subsequently referred to physicians in Pittsburgh, Allegheny County, Pennsylvania who performed additional tests upon Husband-Plaintiff.

19. Husband-Plaintiff was advised by physicians in Pittsburgh that Husband-Plaintiff had suffered at least two strokes with other related medical problems.

20. Husband-Plaintiff remained in Presbyterian University Hospital in Pittsburgh for four days at which time he received various medications including various blood-thinning medications.

21. While in Pittsburgh, Husband-Plaintiff learned for the first time that Husband-Plaintiff's medical condition was caused by the actions of Defendant Casteel, his servants, agents and employees.

22. The injuries which Husband-Plaintiff sustained were the direct and proximate result of the negligence and carelessness of Defendants, their servants, agents and employees generally and in the following particulars:

- a. In using faulty, incompetent and negligent chiropractic procedures in manipulating Husband-Plaintiff's neck and spine;

- b. In manipulating and treating Husband-Plaintiff's cervical spine when his physical complaints were directed to his lower back area;**
- c. In performing unnecessary cervical manipulation;**
- d. In failing to properly diagnose the medical problems which Husband-Plaintiff experienced after the aforesaid manipulations and in continuing to perform the same chiropractic procedures upon Husband-Plaintiff;**
- e. In failing to become and remain adequately informed of the fact that cervical manipulation can cause a stroke;**
- f. In manipulating Husband-Plaintiff's cervical spine when Defendant Casteel knew or should have known that said manipulation was unnecessary and contraindicated of Husband-Plaintiff's medical condition;**
- g. In failing to properly determine Husband-Plaintiff's actual medical condition before performing, and continuing to perform the chiropractic procedures;**
- h. In continuing to treat Husband-Plaintiff when he complained of symptoms which were indicative of medical problems which chiropractic procedures could not correct or remedy.**
- i. In failing to recommend medical treatment for Husband-Plaintiff when Defendant Casteel knew or should have known that Husband-Plaintiff's complaints were not related to the work-related injury;**
- j. In performing the aforesaid chiropractic procedures on Husband-Plaintiff in such a negligent manner to be a contributing factor to or caused Husband-Plaintiff's strokes;**
- k. In hiring unqualified or inexperienced personnel and permitting said personnel to treat patients including Husband-Plaintiff.**
- l. In failing to exercise a degree of care required under the circumstances.**

23. As a direct and proximate result of the careless and negligent actions and omissions of the Defendant Casteel and his servants, agents and employees, Husband-Plaintiff has been damaged in many respects and has sustained various injuries, including, but not by way of limitation the following:

- a. **Husband-Plaintiff has been required to be hospitalized on various occasions;**
- b. **Husband-Plaintiff has been required to undergo extensive medical tests which would otherwise have been unnecessary;**
- c. **Husband-Plaintiff has suffered at least two strokes;**
- d. **Husband-Plaintiff has suffered a left-sided hemiparesis;**
- e. **Husband-Plaintiff has suffered diminished sensation in the right arm, trunk and leg;**
- f. **Husband-Plaintiff has suffered possible dissection of the left vertebral artery;**
- g. **Husband-Plaintiff has suffered and will continue to suffer sever pain, humiliation, embarrassment, discomfort, inconvenience and mental anguish;**
- h. **Husband-Plaintiff's general health has been adversely affected;**
- i. **Husband-Plaintiff has been subjected to the expense of additional and extensive hospitalization, medical care, nursing care, medication and medical supplies;**
- j. **Husband-Plaintiff has been incapacitated and unable to perform his normal duties and has been unable to enjoy his normal avocations;**
- k. **Husband-Plaintiff's earning power has been impaired and diminished.**

WHEREFORE, Husband-Plaintiff demands judgment against Defendants in an amount in excess of the jurisdictional limits of arbitration in Clearfield County.

A jury trial is demanded.

**COUNT II.
LACK OF INFORMED CONSENT**

**JOHN D. LUTTMAN, Husband-Plaintiff v. SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC CENTER, SCOTT CASTEEL
individually, and CASTEEL CHIROPRACTIC CENTER, a partnership or similar entity**

23. Paragraphs 1 through 22 are hereby incorporated by reference thereto as if the same were fully and completely set forth herein.

24. At no time prior to the dates when the chiropractic procedures were performed on Husband-Plaintiff by Defendant Casteel, his servants, agents and employees, did Defendants advise Husband-Plaintiff of the risk of said chiropractic procedures or the possibility that strokes might result from said chiropractic procedures or the necessity of various medical procedures and hospitalizations and Husband-Plaintiff never gave his knowing, informed consent for the original and subsequent chiropractic procedures performed on him.

WHEREFORE, Husband-Plaintiff demands judgment against Defendant in an amount in excess of the jurisdictional limits of arbitration in Clearfield County, Pennsylvania.

A jury trial is demanded.

**COUNT III.
LOSS OF CONSORTIUM**

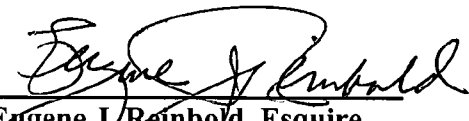
**AUDREY L. LUTTMAN, Wife-Plaintiff v. SCOTT CASTEEL, trading and doing business
as CASTEEL CHIROPRACTIC CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER, a partnership or similar entity**

25. By reference thereto, Wife-Plaintiff incorporated the averments in Paragraphs 1 through 24 as though the same were fully and completely set forth herein.

26. As a result of the negligence and carelessness of the Defendant and his servants, agents and employees, Wife-Plaintiff has been deprived of the care, comfort, society and consortium of Husband-Plaintiff for which she demands damages.

WHEREFORE, Wife-Plaintiff's demands judgment against Defendant in an amount in excess of the jurisdictional limits of arbitration in Clearfield County, Pennsylvania.

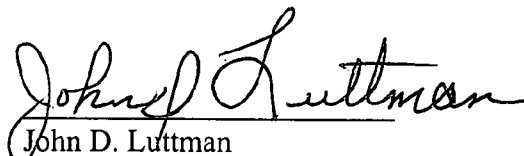
Respectfully submitted:

By: 
Eugene J. Reinbold, Esquire
Attorney for Plaintiffs

VERIFICATION

I, John D. Luttman, one of the Plaintiffs herein, do verify that the averments set forth in the foregoing COMPLAINT are true and correct based on my knowledge, information and belief.

I understand that false statements herein are made subject to penalty of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

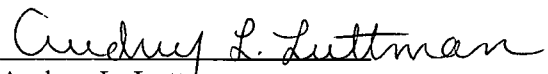

John D. Luttman
Plaintiff

DATE: 22 JUNE 2012

VERIFICATION

I, Audrey L. Luttman, one of the Plaintiffs herein, do verify that the averments set forth in the foregoing COMPLAINT are true and correct based on my knowledge, information and belief.

I understand that false statements herein are made subject to penalty of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.



Audrey L. Luttman
Plaintiff

DATE: 6-22-02

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached
COMPLAINT IN CIVIL ACTION was served on the following counsel of record by U.S. First-
Class Mail, postage prepaid on this 28th day of June, 2002 as follows:

Walter Fredrick Wall, Esquire
Meyer Darragh Buckler Bebenek & Eck, P.L.L.C.
120 Lakemont Park Boulevard
Altoona, PA 16602


Eugene J. Reinbold, Esquire
Attorney for Plaintiffs

NDC/eph/PRINCE-104797

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

FILED

JUL 12 2002

mla:02/noc

William A. Shaw

Prothonotary

Est

PRELIMINARY OBJECTIONS

NOW COMES, Defendant, Scott Casteel, by and through his counsel, Meyer, Darragh Buckler, Bebenek & Eck, PLLC and files the following Preliminary Objections to Plaintiffs' Complaint.

I. DEMURRER TO COUNT II

1. Count II, asserts a claim for lack of informed consent.
2. Under current statutory and case law in Pennsylvania, a cause of action against a chiropractor for failure to obtain informed consent before performing non-surgical procedures will not lie as a matter of law.

WHEREFORE, Defendant, Scott Casteel requests that Count II of Plaintiffs' Complaint be dismissed for failure to state a cause of action.

II. MOTION TO STRIKE

3. Plaintiffs' Complaint, in particular, ¶22a, ¶22k, and ¶22l contains conclusionary

IV. MOTION FOR MORE SPECIFIC PLEADINGS

9. Plaintiffs' Complaint contains vague, general and boilerplate allegations which fail to set forth material facts in a concise and summary form as required by Pa.R.C.P. §1019(a) in the case law of this Commonwealth.

WHEREFORE, Defendant, Scott Casteel requests this Honorable Court direct Plaintiffs to file a more specific pleading.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:


WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

NDC/eph/PRINCE-104797

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

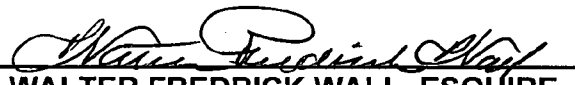
CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

You are hereby notified that on the 11th day of July, 2002, Defendant, Scott Casteel, by his Counsel, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, served Preliminary Objections upon Plaintiffs, JOHN D. LUTTMAN and AUDREY L. LUTTMAN, by mailing the original of same first-class mail, postage prepaid as follows:

Eugene Reimbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

FILED

JUL 12 2002

m/a: 021 noc

William A. Shaw
Prothonotary *WAS*

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY:

Kindly list the Preliminary Objections filed by the Defendant, Scott Casteel, on the
next available Argument Court list.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, Scott Casteel

120 Lakemont Park Boulevard

Altoona, PA 16602

Phone No.: (814) 941-4600

ID # 23657

Date: July 11, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

CERTIFICATE OF SERVICE

I, WALTER F. WALL, ESQUIRE, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, hereby certify that on the 27th day of AUGUST, 2002, a true and correct copy of the Request for Production of Documents Directed to Plaintiffs on behalf of Defendant, Scott Casteel, was served upon Counsel for Plaintiffs, with a copy to all Counsel of Record by U.S. Mail, postage prepaid, addressed as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:



WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant, Scott Casteel

120 Lakemont Park Boulevard

Altoona PA 16602

(814) 941-4600

ID# 23657

FILED

AUG 28 2002

William A. Shaw
Prothonotary

WILLIAM A. SHAW

PROTHONOTARY

William A. Shaw
Prothonotary

FILED
JUL 23 2002

cc.

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JUL 23 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD


CERTIFICATE OF SERVICE

I, WALTER F. WALL, ESQUIRE, of the Law Firm of MEYER, DARRAGH,
BUCKLER, BEBENEK & ECK, hereby certify that on the 27th day of AUGUST,
2002, a true and correct copy of the Interrogatories Directed to Plaintiffs on behalf of
Defendant, Scott Casteel, was served upon Counsel for Plaintiffs, with a copy to all
Counsel of Record by U.S. Mail, postage prepaid, addressed as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:


WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
I.D. #23657

FILED

2002 AUG 28

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

TYPE OF DOCUMENT

Motion to Compel Discovery

FILED ON BEHALF OF

Scott Casteel, D.C.
Defendant

COUNSEL FOR DEFENDANT

Walter Fredrick Wall, Esquire
Pennsylvania ID #23657

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600

FILED

NOV 21 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

ORDER

AND NOW, this _____ day of _____, 200____, upon consideration of the foregoing Motion to Compel Discovery, it is hereby ORDERED, DIRECTED and DECREED that Plaintiffs must provide to counsel for Defendant, Scott Casteel, D.C., full and complete responses without objection to the outstanding Request for Production of Documents as well as answers to the Interrogatories within fifteen (15) days of the date of this order.

It is further ORDERED, DIRECTED and DECREED that Plaintiffs are to pay costs and counsel fees to Defendant for Plaintiffs' failure to timely respond to the outstanding discovery in the amount of \$ _____.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

PRAECIPE FOR ARGUMENT


TO THE PROTHONOTARY:

Kindly list the Motion to Compel Discovery of Defendant, Scott Casteel, D.C., on the
next available Argument Court list.

Respectfully submitted,

MEYER, DARRAGH, BUCKLER, BEBENEK &
ECK, PLLC

BY:


Walter Fredrick Wall, Esquire
Counsel for Defendant, Scott Casteel, D.C.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
Pennsylvania ID #23657

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

MOTION TO COMPEL DISCOVERY

NOW COMES Defendant, Scott Casteel, D.C., by and through his counsel, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, and files this Motion to Compel Discovery, of which the following is a statement:

1. Plaintiffs, John D. Luttman and Audrey L. Luttman, commenced this medical malpractice action by filing a Writ of Summons on or about May 9, 2002.
2. Plaintiffs filed their Complaint on or about June 22, 2002.
3. On or about August 27, 2002, a Request for Production of Documents Directed to Plaintiffs and Interrogatories Directed to Plaintiffs were served by Defendant upon Plaintiffs by mailing the same via United States First Class Mail, postage prepaid and addressed as follows:

John D. Luttman and Audrey L. Luttman
c/o Eugene Reinbold, Esquire
2600 Boyce Plaza Road, Suite 119
Pittsburgh, PA 15201

4. Plaintiffs have failed to respond to the Request for Production of Documents and Interrogatories within thirty (30) days as required by the Pennsylvania Rules of Civil Procedure.

5. By letter dated October 29, 2002 (a copy of which is marked as Exhibit "A" and attached hereto), Plaintiff's counsel indicated that answers to the discovery requests would be provided no later than November 12, 2002.

6. Plaintiffs have refused and/or failed to answer the outstanding discovery requests.

7. Plaintiffs' failure and/or refusal to respond to the outstanding Request for Production of Documents and to answer the Interrogatories is prejudicial to Defendant.

8. Because Plaintiffs have not responded to the outstanding discovery requests by November 12, 2002, as indicated by Plaintiffs' counsel, Defendant has had to incur the cost of filing this Motion to Compel, unnecessarily.

WHEREFORE, Defendant, Scott Casteel, D.C., prays this Honorable Court enter an order:

1. compelling Plaintiffs to provide full and complete responses without objection to the outstanding Request for Production of Documents and answers to the Interrogatories within fifteen (15) days of the date of said order;

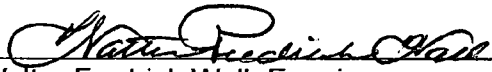
2. awarding attorney's fees against Plaintiffs in favor of Defendant for the costs and counsel fees made necessary by the failure of Plaintiffs to respond to the outstanding discovery; and

3. any other relief deemed appropriate by this Honorable Court.

Respectfully submitted,

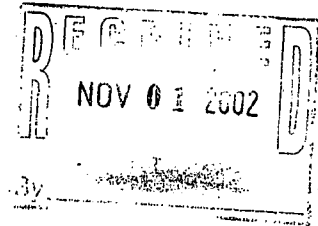
MEYER, DARRAGH, BUCKLER, BEBENEK &
ECK, PLLC

BY:


Walter Fredrick Wall, Esquire
Counsel for Defendant, Scott Casteel, D.C.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
Pennsylvania ID #23657

EUGENE J. REINHOLD
ATTORNEY AT LAW
2600 BOYCE PLAZA ROAD - SUITE 119
PITTSBURGH, PENNSYLVANIA 15241

TELEPHONE: (412) 220-9650
TELEFAX: (412) 220-0166



October 29, 2002

Walter Fredrick Wall, Esquire
Meyer Darragh Buckler Bebenek & Eck, P.L.L.C.
120 Lakemont Park Boulevard
Altoona, PA 16602

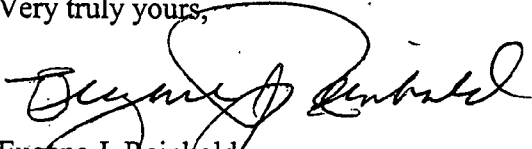
Re: Luttman v. Casteel, et al.
(Clearfield County No.: 2002-00740-CD
Your File No.: PRINCE-104797

Dear Mr. Wall:

I anticipate that I will have answers to your discovery requests no later than November 12, 2002. I trust that this is satisfactory.

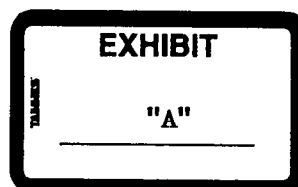
If you should have any further questions, please don't hesitate to contact me.

Very truly yours,



Eugene J. Reinhold

EJR/ka



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

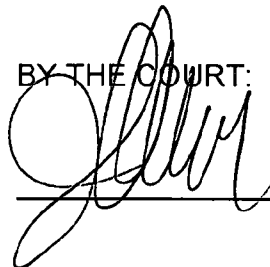
ORDER OF COURT

NOW THIS 2nd day of November, 2002, in accordance with a
Stipulation attached hereto by counsel for all parties in the above-captioned matter, the
Court does hereby ORDER, DIRECT and DECREE:

1. Count II to the Complaint is stricken.
2. The following paragraphs, 22a, 22k, 22l are stricken.
3. The term "generally and" is stricken from paragraph 22.
4. The terms "including, but not by way of limitation" is stricken
from paragraph 23.

In light of the above, the Preliminary Objections filed by the Defendants are
withdrawn and Defendants shall file an Answer and New Matter to the Complaint in
accordance with the above within thirty (30) days of this date.

BY THE COURT:



P.J.

FILED

NOV 21 2002

William A. Shaw
Prothonotary

FILED

8/21/07
NOV 21 2007

4cc

Att'y Wood

efo

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

STIPULATION OF COUNSEL

NOW COME the undersigned as counsel of record in the above-captioned matter and in regard to the Preliminary Objections filed on behalf of the Defendants, do hereby agree as follows:


1. Count II to the Complaint is stricken.
2. The following paragraphs, 22a, 22k, 22l are stricken.
3. The term "generally and" is stricken from paragraph 22.
4. The terms "including, but not by way of limitation" is stricken from paragraph 23.

FILED

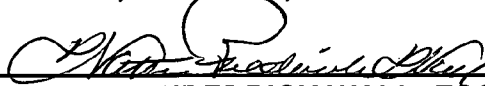
NOV 21 2002

William A. Shaw
Prothonotary

5. In light of the above Stipulations of Preliminary Objections filed by the Defendants herein are upon approval by this Court withdrawn.

BY: 
EUGENE REINBOLD, ESQUIRE
Counsel for Plaintiffs
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
Phone: (412) 220-9650
I.D. # _____

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendants
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone: (814) 941-4600
ID # 23657

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

JOHN D. LUTTMAN and AUDREY
L. LUTTMAN

vs.

No. 02-740-CD

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity

ORDER

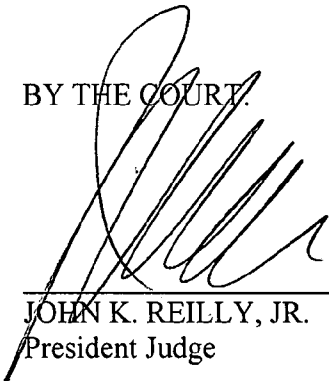
NOW, this 25th day of November, 2002, upon consideration of
Defendants' Motion to Compel Discovery, a Rule is hereby issued upon Plaintiffs to
Appear and Show Cause why the Motion should not be granted. Rule Returnable is
scheduled the 27th day of December, 2002, at 10:00 A.M. in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT.

FILED

NOV 26 2002

William A. Shaw
Prothonotary



JOHN K. REILLY, JR.
President Judge

FILED

9/10/56 ~~834~~
NOV 20 2002

2cc

Atty Wadell

cc service memo from Macy

William A. Shaw
Prothonotary

WAS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

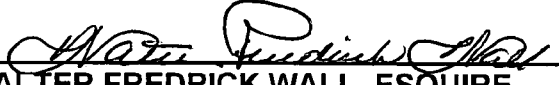
CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of November, 2002, a true and correct copy of Rule Returnable on the Motion to Compel Discovery was served upon counsel of record by first class U.S. mail, postage prepaid as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:


WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel, D.C.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
ID# 23657

FILED

DEC 02 2002

William A. Shaw
Prothonotary

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

JOHN D. LUTTMAN and AUDREY
L. LUTTMAN

vs.

No. 02-740-CD

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity

ORDER

NOW, this 25th day of November, 2002, upon consideration of
Defendants' Motion to Compel Discovery, a Rule is hereby issued upon Plaintiffs to
Appear and Show Cause why the Motion should not be granted. Rule Returnable is
scheduled the 27th day of December, 2002, at 10:00 A.M. in
Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

/s/ JOHN K. REILLY, JR.

JOHN K. REILLY, JR.
President Judge

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

NOV 28 2002

Attest.

[Signature]
Prothonotary/
Clerk of Courts

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Walter Fredrick Wall, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that on this ____ **day of December, 2002**, I have served the foregoing Order of Court on behalf of Defendant, Scott Casteel, upon all counsel/parties of record, by mailing a true and correct copy of same by United States first class mail, postage prepaid as follows:

*Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)*

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:

Walter Fredrick Wall
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant, Scott Casteel
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

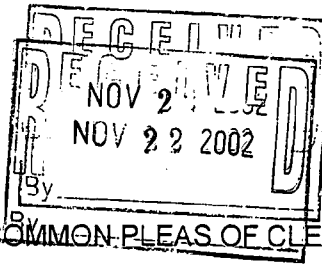
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DEC 09 2002

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William A. Shaw
Prothonotary

no c/c.



COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

ORDER OF COURT

NOW THIS 21st day of November, 2002, in accordance with a
Stipulation attached hereto by counsel for all parties in the above-captioned matter, the
Court does hereby ORDER, DIRECT and DECREE:

1. Count II to the Complaint is stricken.
2. The following paragraphs, 22a, 22k, 22l are stricken.
3. The term "generally and" is stricken from paragraph 22.
4. The terms "including, but not by way of limitation" is stricken
from paragraph 23.

In light of the above, the Preliminary Objections filed by the Defendants are
withdrawn and Defendants shall file an Answer and New Matter to the Complaint in
accordance with the above within thirty (30) days of this date.

BY THE COURT:

/s/ John K. Reilly, Jr.

P.J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

TYPE OF DOCUMENT

Answer and New Matter to Plaintiffs'
Complaint

FILED ON BEHALF OF

Scott Casteel, D.C.
Defendant

COUNSEL FOR DEFENDANT

Walter Fredrick Wall, Esquire
MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, PLLC
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600

FILED

DEC 18 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

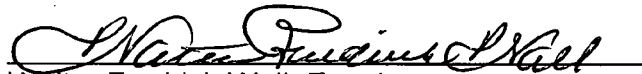
No. 2002-00740-CD

NOTICE TO PLEAD

In Accordance with Rules 1026 and 1361 of the Pennsylvania Rules of Civil Procedure, you are hereby notified to plead to the within Answer and New Matter to Plaintiffs' Complaint Filed on Behalf of Defendant, Scott Casteel, D.C., within twenty (20) days from service hereof or a Default Judgment may be entered against you.

MEYER, DARRAGH, BUCKLER, BEBENEK &
ECK, PLLC

BY:



Walter Fredrick Wall, Esquire
Counsel for Defendant, Scott Casteel, D.C.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
Pennsylvania ID #23657

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

**ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT
FILED ON BEHALF OF DEFENDANT, SCOTT CASTEEL, D.C.**

NOW COMES Defendant, Scott Casteel, D.C., by and through his counsel, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, and files the within Answer and New Matter to Plaintiffs' Complaint, of which the following is a statement:

1. The identify of Plaintiff is admitted. The remaining allegations are denied in that after reasonable investigation, the answering Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the averment, and strict proof of the same is demanded at the time of trial.

2-3. Admitted.

4. Denied. By way of further response, Casteel Chiropractic Center is merely a sole professional proprietorship.

5. No response required.

6. Admitted insofar as it is consistent with the medical records. To the extent that said allegations are inconsistent with the medical records, it is denied and strict proof of the same is demanded at the time of trial.

7. It is admitted that husband-Plaintiff provided a history of injury as a result of a work-related incident. However, this Defendant lacks any knowledge of the same, and strict proof is demanded at the time of trial.

8. It is admitted that husband-Plaintiff provided a history of medical care and treatment for the injury as a result of a work-related incident. However, this Defendant lacks any knowledge of the same, and strict proof is demanded at the time of trial. It is further admitted that in mid-May 2000, husband-Plaintiff saw Defendant, Scott Casteel, for chiropractic treatment for pain in the lower back based on the history of the injury given.

9. Admitted.

10. It is admitted that Defendant, Scott Casteel, performed manipulations on husband-Plaintiff's neck as well as his back. It is specifically denied that this Defendant did anything improper and, in fact, rendered the proper standard of chiropractic care to husband-Plaintiff under the facts and circumstances then existing. As to any allegations as to other chiropractors, it is denied that he was an agent, servant or employee of Casteel Chiropractic Center, and strict proof of the same is demanded at the time of trial.

11. Admitted.

12. Denied in that after reasonable investigation, the answering Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the averment, and strict proof of the same is demanded at the time of trial.

13. Denied as stated, the allegation is vague. This Defendant lacks any knowledge of an MRI or any further medical treatment sought by husband-Plaintiff, and strict proof of the same is demanded at the time of trial.

14. Denied. Defendant, Scott Casteel, did not see husband-Plaintiff on June 10, 2000, and did not adjust husband-Plaintiff's back and neck. This Defendant, after reasonable investigation, lacks knowledge as to husband-Plaintiff experiencing any loss of use of his left side after receiving any treatment at Casteel Chiropractic Center, and strict proof of the same is demanded at the time of trial.

15. It is specifically denied that husband-Plaintiff later returned to Casteel Chiropractic Center and received additional spinal adjustments after June 10, 2000. Strict proof of the same is demanded at the time of trial.

16. Denied. This Defendant is without knowledge as to husband-Plaintiff experiencing further medical problems, and strict proof of the same is demanded at the time of trial.

17-20. Denied. This Defendant lacks knowledge as to the averments set forth herein, and strict proof of the same is demanded at the time of trial.

21. Denied. This Defendant is without knowledge as to what husband-Plaintiff learned of his medical condition. All allegations of causation are denied, and strict proof of the same is demanded at the time of trial.

22(a)-22(l). All allegations of cause, cause and effect and/or proximate cause, as well as negligence, are denied as conclusions of law. Strict proof of the same is demanded at the time of trial. By way of further response, it is denied; on the contrary, it is averred that at all times, the actions of this Defendant were proper and met the proper

standard of chiropractic care under the facts and circumstances then and there existent. 22(a), 22(k), 22(l) have been dismissed by stipulation of the parties. It is also noted that the word "generally" in Paragraph 22 has been stricken by stipulation.

23(a)-23(k). All allegations of cause, cause and effect and/or proximate cause, as well as negligence, are denied as conclusions of law. Strict proof of the same is demanded at the time of trial. By way of further response, all allegations of injuries and/or damages are denied in that after reasonable investigation, this Defendant lacks information sufficient upon which to form an opinion in regard to the truth of the same. By way of further response, it is denied; to the contrary, it is averred that at all times, this Defendant's actions and/or inactions were proper and rendered to the proper standard of chiropractic care under the facts and circumstances then and there existent. The phrase "including but not by way of limitation" has been stricken from the Complaint by stipulation of the parties.

WHEREFORE, answering Defendant, Scott Casteel, D.C., prays that Plaintiffs' Complaint be dismissed.

COUNT II

24. Count II, Informed Consent, has been dismissed by stipulation of the parties.

COUNT III LOSS OF CONSORTIUM

25. Admitted or denied for reasons set forth above, all of which are incorporated herein by reference thereto as if the same were set forth fully at length.

26. Denied as a conclusion of law. It is specifically denied that wife-Plaintiff has been damaged as a result of any acts or omissions on the part of answering Defendant. Strict proof of the same is demanded at the time of trial. By way of further response, it is denied; to the contrary, it is averred that at all times, the actions and/or inactions of this Defendant were proper and met the proper standard of chiropractic care under the facts and circumstances then and there existent.

WHEREFORE, answering Defendant, Scott Casteel, D.C., prays that Plaintiffs' Complaint be dismissed.

NEW MATTER

27. Pursuant to Section 606 of the Health Care Services Malpractice Act, 40 P.S. §1301.606, providing that in the absence of special contract in writing, the health care provider is neither a warrantor nor a guarantor of a cure. It is denied that there was a special contract in writing in this case.

28. This Defendant hereby affirmatively pleads all bars, limitations and defenses applicable under the Health Care Services Malpractice Act of Pennsylvania, 40 P.S. §1301, et seq., and the Med Care Availability and Reduction of Error Act.

29. This Defendant affirmatively pleads the applicability of the Pennsylvania Comparative Negligence Act.

30. Any and all injuries suffered by Plaintiffs are the direct, sole and proximate result of superceding, intervening causes.

31. Any and all injuries suffered by Plaintiffs are the direct, sole and proximate result of pre-existing conditions.

32. To the extent that evidence develops during discovery to demonstrate the application of the Two Schools of Thought Doctrine, this Defendant pleads same as a complete and total defense.

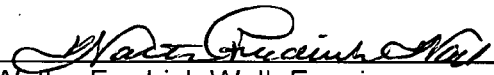
33. In the event that Plaintiffs establish a right of recovery, any and all liability is a result of the actions or inactions of others over which this Defendant had no control.

WHEREFORE, answering Defendant, Scott Casteel, D.C., prays that Plaintiffs' Complaint be dismissed.

Respectfully submitted,

MEYER, DARRAGH, BUCKLER, BEBENEK &
ECK, PLLC

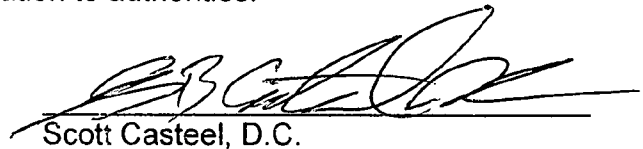
BY:


Walter Fredrick Wall, Esquire
Counsel for Defendant, Scott Casteel, D.C.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
Pennsylvania ID #23657

VERIFICATION

I, SCOTT CASTEEL, D.C., hereby verify that the statements set forth in the foregoing Answer and New Matter to Plaintiffs' Complaint Filed on Behalf of Defendant, Scott Casteel, D.C., are true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



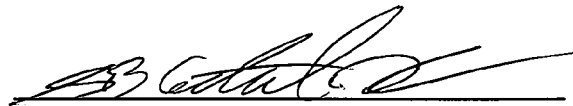
Scott Casteel, D.C.

12 109 1 2002
Date

VERIFICATION

I, SCOTT CASTEEL, D.C. on behalf of Casteel Chiropractic Center, hereby verify that the statements set forth in the foregoing Answer and New Matter to Plaintiffs' Complaint Filed on Behalf of Defendant, Scott Casteel, D.C., are true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



Scott Casteel, D.C.

12/09/2002
Date

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

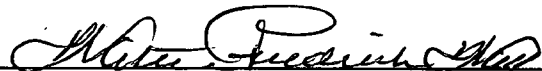
CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2002, a true and correct copy of the Answer and New Matter to Plaintiffs' Complaint was served upon Counsel of record by first class U.S. mail, postage prepaid as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK &
ECK, PLLC

BY:



Walter Fredrick Wall, Esquire
Counsel for Defendant, Scott Casteel, D.C.
120 Lakemont Park Boulevard
Altoona, PA 16602
(814) 941-4600
Pennsylvania ID# 23657

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

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,

Case No.: 2002-00740-CD

Plaintiffs,

vs.

SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Type of Pleading:

ANSWER TO MOTION
TO COMPEL DISCOVERY

Defendants.

Filed on Behalf of:
Plaintiffs

Counsel of Record for this Party:

Eugene J. Reinbold, Esquire
PA I.D.#: 00938

2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(412) 220-9650

FILED

DEC 23 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,

CIVIL DIVISION

Plaintiffs,

No.: 2002-00740-CD

vs.

SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Defendants.

**ANSWER TO
MOTION TO COMPEL DISCOVERY**

AND NOW come Plaintiffs, by and through their attorney, Eugene J. Reinbold, Esquire and
file their Answer to Defendant's Motion to Compel Discovery:

1. The averments of Paragraph 1 are admitted.
2. The averments of Paragraph 2 are admitted.
3. The averments of Paragraph 3 are admitted.
4. The averments of Paragraph 4 are admitted with the proviso that, because of the volume and complexity of the discovery requests, it was impossible to respond thereto within 30 days.
5. Counsel's letter of October 29, 2002 speaks for itself. As the letter indicated, counsel anticipated that the Answers would be filed by November 12, 2002. Unfortunately, because of health reasons, Plaintiffs' counsel was absent from his office for an extended period of time at the end of October and during November 2002 so that it was impossible to meet the anticipated deadline.

6. The averments of Paragraph 6 are denied. On the contrary, it is averred that Plaintiffs have never refused to answer the outstanding discovery requests. Because of Plaintiffs' counsel's absence from his office, the completion of much of counsel's office work was well behind schedule.

7. The averments of Paragraph 7 are denied as stated. The failure to answer said Interrogatories is in no way prejudicial to Defendant. Plaintiffs' Complaint was filed less than six months ago. In the meantime, Plaintiffs, without the necessity of a formal discovery request, had provided through their counsel, a copy of all records in counsel's possession from UPMC Presbyterian University Hospital. In addition, Plaintiffs' counsel has provided Defendant's counsel with numerous authorizations to obtain additional medical records.

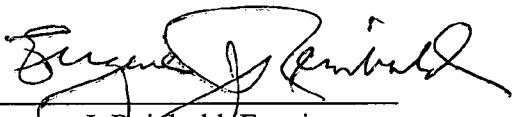
8. The averments of Paragraph 8 are denied as stated. On the contrary, Plaintiffs aver that Defendants are not entitled to costs and attorney's fees for filing the Motion to Compel. On the contrary, Plaintiffs aver that under Rule 4019(g) of the Pennsylvania Rules of Civil Procedure, said requests for costs and counsel fees is premature in that the same may not be awarded to a litigant except upon the entry of an Order directing that discovery be provided within a certain time frame. Said Rule envisions a two-step procedure which must be followed before your Honorable Court is authorized to make an award of attorney's fees and expenses. First, a Motion to Compel Compliance must be filed. Only after an Order compelling discovery, and the answering party's failure to comply with said Order, may such an award be made.

Plaintiffs' counsel anticipates that responses to the aforesaid discovery requests will be forwarded to Defendant's counsel no later than December 19, 2002. In the event that Defendant's counsel persists in making a claim for attorney's fees and costs when by Rule and court decision there is absolutely no right to the relief requested, Plaintiffs' counsel will appear at the Argument scheduled for December 27, 2002 and will ask for attorney's fees and expenses for traveling from Pittsburgh to

the courthouse, a distance of approximately 300 miles roundtrip, Defendant's counsel's actions being obdurate and vexatious and in violation of Rule 4019 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Plaintiffs respectfully request, for the reasons set forth above, that Defendant's Motion to Compel be denied. In the event that Defendant's counsel insists that the argument scheduled for December 27, 2002 take place, then Plaintiffs will request counsel fees and expenses for counsel's trip to the Clearfield County Courthouse and argument on said Motion.

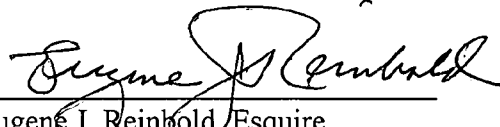
Respectfully submitted:

By: 
Eugene J. Reinbold, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached ANSWER was served on the following counsel of record by U.S. First-Class Mail, postage prepaid on this 19TH day of December, 2002 as follows:

Walter Fredrick Wall, Esquire
Meyer Darragh Buckler Bebenek & Eck, P.L.L.C.
120 Lakemont Park Boulevard
Altoona, PA 16602



Eugene J. Reinbold, Esquire
Attorney for Plaintiffs

William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

PRAECIPE

TO THE PROTHONOTARY:

Please note the withdrawal of Defendant's Motion to Compel which is scheduled for argument before the Court on December 27th.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendant

120 Lakemont Park Boulevard

Altoona, PA 16602

Phone No.: (814) 941-4600

ID # 23657

FILED

DEC 23 2002

William A. Shaw
Prothonotary


CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Walter F. Wall, Esquire, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC, hereby certify that on this 20th day of December, 2002, I have served the foregoing Praecipe to Withdraw Argument on the Motion to Compel on behalf of Defendant, upon all counsel/parties of record, by mailing a true and correct copy of same by United States first class mail, postage prepaid as follows:

*Eugene Reimbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)*

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 
WALTER FREDRICK WALL, ESQUIRE
Counsel for Defendant
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

FILED
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DEC 23 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

FILED

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JUN 16 2003

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: JOHN D. LUTTMAN and AUDREY L. LUTTMAN, Plaintiffs,
c/o Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

PLEASE TAKE NOTICE that the depositions of Plaintiffs, John D. Luttman and Audrey L. Luttman, will be taken for the purpose of discovery and for use at trial, pursuant to Rule 4007.1 et seq, of the PA Rules of Civil Procedure, as amended, before an Official Court Reporter on **Thursday, July 17, 2003, commencing at 11:00 a.m. at the offices of Sargent's Court Reporting Services, 106 North Second Street, 1st Floor, Clearfield, Pennsylvania**, at which time and place you are invited to appear and take such part as shall be fitting and proper.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:


WALTER FREDRICK WALL, ESQUIRE

Counsel for Defendants
120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No.: (814) 941-4600
ID # 23657

Dated: June 12, 2003

cc: Sargent's Court Reporting Service

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

FILED NO
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AUG 15 2003 CC

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, MARY LOU MAIERHOFER, ESQUIRE, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, hereby certify that on the **13th day of August, 2003**, a true and correct copy of the Defendants' Interrogatories and Request for Production of Documents Directed to Plaintiffs - Second Set, on behalf of Defendants, Scott Casteel, t/d/b/a Casteel Chiropractic Center, Scott Casteel, individually and Casteel Chiropractic Center, a partnership or similar entity, was served upon Counsel for Plaintiffs, by U.S. Mail, postage prepaid, addressed as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: _____

Mary Lou Maierhofer, Esquire
Counsel for Defendants
120 Lakemont Park Boulevard
Altoona PA 16602
(814) 941-4600
ID# 62175

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

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SEP 03 2003 E. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, MARY LOU MAIERHOFER, ESQUIRE, of the law firm of MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, hereby certify that on the **2nd day of September, 2003**, a true and correct copy of the Defendants' Interrogatories and Request for Production of Documents Directed to Plaintiffs - Third Set, on behalf of Defendants, Scott Casteel, t/d/b/a Casteel Chiropractic Center, Scott Casteel, individually and Casteel Chiropractic Center, a partnership or similar entity, was served upon Counsel for Plaintiffs, by U.S. Mail, postage prepaid, addressed as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: _____

Mary Lou Maierhofer, Esquire
Counsel for Defendants
120 Lakemont Park Boulevard
Altoona PA 16602
(814) 941-4600
ID# 62175

Notice of Proposed Termination of Court Case

October 18, 2007

RE: 2002-00740-CD

John D. Luttman
Audrey L. Luttman

Vs.

Scott Casteel
Casteel Chiropractic Center

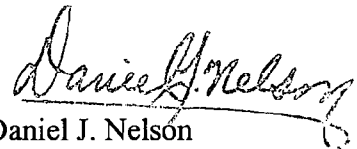
Dear Eugene J. Reinbold, Esq:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 17, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.


By the Court,



Daniel J. Nelson
Court Administrator

FILED

OCT 18 2007

 William A. Shaw
Prothonotary/Clerk of Courts

Notice of Proposed Termination of Court Case

October 18, 2007

RE: 2002-00740-CD

John D. Luttman
Audrey L. Luttman

Vs.

Scott Casteel
Casteel Chiropractic Center

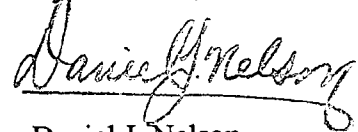
Dear Walter Fredrick Wall, Esq:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **December 17, 2007**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in cursive script, appearing to read "Daniel J. Nelson", written over a horizontal line.

Daniel J. Nelson
Court Administrator

FILED

DEC 17 2007

W/9:05/W
William A. Shaw
Prothonotary/Clerk of Courts
No. 02-740-CD

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

**JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,**

Case No.: 02-740-CD

Plaintiffs,

vs.

**SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,**

Defendants.

**Type of Pleading:
STATEMENT OF
INTENTION TO PROCEED**

**Filed on Behalf of:
Plaintiffs**

**Counsel of Record for this
Party:**

**Eugene J. Reinbold, Esquire
PA I.D.#: 00938**

**261 Roscommon Road
Wexford, PA 15090
(724) 935-1505**

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

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN, his wife,

Case No.: 02-740-CD

Plaintiffs,

vs.

SCOTT CASTEEL, trading and doing
business as CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL individually,
and CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Defendants.

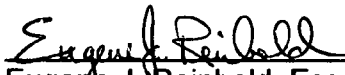
STATEMENT OF INTENTION TO PROCEED

To the Court:

Plaintiffs, John D. Luttman and Audrey L. Luttman, his wife, intend
to proceed with the above-captioned matter.

Attorney for Plaintiffs

Date: December 11, 2007


Eugene J. Reinbold, Esquire
PA I.D.#: 00938

261 Roscommon Road
Wexford, PA 15090
(724) 935-1505

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

FILED No cc
m/11:00/62/1
AUG 14 2008 Copy to
CIA
William A. Shaw
Prothonotary/Clerk of Courts
GND

PRAECIPE FOR WITHDRAW/ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please withdraw the appearance of Meyer, Darragh, Buckler, Bebenek & Eck, PLLC, as counsel for Defendants, SCOTT CASTEEL, t/d/b/a CASTEEL CHIROPRACTIC CENTER, SCOTT CASTEEL, individually, and CASTEEL CHIROPRACTIC CENTER, a partnership or similar entity, in the above-captioned matter.

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY: 

DANIEL C. LAWSON, ESQUIRE

4850 US Steel Tower
600 Grant Street
Pittsburgh, PA 15219
Phone No.: (412) 261-6600
ID # 38562

TO THE PROTHONOTARY:

Please enter my appearance as counsel for Defendants, SCOTT CASTEEL, t/d/b/a CASTEEL CHIROPRACTIC CENTER, SCOTT CASTEEL, individually, and CASTEEL CHIROPRACTIC CENTER, a partnership or similar entity, in the above-captioned matter.

MARGOLIS EDELSTEIN

BY: 

MARY LOU MAIERHOFER, ESQUIRE

Counsel for Defendants, SCOTT CASTEEL, t/d/b/a
CASTEEL CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or similar
entity
P.O. Box 628
Hollidaysburg, PA 16648
Phone No.: (814) 695-5064
Fax No.: (814) 695-5066
ID# 62175

CERTIFICATE OF SERVICE

I, Norman D. Callan, Esquire, of the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, PLLC, hereby certify that on this **13th day of August, 2008**, I have served a true and correct copy of the Praeipce for Withdrawal/Entry of Appearance upon all counsel/parties of record, by mailing same by United States first class mail, postage prepaid and addressed as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, PLLC

BY:



NORMAN D. CALLAN, ESQUIRE

120 Lakemont Park Boulevard
Altoona, PA 16602
Phone No. (814) 941-4600
PA I.D. #23518

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

TYPE OF DOCUMENT

Certificate of Service for Defendants'
Interrogatories and Request for Production of
Documents Directed to Plaintiffs- Fourth Set

FILED ON BEHALF OF

Defendants

COUNSEL FOR DEFENDANT

Mary Lou Maierhofer, Esquire
PA ID #62175

MARGOLIS EDELSTEIN

P.O. Box 628

Duncansville, PA 16648

(814) 695-5064

FAX (814)695-5066

5 FILED No CC.
m/11:05 am
FEB 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

CERTIFICATE OF SERVICE

I, MARY LOU MAIERHOFER, ESQUIRE, of the law firm of MARGOLIS EDELSTEIN, hereby certify that on the 16th day of February, 2009, a true and correct copy of the DEFENDANTS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS- FOURTH SET, was served upon Counsel for Plaintiffs, with a copy to all Counsel of Record by U.S. Mail, postage prepaid, addressed as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241

MARGOLIS EDELSTEIN

BY: 

MARY LOU MAIERHOFER, ESQUIRE

Counsel for Defendants

ID# 62175

P.O. Box 628

Duncansville, PA 16648

(814) 695-5064/FAX (814)695-5066

FILED

§ FEB 19 2009

W/10:15 (W)

William A. Shaw

Prothonotary/Clerk of Courts

no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN D. LUTTMAN and AUDREY L.
LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

CIVIL DIVISION

No. 2002-00740-CD

TYPE OF DOCUMENT

Certificate of Service for Defendants'
Interrogatories and Request for Production of
Documents Directed to Plaintiffs- Fourth Set

FILED ON BEHALF OF

Defendants

COUNSEL FOR DEFENDANT

Mary Lou Maierhofer, Esquire
PA ID #62175

MARGOLIS EDELSTEIN

P.O. Box 628

Duncansville, PA 16648

(814) 695-5064

FAX (814)695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and	:	CIVIL DIVISION
AUDREY L. LUTTMAN,	:	
	:	
Plaintiffs,	:	No. 2002-00740-CD
	:	
vs.	:	
	:	
SCOTT CASTEEL, t/d/b/a CASTEEL	:	
CHIROPRACTIC CENTER, SCOTT	:	
CASTEEL, individually, and CASTEEL	:	
CHIROPRACTIC CENTER, a partnership	:	
or similar entity,	:	
	:	
Defendants.	:	

PRAECIPE FOR STATUS CONFERENCE

NOW COMES the Defendants, Scott Casteel, D.C. et al., by and through their counsel, MARGOLIS EDELSTEIN and files this Praecipe for Status Conference, of which the following is a statement:

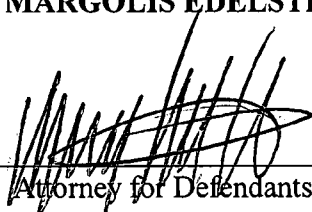
1. Plaintiffs, John D. Luttman and Audrey L. Luttman, commence this medical malpractice action by filing a Writ of Summons on about May 9, 2002.
2. Plaintiffs filed their Complaint on or about June 22, 2002.
3. Discovery has been undertaken by the parties.
4. By letter dated October 18, 2007 the Court Administrator issued a "Notice of Proposed Termination of Court Case."
5. On December 17, 2007 Plaintiff issued a "Statement of Intention to Proceed."
6. No further discovery has been undertaken until Defendants served Defendants' Interrogatories and Request for Production of Documents - Fourth set upon Plaintiffs on or about February 16, 2009.

7. It is requested that the Court schedule a Status Conference to set forth deadlines in this litigation.

WHEREFORE, Defendants, Scott Casteel D.C. et al., requests this Honorable Court schedule a Status Conference in this matter.

MARGOLIS EDELSTEIN

By: _____


Attorney for Defendants
Mary Lou Maierhofer, Esquire
PA. I.D. # 62175
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, Mary Lou Maierhofer, Esquire of the law firm of MARGOLIS EDELSTEIN, hereby certify that on the 17th of February, 2009, I have served a Praeceptum for Status Conference on behalf of Defendant, Scott Casteel, upon all counsel/parties of record, by mailing a true and correct copy of same by United States first class mail, postage prepaid as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)

MARGOLIS EDELSTEIN

By: 

Attorney for Defendants
Mary Lou Maierhofer, Esquire
PA. I.D. # 62175
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

: CIVIL DIVISION
:
:
:

: No. 2002-00740-CD
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:
:

RULE RETURNABLE

Now, this 23rd day of February, 2009, it is hereby directed and
decreed that a Status Conference will be held on the 30th day of March, 2009 at
10:30 o'clock A.M., Courtroom No. 1, Clearfield County Courthouse.

By the Court,



J.

FILED

014:00301
FEB 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/23/09

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

: CIVIL DIVISION
:
:
: No. 2002-00740-CD
:
: **ISSUE: Certificate of Service for**
: **Rule Returnable Dated February 23, 2009**
:
: Filed on Behalf of Defendants
:
: Counsel of Record for This Party:
:
: **Mary Lou Maierhofer, Esquire**
: **MARGOLIS EDELSTEIN**
: PA. I.D. No: 62175
: P.O. Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: Fax: (814) 695-5066

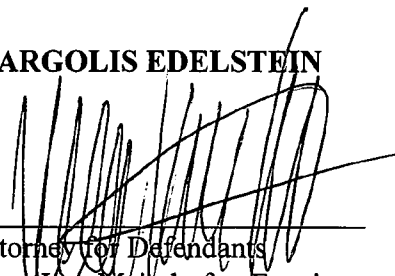
S
FILED *no cc*
m 11:00 AM
MAR 02 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire of the law firm of MARGOLIS EDELSTEIN, hereby certify that on the 27th of February, 2009, I have served a Certificate of Service for Rule Returnable Dated February 23, 2009 on behalf of Defendant, Scott Casteel, upon all counsel/parties of record, by mailing a true and correct copy of same by United States first class mail, postage prepaid as follows:

Eugene Reinbold, Esquire
2600 Boyce Plaza Road
Suite 119
Pittsburgh, PA 15241
(Counsel for Plaintiffs)

MARGOLIS EDELSTEIN

By: 
Attorney for Defendants
Mary Lou Maierhofer, Esquire
PA. I.D. # 62175
PO Box 628
Hollidaysburg, PA 16648
(814) 695-5064
Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

: CIVIL DIVISION

: No. 2002-00740-CD

RULE RETURNABLE

Now, this 23rd day of February, 2009, it is hereby directed and
decreed that a Status Conference will be held on the 30th day of March, 2009 at
10:30 o'clock A.M., Courtroom No. 1, Clearfield County Courthouse.

By the Court,

/s/ Fredric J Ammerman

J.

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

FEB 23 2009

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

CA

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

JOHN D. LUTTMAN and AUDREY L. LUTTMAN,
Plaintiffs

vs.

NO. 02-740-CD

SCOTT CASTEEL, t/d/b/a CASTEEL CHIROPRACTIC*
CENTER, SCOTT CASTEEL, individually, and
CASTEEL CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants

ORDER

NOW, this 30th day of March, 2009, following status conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. The parties shall complete all discovery by no later than July 1, 2009.
2. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than thirty (30) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
3. Plaintiffs' expert reports shall be completed by September 1, 2009.
4. Defendants' expert reports are to be completed by December 1, 2009.
5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

9
FILED

02:40 PM
MAR 31 2009

William A. Shaw
Prothonotary/Clerk of Courts

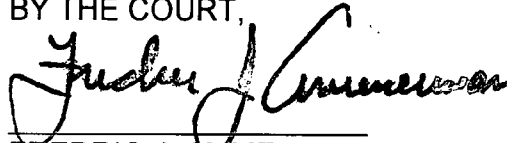
ICCA: E. Reinbold

W. Wall

M. Maierhofer

6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no less than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.
7. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a Medical Records witness for purposes of authentication.
8. Pre-trial conference is hereby scheduled for the 7th day of December, 2009 at 1:30 p.m. in Chambers.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Fredric J. Ammerman", written over a horizontal line.

FREDRIC J. AMMERMAN
President Judge

FILED

MAR 31 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE 3/31/09

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

FILED

AUG 21 2009

5
m/v.401 W
William A. Shaw
Prothonotary/Clerk of Courts

NO 4/16

COPY TO cp

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

NO.: 2002-00740-CD

TYPE OF PLEADING:

v.

**PRAECIPE FOR ENTRY OF
APPEARANCE**

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

Defendants.

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

PRAECIPE FOR ENTRY OF APPEARANCE

TO: PROTHONOTARY

Please enter my appearance on behalf of the Plaintiffs in the above-captioned matter.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 8-19-09

By 

Rolf Louis Patberg, Esquire
PA I.D. No: 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

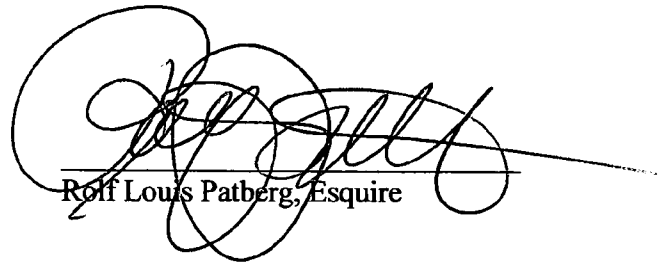
Attorney for Plaintiffs.

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Praeceptum for Entry of Appearance was forwarded this 9 day of August 2009 via postage prepaid United States Mail to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsburg, PA 16648



Rolf Louis Patberg, Esquire

FILED

AUG 21 2009

William A. Shaw
Prothonotary/Clerk of Courts

no c/c

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

v.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

NO.: 2002-00740-CD

TYPE OF PLEADING:

**MOTION FOR EXTENSION OF TIME TO
FILE EXPERT REPORTS**

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUTSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

MOTION FOR EXTENSION OF TIME TO FILE EXPERT REPORTS

AND NOW, come the Plaintiffs, by and through their counsel, Rolf Louis Patberg, and the law firm of Patberg, Carmody & Ging, and files the foregoing Motion for Extension of Time to File Expert Reports and in support thereof avers as follows:

1. The above-captioned matter is a chiropractic negligence case arising from the care and treatment of Plaintiff-husband, John D. Luttman in 2000.
2. This Honorable Court has issued an Order setting deadlines, including expert reports for the Plaintiffs to be due on September 1, 2009.
3. The undersigned only recently received assignment as trial counsel in this case. Nonetheless, the undersigned has been diligently discussing the matter with various experts.
4. It is anticipated that expert reports on both deviations in the standard of care and causation will be forthcoming.
5. However, Plaintiffs require additional time to file said expert reports, but will file them upon receipt.

6. Therefore, in order to properly prepare the case for trial, Plaintiffs respectfully request this Honorable Court extend the time for the Plaintiffs' filing of expert reports until September 30, 2009.

7. Plaintiffs have no objection to the extension of deadlines for the Defendants.

WHEREFORE, Plaintiffs respectfully request this Honorable Court issue an Order substantially in the form hereto.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 8-19-09

By 

Rolf Louis Patberg, Esquire
PA I.D. No.: 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

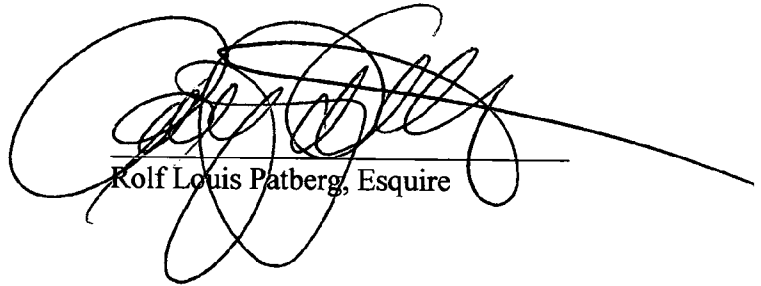
Attorney for Plaintiffs.

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Motion for Extension of Time to File Expert Reports was forwarded this 19 day of August 2009 via postage prepaid United States Mail and facsimile to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsaysburg, PA 16648
(814) 695-5066



Rolf Louis Patberg, Esquire

UP

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

5 FILED

AUG 24 2009
0/4:00/C
William A. Shaw
Prothonotary/Clerk of Courts
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ORDER OF COURT

AND NOW, to-wit, this 24th day of August, 2009, it is hereby
ORDERED, DECREED and ADJUDGED that the Plaintiffs' Motion for Extension of Time to File
Expert Reports is hereby **GRANTED**. The Plaintiffs' expert reports shall be due on or by
September 30, 2009.

BY THE COURT:

Frederick J. Cunningham J.

Prothonotary/Clerk of Courts
William A. Stone

AUG 24 2009

FILED

____ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) _____ Attorney _____ Other _____
____ Defendant(s) _____
____ Special Instructions: _____

DATE: 8-24-09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a
CASTEEL CHIROPRACTIC CENTER,
SCOTT CASTEEL, individually, and
CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Defendants.

: CIVIL DIVISION

:

: No. 2002-00740-CD

:

:

: **ISSUE: Motion for Extension of Time to**
: **File Expert Reports**

:

:

:

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: Filed on Behalf of Defendants:

:

:

:

: Counsel of Record for this Party:

:

: **Mary Lou Maierhofer, Esquire**

: **MARGOLIS EDELSTEIN**

: PA. I.D. # 62175

: P.O. Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064/Fax (814) 695-5066

FILED NO
SEP 03 2009
William A. Shaw
Prothonotary/Clerk of Courts

1. Plaintiffs requested and were granted an extension to file expert reports from September 1, 2009 to September 30, 2009.
2. Currently, Defendants' expert reports are due on or before December 1, 2009.
3. Plaintiffs in their Motion indicated in Paragraph No. 7 that they would not have an objection to the extension of deadlines for the Defendants.
4. Defendants are requesting an extension until December 30, 2009 to submit all of their expert reports.

WHEREFORE, Defendants, respectfully requests this Honorable Court grant this Motion
for Extension of Time to File Expert Reports until December 30, 2009.

MARGOLIS EDELSTEIN

By: 

Attorney for Defendants

Mary Lou Maierhofer, Esquire

PA. I.D. # 62175

PO Box 628

Hollidaysburg, PA 16648

(814) 695-5064/Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

: CIVIL DIVISION
:
: No: 2002-00740-CD
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CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire do hereby certify that a true and correct copy of the foregoing Motion for Extension of Time to File Expert Report was forwarded this 2nd day of September, 2009 via postage prepaid United States Mail to the following counsel of record.

Rolf Louis Patberg, Esquire
Patberg, Carmody & Ging
Deuschtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212

MARGOLIS EDELSTEIN

By: _____

Attorney for Defendant

Mary Lou Maierhofer, Esquire

PA. I.D. # 62175

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39

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a
CASTEEL CHIROPRACTIC
CENTER, SCOTT CASTEEL,
individually, and CASTEEL
CHIROPRACTIC CENTER,
a partnership or similar entity,

Defendants.

CIVIL DIVISION

No: 2002-00740-CD

ORDER OF COURT

AND NOW this 2nd day of September, 2009, it is hereby Ordered, Directed and Decreed that the Defendants' Motion for Extension of Time to File Expert Reports is hereby granted. The Defendants' expert reports shall be due on or before December 30, 2009.

By The Court,


J.

FILED 200
SEP 04 2009
William A. Shaw
Prothonotary/Clerk of Courts
Maierhofer
610

FILED

SEP 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/4/09

☒ You are responsible for serving all appropriate parties.
☐ The Prothonotary's office has provided service to the following parties:
☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other
☐ Defendant(s) ☐ Defendant(s) Attorney
☐ Special Instructions:

J

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a
CASTEEL CHIROPRACTIC CENTER,
SCOTT CASTEEL, individually, and
CASTEEL CHIROPRACTIC CENTER,
a partnership or similar entity,

Defendants.

: CIVIL DIVISION

:
: No. 2002-00740-CD

:
: ISSUE: Certificate of Service for the
: Order of Court Dated September 2, 2009

:
: Filed on Behalf of Defendants:

:
: Counsel of Record for this Party:

: Mary Lou Maierhofer, Esquire

: MARGOLIS EDELSTEIN

: PA. I.D. # 62175

: P.O. Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064/Fax (814) 695-5066

FILED
MT 8:51 AM
SEP 14 2009
William A. Shaw
Prothonotary/Clerk of Courts
No cc

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN D. LUTTMAN and
AUDREY L. LUTTMAN,

Plaintiffs,

vs.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership
or similar entity,

Defendants.

CIVIL DIVISION

No: 2002-00740-CD

CERTIFICATE OF SERVICE

I, Mary Lou Maierhofer, Esquire do hereby certify that a true and correct copy of the foregoing Order of Court Dated September 2, 2009 was forwarded this 10th day of September, 2009 via postage prepaid United States Mail to the following counsel of record.

Rolf Louis Patberg, Esquire
Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212

MARGOLIS EDELSTEIN

By: 

Attorney for Defendants

Mary Lou Maierhofer, Esquire

PA. I.D. # 62175

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Hollidaysburg, PA 16648

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

v.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

NO.: 2002-00740-CD

TYPE OF PLEADING:

**EXPERT REPORT OF JOSEPH S. JERET,
M.D.**

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUTSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

FILED
M 11:03 34/301
SEP 25 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
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SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

EXPERT REPORT OF JOSEPH S. JERET, M.D.

AND NOW, come the Plaintiffs, by and through their attorneys, Rolf Louis Patberg, Esquire,
and the law firm of Patberg, Carmody & Ging, and file the attached Expert Report of Joseph S. Jeret,
M.D.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 9-23-09

By 

Rolf Louis Patberg, Esquire

PA I.D. No.: 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

Attorney for Plaintiffs.

JURY TRIAL DEMANDED

Practice Limited to Neurology

*Subspecialties in
EMG/NCV,
EEG,
Ambulatory EEG*

JOSEPH S. JERET, M.D.

NEUROLOGY
220 MAPLE AVE. - SUITE 101
ROCKVILLE CENTRE, NY 11570
TEL: (516) 593-5800
FAX: (516) 593-4752

*Diplomate,
American Board of
Psychiatry & Neurology

Fellowship-trained
Clinical Neurophysiologist*

Rolf Louis Patberg, Esq.
Patberg, Carmody & Ging
Deuschtown Center
801 Vinial Street (3rd floor)
Pittsburgh, PA 15212

September 22, 2009

Re: John D. Luttman

Dear Mr. Patberg:

I, Joseph S. Jeret, M.D., am a licensed physician Board Certified in Neurology. I have reviewed the following records you furnished in reference to the care of John D. Luttman:

- Dubois Regional Medical Center
- UPMC Presbyterian University Hospital (7/13/00—7/17/00)
- Medical Bills from Cigna and Blue Cross (2000-2006)
- Western Pennsylvania Teamsters and Employers Pension Fund
- Casteel Chiropractic Center (5/10/00—7/26/00)
- Deposition of Scott Casteel, DC (6/9/09)

On 5/4/00, Mr. Luttman sustained an injury while lifting heavy parcel at work. His complaints included left groin pain and low back pain. On 5/14/00 he received a prescription from PA Corbett in Occupational Health for 6 chiropractic visits for low back pain and strain. Treatment for the cervical spine was never recommended.

Mr. Luttman received treatment at the Casteel Chiropractic Center on 5/10/00, 5/12/00, 5/15/00, 5/17/00, 5/19/00, 5/22/00, 5/24/00, 6/1/00, 6/2/00, and 6/10/00. In particular, rotatory cervical spine manipulations were performed by Dr. Casteel on 5/15/00, 5/22/00, 5/24/00, and 6/2/00. Dr. Sorbera performed cervical spine manipulations on 6/1/00 and 6/10/00 at Casteel Chiropractic Center.

During this same period of time, he had multiple MRI scans at Dubois Medical Imaging Center. Brain MRI on 5/30/00 showed sinus disease and mild brain atrophy; there was no evidence of stroke or cerebral atherosclerosis. X-ray of cervical spine at Dubois Medical Imaging Center on 6/12/00 was normal. MRI of cervical spine on 6/28/00 was normal. MRI of thoracic spine on 6/28/08 was normal except for kyphotic curvature of upper thoracic spine.

There are several implications of these studies. First of all, Mr. Luttman had no prior strokes as of 5/30/00. Furthermore, he had no abnormalities in his cervical spine on 6/12/00 and 6/28/00. There were no disc herniations, degenerative changes, disc desiccation, misalignments,

dislocations, or other structural abnormality for which chiropractic manipulation of the cervical spine could be justified.

On 5/25/00, Mr. Luttman called PA Corbett because of an episode on 5/22/00 of heat and numbness in the left face and arm. Dr. Casteel did not feel this was related to the cervical spine manipulations. In reality, it is more likely than not that this represented a transient ischemic attack (TIA). Dr. Casteel performed contraindicated neck manipulations nonetheless. Over the subsequent few days, he had short-lived blurred vision.

He then saw Dr. Michael Moclock later that day, on 5/25/00. Blurred vision, funny sensation in right arm, inability to feel things with his hands, left facial numbness, and right arm feeling cold were all documented in the chart of DRMC Primary Care Associates. These were all signs of cerebral ischemia.

On 6/1/00, Mr. Luttman was seen by Dr. Moclock at DRMC Primary Care Associates. He had sensory changes in the right arm and right leg. Intermittently, the right arm could not distinguish hot from cold. Dr. Moclock diagnosed paresthesia of unclear etiology. In the setting of a normal brain MRI, stretched nerve from chiropractic neck manipulation was postulated as the cause. He was told to avoid any chiropractic treatments until a definitive diagnosis was made. Nonetheless, Dr. Casteel performed rotatory neck manipulation on 6/2/00. On 6/10/00, Mr. Luttman complained to Dr. Sorbera about equilibrium problems. These were related to cerebral ischemia and/or stroke. Nonetheless, Dr. Sorbera performed rotatory neck manipulation on that day at Casteel Chiropractic Center.

On 6/12/00, MRI of brain with contrast at Dubois Medical Imaging Center showed a 2x1 cm right subcortical stroke and linear abnormality just caudal to this. Neither was present on the 5/30/00 MRI. Although multiple sclerosis was entertained, it is clear that this represented a stroke. Unfortunately, the scan was not performed with diffusion-weighted imaging, an MRI setting can aid in the diagnosis of acute stroke. Dr. James M. Gebel, Jr. also felt that the study was of suboptimal quality. Furthermore, an acute MS plaque would have been expected to exhibit contrast enhancement, which was not demonstrated on this study. The correct diagnosis was acute stroke.

Dr. Casteel and the other practitioners failed to make the correct diagnosis. Notwithstanding the issues mentioned above, in the setting of recent chiropractic neck manipulation, acute stroke should have been considered atop the list of differential diagnoses. The neck MRA showed poor visualization of the left vertebral artery, which was interpreted as representing either hypoplasia or obstruction. This was actually a left vertebral dissection and the direct result of cervical spine manipulation at Casteel Chiropractic Center. This, too, should have alerted all the practitioners to the existence of an acute stroke. Even if they were not sufficiently skilled to make the diagnosis, prompt neurology consultation should have been obtained at that juncture.

On 7/13/00, Mr. Luttman resented to UPMC Presbyterian University Hospital with left hemiparesis, left face numbness, and right hemibody numbness. Examination showed a spastic left hemiparesis, markedly diminished sensation to pinprick and temperature over the right hemibody, left hyperreflexia with left ankle clonus, and spastic gait. Intravenous Heparin was initiated. MRI of brain with contrast on 7/14/00 showed acute midline midbrain stroke, subacute right subcortical stroke, tiny old left lateral medulla stroke, and absent left vertebral artery flow. MRA on 7/15/00 showed left vertebral artery occlusion to its union with the basilar artery. CTA on 7/16/00 showed multiple segments of left vertebral artery stenosis, consistent with probable left vertebral artery dissection. Heparin was transitioned to Coumadin prior to hospital discharge.

on 7/17/00. Dr. John Doyle and Dr. James M. Gebel, Jr.—both board-certified neurologists—diagnosed stroke due to chiropractic-induced left vertebral artery dissection. I agree.

Other potential causes for stroke were also excluded. He had normal values for lipid profile, coagulation profile, Protein S, Protein C, anti-cardiolipin antibodies, transthoracic echocardiogram, transesophageal echocardiogram, and holter monitor.

In conclusion, Mr. Luttman consulted Dr. Casteel for the treatment of a low back problem. Dr. Casteel acknowledged that there were initially no complaints of neck pain. Nonetheless, Dr. Casteel decided to perform cervical spine adjustments. It is well-documented throughout the medical literature that cervical spine chiropractic manipulations can cause arterial dissection and stroke. This was never explained to Mr. Luttman. Informed consent was never obtained. The well-documented risks of the procedure are not mentioned in the records submitted for my review. Furthermore, there is no valid medical justification to warrant cervical spine manipulation on 5/15/00, 5/22/00, 5/24/00, 6/1/00, 6/2/00, and 6/10/00—particularly given the entirely normal x-rays of cervical spine on 6/12/00 and MRI of cervical spine on 6/28/00.

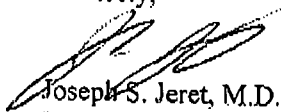
As stated in multiple locations on the chart, the cause of all of Mr. Luttman's strokes was the left vertebral artery dissection that directly resulted from chiropractic manipulations provided at Casteel Chiropractic Center. This was the diagnosis by the treating neurologists at UPMC Presbyterian Hospital. I fully concur with this theory of causation, which is supported by the medical literature and by my personal experience clinically managing patients with stroke from chiropractic-induced cervical arterial dissection. A thorough work-up was undertaken at UPMC Presbyterian Hospital; no other cause of stroke was identified.

Vertebral dissection can lead to intermittent ischemia and multiple strokes. This process may be ongoing for several weeks or months. The most likely onset of irreversible stroke is impossible to definitively state. However, the first sign of cerebral ischemia was on 5/22/00 when Mr. Luttman experienced heat and numbness in the left face and arm. This was on the same day as rotatory neck manipulation by Dr. Casteel. Subsequently, he had additional signs of cerebral ischemia and/or infarction including impaired equilibrium, blurred vision, neck pain, funny sensation in right arm, inability to feel things with his hands, left facial numbness, right arm feeling cold, sensory changes in right arm and right leg, right body numbness, and right arm could not distinguish hot from cold. Despite these symptoms of stroke, he underwent additional spine manipulation by Dr. Casteel on 5/24/00 and 6/2/00 and by Dr. Sorbera on 6/1/00 and 6/10/00.

The signs and symptoms of stroke and/or cerebral ischemia that began on 5/22/00 were all ignored at Casteel Chiropractic Center, where Mr. Luttman continued to receive medically contraindicated and dangerous cervical spine manipulations through 6/10/00.

This report represents my unbiased opinion based on the information provided. If you have any additional questions, please do not hesitate to contact me.

Sincerely,



Joseph S. Jeret, M.D., F.A.A.N.
Diplomate, American Board of Psychiatry & Neurology
Fellow, American Heart Association
Fellow, American Stroke Association

Joseph S. Jeret, M.D., F.A.A.N.

220 Maple Ave. (suite 101)
Rockville Centre, NY 11570

phone (516) 593-5800
fax (516) 593-4752

- **Personal:** Age 46, married, three children, excellent health, busy neurology practice in Rockville Centre continuously since completing training, medicolegal (as neurology expert) and peer review activities encompassing ~550 cases/suits
- **Education & Training:**
 - 1992-1993: Clinical Neurophysiology Fellow (EEG, EMG, EP); SUNY Brooklyn
 - 1989-1992: Neurology Resident; SUNY Health Science Center at Brooklyn
 - 1988-1989: Medical Intern; Maimonides Medical Center; Brooklyn, NY
 - 1984-1988: M.D. with Distinction in Research; SUNY Brooklyn
 - 1980-1984: B.A., Summa Cum Laude; CUNY Brooklyn College
- **Licensure & Qualifications:**
 - New York State License #178658; DEA #BJ1944126; WCB # 178658-1
 - Fellow, American Academy of Neurology, 2004
 - Fellow, American Stroke Association, 2004
 - Fellow, American Heart Association, 2001
 - Diplomate, American Board of Psychiatry and Neurology, 1993
 - Fellow, Stroke Council of the American Heart Association, 1994
 - EMG, fellowship-trained (BE, 1993)
 - Clinical Neurophysiology, fellowship-trained (BE, 1993)
 - EEG, fellowship-trained (BE, 1992)
- **Memberships:**
 - Risk Management Task Force of the American Academy of Neurology, 2005
 - American Heart Association & American Stroke Association, 1994
 - American Academy of Clinical Neurophysiology, 1993
 - Nassau County Medical Society, 1993
 - Sigma Xi, full member, 1992
 - Society of Salk Scholars, 1990
 - American Academy of Neurology, 1989
 - American Medical Association, 1988
 - Alpha Sigma Lambda, 1983
- **Honors, Awards & Scholarships:**
 - Physician's Recognition Award (AMA), 1995-1998, 1998-2001, 2001-2004, 2004-2007, 2007-2010
 - Abraham Rabiner Award, Brooklyn Neurological Society, 1988
 - Neurology Undergraduate Award, 1988
 - Alpha Omega Alpha Student Essay Contest, honorable mention, 1988
 - Regents Scholarship for the study of Medicine, 1984-1988, with stipend
 - Dr. Jonas Salk Scholarship, 1984-1988, with stipend
 - Graduate Scholarship in the Sciences, 1984
 - Phillip Gisses Memorial Award, Chemistry, 1984
 - Sam Casten Award, Journalism, 1984
 - Dorothy B. Jervis Award, Scientific writing, 1984
 - Student Government Service Award, 1983, 1984
 - Sylvia Smolensky Chemistry Department Service Award, 1983
 - Dean's Honor Roll, 1981, 1982, 1983, 1984
 - College Regents Scholarship, 1980-1984, with stipend
- **Hospital affiliation:** Mercy Medical Center (Rockville Centre, NY 11570), where I also serve on the ethics committee & the bylaws committee

• **Publications & Presentations:**

1. Jeret JS. Structure, development, and migration of *Ascaris lumbricoides* and *Ascaris suum* to the fourth larval stage. Presented to the Salk Scholarship Committee. New York, NY. May 1984.
2. Jeret JS, Serur D, Wisniewski K, Fisch C. Frequency of agenesis of the corpus callosum in the developmentally disabled population as determined by computerized tomography. ***Pediatric Neuroscience*** 12:101-103, 1986.
3. Jeret JS, Serur D, Wisniewski K, Lubin R. Clinicopathological findings associated with agenesis of the corpus callosum. ***Brain & Development*** 9:255-264, 1987.
4. Serur D, Jeret JS, Wisniewski K. Agenesis of the corpus callosum: Clinical, neuroradiological, and cytogenetic studies. ***Neuropediatrics*** 19:87-91, 1988.
5. Jeret JS. The mortality of major league baseball players (letter). ***New England Journal of Medicine*** 318:1014, 1988.
6. Jeret JS. Discussing dying: Changing attitudes among patients, physicians, and medical students. ***The Pharos of Alpha Omega Alpha Honor Medical Society*** 52:15-20, 1989.
7. Jeret JS, Serur D, Wisniewski K. Agenesis of the corpus callosum and limbic malformations in Apert's syndrome (letter). ***Archives of Neurology*** 46:10, 1989.
8. Jeret JS, Mandell M, Zesiewicz TA, et al. Clinical predictors of CT abnormality in acute head trauma. Presented at the 14th Annual Meeting of the American Society of Neuroimaging. Orlando, FL. February 1991.
9. Jeret JS, Serur D. Fetal alcohol syndrome in adolescents and adults (letter). ***Journal of the American Medical Association*** 266:1077, 1991.
10. Jeret JS, Wisniewski K. Chromosomal abnormalities in acallosal patients. Presented at the IBRO Satellite Symposium on Callosal Agenesis. Montreal, Quebec. August, 1991.
11. Jeret JS, Mandell M, Zesiewicz TA, et al. Clinical predictors of CT abnormality in acute head trauma. ***Journal of Neuroimaging*** 1:56, 1991.
12. Wisniewski K, Jeret JS. Clinicopathological findings in agenesis of the corpus callosum. Presented at the IBRO Satellite Symposium on Callosal Agenesis. Montreal, Quebec. August 1991.
13. Jeret JS. Brainstem infarct (letter). ***Neurology*** 41:1708, 1991.

• **Publications & Presentations (continued):**

14. Jeret JS, Lipitz M, Vilceus A, et al. Neuropsychological impairment after blunt head trauma. Presented at the 41st Annual Meeting of the Congress of Neurological Surgeons. Orlando, FL. October 1991.
15. Jeret JS. Agenesis of the corpus callosum. **NeuroBase**. Arbor Publishing Co. 1991.
16. Jeret JS, Strashun A, Lazar R. Serial SPECT studies in carotid artery stump syndrome. Presented at the 15th Annual Meeting of the American Society of Neuroimaging. San Francisco, CA. February 1992.
17. Jeret JS. Cytogenetic studies in agenesis of the corpus callosum (letter). **Journal of Child Neurology** 7:463-464, 1992.
18. Jeret JS, Strashun A, Lazar R. Serial SPECT studies in carotid artery stump syndrome. **Journal of Neuroimaging** 2:56, 1992.
19. Jeret JS, Benjamin J. Prospective study of apnea-induced hypotension during brain death examination. Presented at the 44th Annual Meeting of the American Academy of Neurology. San Diego, CA. May 1992 (platform presentation).
20. Jeret JS, Benjamin J. Prospective study of apnea-induced hypotension during brain death examination. **Neurology** 42 (Suppl. 3):195, 1992.
21. Jeret JS, Somasundaram M, Asaika S. Diltiazem-induced myoclonus: Report of two cases. **New York State Journal of Medicine** 92:447-448, 1992.
22. Jeret JS, Lechtenberg R. Ataxia-telangiectasia. In: Lechtenberg R (ed), *Handbook of Cerebellar Diseases*. New York: Marcel Dekker Publ. Co. pp 477-490, 1993.
23. Jeret JS, Loh J. HIV-induced leukoencephalopathy: Report of 3 cases with unusual features. Presented at the 16th Annual Meeting of the American Society of Neuroimaging. Orlando, FL. February 1993.
24. Jeret JS, Mandell M. Spectrum of CT abnormality in moderate and severe head trauma. Presented at the 16th Annual Meeting of the American Society of Neuroimaging. Orlando, FL. February 1993.
25. Jeret JS. Mild head trauma (letter). **Journal of Trauma** 35:490, 1993.
26. Jeret JS, Mandell M, Avitable JA. "Mild" head trauma: A deceptive term. **Neurology** 43 (supplement 2): 218, 1993.

• **Publications & Presentations (continued):**

27. Jeret JS, Mandell M, Anziska B, et al. Clinical predictors of abnormality disclosed by computed tomography after mild head trauma. **Neurosurgery** 32:9-16, 1993.
28. Jeret JS, Lechtenberg R, Blanchfield C, Liu DPC. Clinical and MRI findings in a case of locked-in syndrome. **Journal of Neuroimaging** 3:139-141, 1993.
29. Jeret JS, Loh J. HIV-induced leukoencephalopathy: Report of 3 cases with unusual features. **Journal of Neuroimaging** 3:73, 1993.
30. Jeret JS, Mandell M. Spectrum of CT abnormality in moderate and severe head trauma. **Journal of Neuroimaging** 3:71-72, 1993.
31. Jeret JS. Stenosis of the lingual artery. **American Journal of Medicine** 95:452, 1993.
32. Jeret JS, Mandell M, Avitable JA. "Mild" head trauma: A deceptive term. Presented at the 45th Annual Meeting of the American Academy of Neurology. New York, NY. April 1993 (poster presentation).
33. Jeret JS, Anziska B. Clinical predictors of abnormality disclosed by computed tomography after mild head trauma. In reply. **Neurosurgery** 33:339-340, 1993.
34. Jeret JS, Benjamin JL. Risk of hypotension during apnea testing. **Archives of Neurology** 51:595-599, 1994.
35. Wisniewski K, Jeret JS. Callosal agenesis: Review of clinical, pathological, and cytogenetic features. In: Lassonde M, Jeeves MA (eds). *Callosal Agenesis: The Natural Split Brain*. New York: Plenum Press, pp 1-6, 1994.
36. Jeret JS. Neurodevelopment after in utero exposure to phenytoin (letter). **Journal of the American Medical Association** 272:850, 1994.
37. Jeret JS. Vertebral flow void and lateral medullary syndrome (letter). **Stroke** 25:2298, 1994.
38. Jeret JS. The brain of Karen Ann Quinlan (letter). **New England Journal of Medicine** 331:1379, 1994.
39. Jeret JS. Reverse Shapiro syndrome revisited (letter). **Archives of Neurology** 52:547, 1995.
40. Jeret JS, Benjamin JL. In search of a safe apnea test in brain death: Is the procedure really more dangerous than we think? In reply. **Archives of Neurology** 52:338-339, 1995.

• **Publications & Presentations (continued):**

41. Jeret JS, Mazurek AA. Acute Horner's syndrome due to lumbar epidural anesthesia. ***Archives of Ophthalmology*** 113:560, 1995.
42. Jeret JS. Conservative management of carpal tunnel syndrome: A reexamination of steroid injection and splinting (letter). ***Journal of Hand Surgery*** 20A: 700, 1995.
43. Jeret JS, Mazurek AA. Brain herniation and mannitol (letter). ***Neurology*** 45:1949, 1995.
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53. Engelstein E, Margulies J, Jeret JS. Lack of tPA use for acute ischemic stroke in a community hospital: High incidence of exclusion criteria. ***American Journal of Emergency Medicine*** 18:257-260, 2000.
54. Jeret JS. Systematic comparison of the early outcome of angioplasty and endarterectomy for symptomatic carotid artery disease (letter). ***Stroke*** 31:1522-3, 2000.

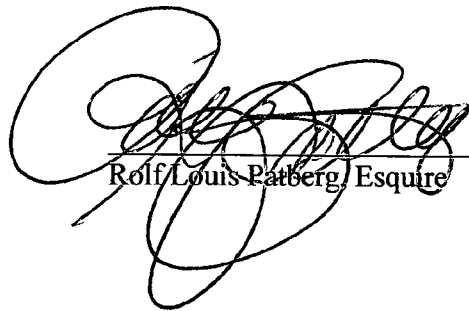
• **Publications & Presentations (continued):**

55. Jeret JS, Bluth M. Stroke following chiropractic manipulation: Report of 3 cases and review of literature. *Journal of Neuroimaging* 10:52, 2000.
56. Jeret JS. Carotid endarterectomy: Another wake-up call (letter). *Neurology* 56: 1118, 2001.
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58. Jeret JS. Petrous carotid stenosis (letter). *Journal of Neuroimaging* 11:452, 2001.
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60. Jeret JS. Neurologic malpractice claims: Can trends guide education? (abstract) *Neurology* 58:A22-23, 2002.
61. Jeret JS, Bluth M. Stroke following chiropractic manipulation. *Cerebrovascular Diseases* 13:210-213, 2002.
62. Jeret JS. Neurologic malpractice claims: Can trends guide education? Presented at the 54th Annual Meeting of the American Academy of Neurology. Denver, Colorado. April 2002.
63. Jeret JS. Diltiazem-induced myoclonus (letter). *Neurology* 59: 962, 2002.
64. Jeret JS. Stroke following chiropractic manipulation: A genuine risk. A response to the letter of J.O. Di Duro. *Cerebrovascular Diseases* 15:156, 2003.
65. Jeret JS, Halpert S. Alzheimer's disease in patients with Down's syndrome: Can death be predicted? (abstract) *Neurology* 62: A345, 2006.
66. Jeret JS, Halpert S. Alzheimer's disease in patients with Down's syndrome: Can death be predicted? Presented at the 57th Annual Meeting of the American Academy of Neurology. San Diego, California. April 6, 2006.
67. Jeret JS. Prevalence and severity of microbleeds in a memory clinic setting (letter). *Neurology* 68: 391, 2007.
68. Jeret JS. Pronouncing brain death: Contemporary practice and safety of the apnea test (letter). *Neurology* 73: 159-160, 2009.

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Expert Report of Joseph S. Jeret, M.D. was forwarded this 23 day of September, 2009 via postage prepaid United States Mail to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsaysburg, PA 16648



Rolf Louis Patberg, Esquire

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

v.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

NO.: 2002-00740-CD

TYPE OF PLEADING:

**EXPERT REPORT OF ALAN H.
BRAGMAN, D.C.**

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUTSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

FILED NO CC
M10:3261
SEP 25 2009 (64)

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

EXPERT REPORT OF ALAN H. BRAGMAN, D.C.

AND NOW, come the Plaintiffs, by and through their attorneys, Rolf Louis Patberg, Esquire,
and the law firm of Patberg, Carmody & Ging, and file the attached Expert Report of Alan H.
Bragman, D.C.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 9-22-09

By 

Rolf Louis Patberg, Esquire
PA I.D. No. 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

Attorney for Plaintiffs.

JURY TRIAL DEMANDED

Alan H. Bragman, D.C.
5500 Errol Place
Atlanta, Georgia 30327
(404) 257-9812; (678) 777-1161
Fax (404) 255-2029
wise64875@aol.com

September 18, 2009

Rolf Louis Patberg Esq.
Deushtown Center
801 Vinial Street
Third Floor
Pittsburgh, PA 15212

RE: John D. Luttman:

Dear Mr. Patberg:

Pursuant to your request, I have reviewed the following documents:

1. Medical Records from Presbyterian University Hospital
2. Medical Records from Dubois Hospital
3. Medial Records from Cigna
4. Medical Records from Casteel
5. Medical Bills from Blue Cross
6. Medical Records from Casteel Chiropractic Center
7. Assorted medical records, tax and pension information
8. Deposition Transcript of Scott Casteel D.C.
9. Deposition Transcript of John D. Luttman
10. Deposition Transcript of Audrey Luttman

The care provided by the doctors at the Casteel Chiropractic Center to their patient John Luttman deviated substantially from the accepted standards of care within the chiropractic profession. It is also my opinion within a reasonable degree of medical/chiropractic certainty that the June 10, 2000 cervical manipulations performed on Mr. Luttman by Dr. Sorbera at the Casteel Chiropractic Center caused a left vertebral artery dissection with multiple infarctions.

The standards of care within the chiropractic profession are primarily based on what is taught clinically and academically in the accredited chiropractic colleges and generally accepted standards of care as practiced by the profession at large.

The following are examples of where the treating doctors at The Casteel Chiropractic Center deviated from the normal standards of care in their care and treatment of Mr. Luttmann:

The main complaint history taken on 5/10/00 was grossly incomplete and below the applicable standard of care. The history should provide detailed information regarding the primary or chief complaint with presenting symptomatology, secondary complaints, personal history, including past illnesses, medications, hospitalizations, past medical/chiropractic treatment and attempts at self care, with a review of systems. The history is the most critically sophisticated and complex task used by health care providers. A well performed history will appropriately identify the region to be examined and the extent of the condition. The lack of an adequate history is especially important given this patient's history of heavy smoking, diabetes, hypertension and hyperlipidemia.

The physical examination performed on 5/10/00 was incomplete and failed to establish a clinical basis for treatment of this patient. This examination lacked the following: Vitals, checking cranial nerves, cervical ranges of motion with areas of pain or radiation noted, neurological, motor, vascular and orthopedic testing, deep tendon reflexes, palpation and observation. The clinician has the responsibility to utilize all diagnostic procedures pertinent to the physical exam prior to rendering any care. This failure to perform a comprehensive physical examination made it impossible for the doctors to determine if forceful manipulation cervical spine would put this patient at risk for a vascular injury.

The daily progress notes were grossly incomplete and failed to adequately convey what transpired between the doctor and patient on each visit. In addition the daily notes fail to follow a SOAP or similar format and they provide almost no useful clinical information.

Records fail to indicate that a post examination conference was ever conducted with this patient. This conference is vital to discuss examination and diagnostic testing findings, along with a proposed plan of treatment and the projected length of care. At this time the doctor should explain the risks and benefits of care, along with the projected length of treatment.

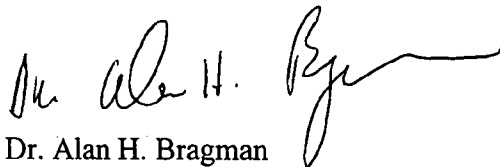
Records indicate that cervical/thoracic AP and lateral x-rays were not taken until 6/1/00. This was after the initial cervical manipulation was performed on 5/22/00. Plain film x-rays should be performed prior to commencing forceful cervical manipulation.

The records and testimony indicate that Dr Casteel initially treated this patient on 5/10/09, for lower back, hip and groin pain caused by a lifting injury while at work. The initial records and input data did not indicate any cervical complaints or problems. Mr.

Luttman's cervical spine was manipulated initially on 5/22/00, without having taken a history, examined or x-rayed the cervical spine. The records and testimony note that the patient broke into a cold sweat while having his cervical spine manipulated for the first time on the 22nd. Even with this adverse reaction to cervical manipulation on 5/22/00 the patient's cervical spine was again manipulated on 5/24/00. Cervical x-rays of the cervical spine were performed on 6/1/00. Additional cervical manipulation was performed on Mr. Luttman on 6/1/00, 6/2/00 and 6/10/00. When Mr. Luttman presented for treatment on Saturday 6/10/00 he was experiencing cervical pain, numbness radiating into his hands, equilibrium and balance problems. Even with these signs and symptoms of a possible ischemic event, Dr. Sorbera failed to examine, refer or order additional diagnostic tests on this patient. Instead, he performed additional cervical manipulation on Mr. Luttman. Following this initial cervical manipulation on 6/10/00, Mr. Luttman contacted the Casteel Chiropractic Center to advise them that following his earlier treatment he was now experiencing numbness on the left side of his body and sensory problems on the right side, in addition to his prior problems. He returned to the Casteel clinic where he again received upper cervical manipulation. Following this treatment the patient collapsed while getting up to use the restroom on Saturday night. He was taken to the ER where he was subsequently diagnosed with a left vertebral artery dissection with multiple infarctions. This patient is now disabled and continues to suffer from severe neurological deficits, which are of a permanent nature.

If you have additional questions or comments regarding this matter, please feel free to contact me.

Very Truly Yours

A handwritten signature in black ink, appearing to read "Dr. Alan H. Bragman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dr. Alan H. Bragman

ALAN H. BRAGMAN, D.C.

5500 Errol Place
Atlanta, GA 30327
(404) 257-9812; (678) 777-1161
alanbragman.com

BIOGRAPHICAL DATA

- PROFESSIONAL LICENSES:** State of Georgia—Doctor of Chiropractic
- CONSULTING:** Blue Cross/Blue Shield of Georgia and Blue Choice Plan --
HMO administrator and clinical advisor, Member Lower Back Pain Study
Panel. 1997-2004
Alignis Health Care - Southeastern Clinical Director, consultant and
independent medical examiner. 1998-2005
File review and utilization consultant
for multiple insurance carriers, law firms, utilization management
and review organizations.
Unicare/Wellpoint -- long term disability consultant 1996-2004
- EXPERT WITNESS:** Chiropractic negligence and utilization --review and
Testimony on standards of care and utilization in
Over 800 cases throughout the U.S., Puerto Rico and Canada
- PROFESSIONAL EDUCATION:** National University of Health Sciences, Lombard, Illinois.
Doctor of Chiropractic: May 1982
National Lincoln School of Postgraduate
Education -- over 450 hours in orthopedics,
Neurology, Radiology, Diagnosis, Sports injuries and
Impairment Rating
- EDUCATIONAL BACKGROUND:** Eastern Michigan University, Ypsilanti, Michigan. B.S.
- PROFESSIONAL ASSOCIATIONS:** Georgia Chiropractic Association:
Vice President, District One 1984 -- 1985;
President, District One 1985 -- 1986;
Board of Directors 1986 -- 1987
Emory University, Graduate M.B.A Program--
Assistant to Professor-Business Development course
Atlanta Track Club and Emory University Track Team: Medical and
Injury consultant 1994-1997
Treating Physician: Numerous Olympic and World Class Athletes
Contributing Medical Writer and Advisory Staff Member for:
Bicycling Magazine; Road Bike Rider Online, Atlanta Sports & Fitness;
Speed Skating Times; Author: Chiropractic Malpractice and the Role of the
Expert Witness; Stroke Due to Cervical Manipulation.
Atlanta Bar Association -- Guest Speaker
Georgia Chiropractic Association-Guest Speaker
National College of Chiropractic -- Alumni Association

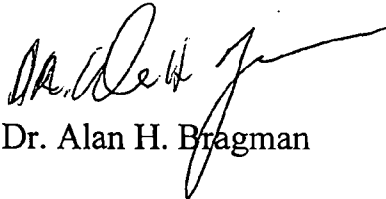
Dr. Alan H. Bragman
5500 Errol Place
Atlanta, GA 30327

September 18, 2009

RE: John Luttman

Narrative report 1 ½ hours @ \$350.00/hour \$525.00

Thank you,

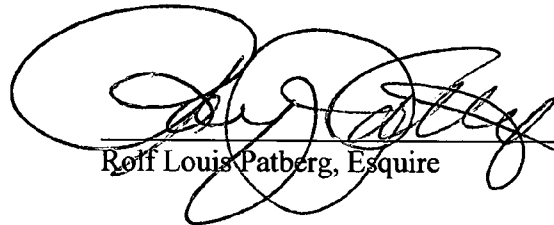
A handwritten signature in black ink, appearing to read "A. H. Bragman", with a long horizontal flourish extending to the right.

Dr. Alan H. Bragman

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Expert Report of Alan H. Bragman, D.C. was forwarded this 22 day of September, 2009 via postage prepaid United States Mail to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsaysburg, PA 16648



Rolf Louis Patberg, Esquire

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

v.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants..

NO.: 2002-00740-CD

TYPE OF PLEADING:

EXPERT REPORT OF ANNE MATHEWS

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUTSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

FILED

NO
M110:5541 CC
OCT 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
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)
Defendants.)

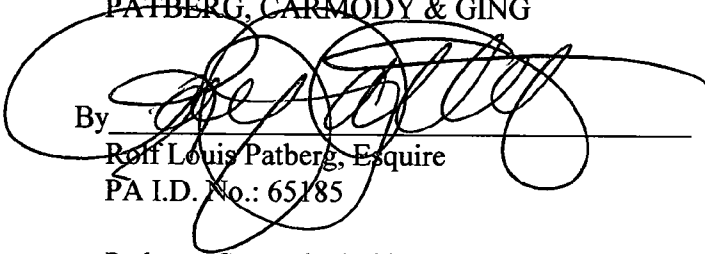
EXPERT REPORT OF ANNE MATHEWS

AND NOW, come the Plaintiffs, by and through their counsel, Rolf Louis Patberg, Esquire,
and the law firm of Patberg, Carmody & Ging, and files the attached Expert Report of Anne
Mathews.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 10-22-09

By 
Rolf Louis Patberg, Esquire
PA I.D. No.: 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

Attorney for Plaintiffs.

JURY TRIAL DEMANDED

OFFICE NOTE

Anne Mathews, M.D.

RE: Luttman, John

10/11/00

The patient presents with a chief complaint of weakness left side secondary to CVA and sensory abnormalities on the right side. The patient states since he had seen me last he had followed up with his neurologist at Pittsburgh who had renewed his therapies and also states he was taken off of Elavil and prescribed Neurontin on an increasing dose. The patient states he still has burning pain on his right side. Reports he does not need any assistive device for ambulation. States he tries to do yard work at home but tires out easily. Denies any new visual, speech, or swallowing problems. Reports he is scheduled to follow-up with his primary physician, Dr. Kozloski every three months. No other new complaints reported. PFSH otherwise unchanged. Review of systems is as noted above.

PHYSICAL EXAMINATION

The patient presents as a well-developed, well-nourished appearing male. He is pleasant and cooperative, alert and oriented. Left upper extremity 4-/5. Left lower extremity - ankle clonus is noted. Strength is within functional limits. Sensory deficits remain on the right side. Deep tendon reflexes 3+ left upper and lower extremity, 1+ right upper and lower extremity. Rhomberg's test positive. Patient unable to perform heel or toe walking. He is independent with his transfers and ambulation without any assistive device.

IMPRESSION

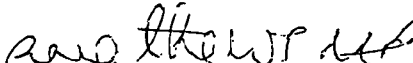
1. CVA with left sided weakness and right sided sensory deficits.

PLAN

Patient is functionally stable. He is being followed by his primary physician and neurologist. Patient will be unable to return to his prior job. I have recommended patient apply for disability. Forms completed. Advised patient to continue renewal of his prescriptions through his primary physician's office. He is also following up regularly with a neurologist. Will, therefore, discharge patient from regular follow-up visits in this office. Patient agreeable with the plan.

D: 10/11/00

AM:lm


Anne Mathews, M.D.

Any person who knowingly and with intent to defraud any insurance company or other person: (1) files an application for insurance or statement of claim containing any materially false information; or, (2) conceals for the purpose of misleading, information concerning any material fact, commits a fraudulent insurance act. For residents of the following states, please see the reverse side **Colorado, Florida, Maryland, New Jersey, New York, Pennsylvania, Oregon or Virginia.**

ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY (PLEASE PRINT)

The insured is responsible for having this form completed by any/all treating physician(s) without expense to the company. We must have comprehensive medical information in order to evaluate the insured's claim for Disability Benefits.

THIS SECTION IS TO BE COMPLETED BY THE PATIENT/INSURED

1. NAME <u>John D. Luttman</u>	EMPLOYER NAME <u>United Parcel</u>
ADDRESS <u>R. D. 2 Box 248</u>	SOCIAL SECURITY NUMBER <u>405-56-9725</u>
CITY <u>DuBois</u> STATE <u>PA.</u> ZIP CODE <u>15801-9117</u>	GROUP POLICY NUMBER <u>079900</u>
TELEPHONE <u>814-371-4824</u> OCCUPATION <u>delivery driver</u>	DATE OF BIRTH <u>6-20-41</u>

THE REMAINING SECTION IS OF THIS FORM ARE TO BE COMPLETED BY YOUR PHYSICIAN(S)

1. DIAGNOSIS (Including any complications)

(a) Diagnosis (Include ICD-9 or DSM-IV Code)

CNA 438.21 438.22

(b) Subjective symptoms

no sleep

(c) Objective findings (Please attach copies of current X-rays, EKG's, Laboratory Data and any clinical findings as available)

no sleep

(d) Are symptoms consistent with the clinical findings? ☐ Yes ☐ No, explain _____

(e) Is illness work related? ☐ Yes ☒ No

(f) If pregnancy please indicate: LMP: _____ EDC: _____ Actual Delivery: _____

2. DATES OF TREATMENT

• Date patient first visited you for this accident/illness:

Month Day Year
6/13/00

• Date patient first unable to work due to this accident/illness:

Month Day Year
6/14/00

• List frequency & date(s) patient was examined for this accident/illness:

• Date of last visit: Month Day Year

next appt: 10/11/00

3. NATURE OF TREATMENT (Including Surgery & Medications prescribed, if any)

Hospitalization on: Month Day Year THROUGH Month Day Year

• Surgery on: Month Day Year Type of Surgery:

Name and Address of Hospital

• Medications-type/dosage:

no sleep

• Medications-type/dosage:

* 9/28
NO action
needed
claim approved
have next appt
10/11
APS identical
med.

4. PHYSICAL LIMITATIONS / IF APPLICABLE: In an 8 hour day is your patient able to:					
	0 hours	up to 2.5 hours	up to 5.5 hours	greater than 5.5 hours	Cardiac - If applicable (American Heart Association)
Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 1 - No Limitation
Balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 2 - Slight Limitation
Stoop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 3 - Marked Limitation
Kneel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 4 - Complete Limitation
Crouch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Crawl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blood Pressure (last visit)
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>totally disabled</i>
Sit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Please indicate the maximum level of ability (sedentary, light, medium, heavy) of your patient to:					
_____ Lift _____ Carry _____ Push _____ Pull _____ Sedentary = 10 lbs. maximum, walking occasionally. Light = 20 lbs. maximum, 10 lbs. frequently Medium = 50 lbs. maximum, 25 lbs. frequently, up to 10 lbs. constantly. Heavy = 100 lbs. maximum, 50 lbs. frequently, 20 lbs. constantly.					
5. MENTAL IMPAIRMENT / IF APPLICABLE: Please complete the following (incomplete information will delay claim processing):					
Axis I: _____					

II: _____					

III: _____					

IV: _____					

V: Current GAF: _____ Highest GAF in past year: _____					
Additional Comments: _____					
6. EXTENT OF DISABILITY					
			Patient's Regular Occupation	Any Occupation	
When was patient able to go to work?			<i>full duty</i>	<i>totally disabled</i>	
			Month Day YearC	Month Day YearC	
7. REHABILITATION					
(a) Is patient a suitable candidate for further PHYSICAL / PSYCHOLOGICAL rehabilitation services? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If no, explain: _____					
(b) Can present job be modified to allow for handling with impairment?					
(c) Is patient a suitable candidate for VOCATIONAL rehabilitation services?					
If no, when: _____					
8. REMARKS <i>Please submit office notes</i>					
DATE <i>9/22/00</i>	PRINT NAME (ATTENDING PHYSICIAN)			SIGNATURE <i>[Signature]</i>	DEGREE
TELEPHONE NUMBER			PROVIDER TAX ID NUMBER		
STREET ADDRESS					
CITY OR TOWN			STATE (OR PROVINCE)		ZIP CODE

Any person who knowingly and with intent to defraud any insurance company or other person: (1) files an application for insurance or statement of claim containing any materially false information; or, (2) conceals for the purpose of misleading, information concerning any material fact, commits a fraudulent insurance act. For residents of the following states, please see the reverse side *Colorado, Florida, Maryland, New Jersey, New York, Pennsylvania, Oregon or Virginia.*

ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY (PLEASE PRINT)

The insured is responsible for having this form completed by any/all treating physician(s) without expense to the company. We must have comprehensive medical information in order to evaluate the insured's claim for Disability Benefits.

THIS SECTION IS TO BE COMPLETED BY THE PATIENT/INSURED

1. NAME <u>John D. Luttman</u>		EMPLOYER NAME <u>United Parcel</u>
ADDRESS <u>RD 2 Box 248</u>		SOCIAL SECURITY NUMBER <u>405-56-9725</u>
CITY <u>DuBois</u>	STATE <u>PA</u>	ZIP CODE <u>15801</u>
TELEPHONE <u>814-371-4824</u>	OCCUPATION <u>delivery driver</u>	GROUP POLICY NUMBER <u>079900</u>
		DATE OF BIRTH <u>6-20-41</u>

THE REMAINING SECTION IS OF THIS FORM ARE TO BE COMPLETED BY YOUR PHYSICIAN(S)

1. DIAGNOSIS (Including any complications)
(a) Diagnosis (Include ICD-9 or DSM-IV Code) <u>no sleep apnea</u>
(b) Subjective symptoms
(c) Objective findings (Please attach copies of current X-rays, EKG's, Laboratory Data and any clinical findings as applicable.)
(d) Are symptoms consistent with the clinical findings? <input type="checkbox"/> Yes <input type="checkbox"/> No, explain _____
(e) Is illness work related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(f) If pregnancy please indicate: LMP: _____ EDC: _____ Actual Delivery: _____
2. DATES OF TREATMENT
• Date patient first visited you for this accident/illness: <u>6/13/00</u>
• Date patient first unable to work due to this accident/illness: <u>6/11/00</u>
• List frequency & date(s) patient was examined for this accident/illness:
• Date of last visit: <u>10/11/00</u> <u>next appt: discharged</u>
3. NATURE OF TREATMENT (Including Surgery & Medications prescribed, if any)
Hospitalization on: _____ THROUGH _____
• Surgery on: _____ Type of Surgery: _____
Name and Address of Hospital
• Medications-type/dosage: <u>no sleep apnea</u> <u>other medication</u> <u>referred to by</u> <u>neurologist</u>
• Medications-type/dosage:

4. PHYSICAL LIMITATIONS / IF APPLICABLE: In an 8 hour day is your patient able to:

	0 hours	up to 2.5 hours	up to 5.5 hours	greater than 5.5 hours
Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stoop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crouch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crawl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cardiac - If applicable
(American Heart Association)

- ☐ Class 1 - No Limitation
☐ Class 2 - Slight Limitation
☐ Class 3 - Marked Limitation
☐ Class 4 - Complete Limitation

Blood Pressure (last visit) _____

fully disabled

Please indicate the maximum level of ability (sedentary, light, medium, heavy) of your patient to:

_____ Lift _____ Carry _____ Push _____ Pull _____

Sedentary = 10 lbs. maximum, walking occasionally. Light = 20 lbs. maximum, 10 lbs. frequently

Medium = 50 lbs. maximum, 25 lbs. frequently, up to 10 lbs. constantly. Heavy - 100 lbs. maximum, 50 lbs. frequently, 20 lbs. constantly.

5. MENTAL IMPAIRMENT / IF APPLICABLE: Please complete the following (incomplete information will delay claim processing):

Axis I: _____

II: _____

III: _____

IV: _____

V: Current GAF: _____ Highest GAF in past year: _____

Additional Comments: _____

6. EXTENT OF DISABILITY

Patient's Regular Occupation

Any Occupation

When was patient able to go to work?

full duty

Month Day YearC

fully disabled

Month Day YearC

7. REHABILITATION

(a) Is patient a suitable candidate for further PHYSICAL / PSYCHOLOGICAL rehabilitation services?

☐ Yes

☐ No

If no, explain: _____

(b) Can present job be modified to allow for handling with impairment?

(c) Is patient a suitable candidate for VOCATIONAL rehabilitation services?

If no, when: _____

8. REMARKS

Please submit office notes.

Delay in your patients benefits can occur w/o these notes.

DATE

PRINT NAME (ATTENDING PHYSICIAN)

SIGNATURE

DEGREE

TELEPHONE NUMBER

PROVIDER TAX ID NUMBER

STREET ADDRESS

CITY OR TOWN

STATE (OR PROVINCE)

ZIP CODE

Any person who knowingly and with intent to defraud any insurance company, or other person: (1) files an application for insurance or statement of claim containing any materially false information; or, (2) conceals for the purpose of misleading, information concerning any material fact, commits a fraudulent insurance act. For residents of the following states, please see the reverse side *Colorado, Florida, Maryland, New Jersey, New York, Pennsylvania, Iowa or Virginia.*

ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY (PLEASE PRINT)

The insured is responsible for having this form completed by any/all treating physician(s) without expense to the company. We must have comprehensive medical information in order to evaluate the insured's claim for Disability Benefits.

THIS SECTION IS TO BE COMPLETED BY THE PATIENT/INSURED			
1. NAME <u>John D. Luttman</u>		EMPLOYER NAME <u>United Parcel</u>	
ADDRESS <u>R.D. 2 Box 248</u>		SOCIAL SECURITY NUMBER <u>405-56-4725</u>	
CITY <u>Du Bois</u>	STATE <u>PA</u>	ZIP CODE <u>15801-9217</u>	GROUP POLICY NUMBER <u>079900</u>
TELEPHONE <u>814-371-4824</u>	OCCUPATION <u>Delivery driver</u>	DATE OF BIRTH <u>6-20-41</u>	

THE REMAINING SECTION IS OF THIS FORM ARE TO BE COMPLETED BY YOUR PHYSICIAN(S)

1. DIAGNOSIS (Including any complications)	
(a) Diagnosis (Include ICD-9 or DSM-IV Code) <u>WA 438.21, 438.22</u>	
(b) Subjective symptoms <u>Excess weakness</u> <u>Pericarditis</u>	
(c) Objective findings (Please attach copies of current X-rays, EKG's, Laboratory Data and any clinical findings as applicable.) <u>Open dysphagia</u>	
(d) Are symptoms consistent with the clinical findings? <input type="checkbox"/> Yes <input type="checkbox"/> No, explain _____	
(e) Is illness work related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
(f) If pregnancy please indicate: LMP: _____ EDC: _____ Actual Delivery: _____	
2. DATES OF TREATMENT	
• Date patient first visited you for this accident/illness: <u>6/13/00</u>	
• Date patient first unable to work due to this accident/illness: <u>6/11/00</u>	
• List frequency & date(s) patient was examined for this accident/illness:	
• Date of last visit: <u>7/2/00</u> <u>next appt: 8/18/00</u>	
3. NATURE OF TREATMENT (Including Surgery & Medications prescribed, if any)	
Hospitalization on: _____	THROUGH _____
Surgery on: _____	Type of Surgery: _____
Name and Address of Hospital _____	
• Medications-type/dosage: <u>no change</u>	
• Medications-type/dosage: _____	

4. PHYSICAL LIMITATIONS / IF APPLICABLE: In _____ 3 hour day is your patient able to:						
	0 hours	up to 2.5 hours	up to 5.5 hours	greater than 5.5 hours	Cardiac - If applicable (American Heart Association)	
Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Class 1 - No Limitation
Balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Class 2 - Slight Limitation
Stoop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Class 3 - Marked Limitation
Kneel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Class 4 - Complete Limitation
Crouch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Crawl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Reach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Blood Pressure (last visit) _____
patient totally disabled

Please indicate the maximum level of ability (sedentary, light, medium, heavy) of your patient to:

_____ Lift _____ Carry _____ Push _____ Pull _____

Sedentary = 10 lbs. maximum, walking occasionally. Light = 20 lbs. maximum, 10 lbs. frequently
 Medium = 50 lbs. maximum, 25 lbs. frequently, up to 10 lbs. constantly. Heavy = 100 lbs. maximum, 50 lbs. frequently, 20 lbs. constantly.

5. MENTAL IMPAIRMENT / IF APPLICABLE: Please complete the following (incomplete information will delay claim processing):

Axis I: _____

 II: _____
 III: _____
 IV: _____
 V: Current GAF: _____ Highest GAF in past year: _____

Additional Comments: _____

6. EXTENT OF DISABILITY

	Patient's Regular Occupation	Any Occupation
When was patient able to go to work?	<i>full duty</i> Month Day YearC	<i>Totally disabled</i> Month Day YearC

7. REHABILITATION

(a) Is patient a suitable candidate for further PHYSICAL / PSYCHOLOGICAL rehabilitation services? ☒ Yes ☐ No

If no, explain: _____

(b) Can present job be modified to allow for handling with impairment? _____

(c) Is patient a suitable candidate for VOCATIONAL rehabilitation services? _____

If no, when: _____

8. REMARKS *Please submit accident officer report*

DATE <i>8/4/00</i>	PRINT NAME (ATTENDING PHYSICIAN) <i>ANNE MATTHEWS</i>	SIGNATURE <i>[Signature]</i>	DEGREE
TELEPHONE NUMBER <i>514 375 4660</i>		PROVIDER TAX ID NUMBER	
STREET ADDRESS <i>165 HOSPITAL AVE</i>			
CITY OR TOWN <i>SUITE 300 DUBOIS, PA</i>		STATE (OR PROVINCE)	ZIP CODE <i>15707</i>

Any person who knowingly and with intent to defraud any insurance company or other person: (1) files an application for insurance or statement of claim containing any materially false information; or, (2) conceals for the purpose of misleading, information concerning any material fact, commits a fraudulent insurance act. For residents of the following states, please see the reverse side **Colorado, District of Columbia, Florida, Maryland, New Jersey, New York, Pennsylvania, Oregon or Virginia.**

ATTENDING PHYSICIAN'S STATEMENT OF DISABILITY (PLEASE PRINT)

The insured is responsible for having this form completed by any/all treating physician(s) without expense to the company. We must have comprehensive medical information in order to evaluate the insured's claim for Disability Benefits.

THIS SECTION IS TO BE COMPLETED BY THE PATIENT/INSURED

1. NAME <u>John D. Luttman</u>		EMPLOYER NAME <u>United Parcel</u>
ADDRESS <u>R.D. # 2 Box 248</u>		SOCIAL SECURITY NUMBER <u>405-56-9725</u>
CITY <u>DuBois</u>	STATE <u>PA</u>	ZIP CODE <u>15801-9117</u>
TELEPHONE <u>814-371-4824</u>	OCCUPATION	GROUP POLICY NUMBER <u>079900</u>
		DATE OF BIRTH <u>6-26-41</u>

THE REMAINING SECTION IS OF THIS FORM ARE TO BE COMPLETED BY YOUR PHYSICIAN(S)

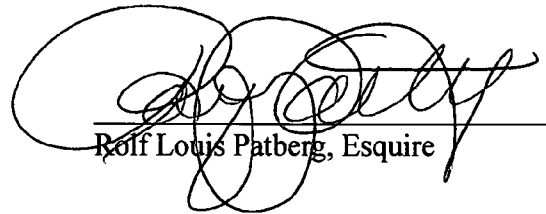
1. DIAGNOSIS (Including any complications)		
(a) Diagnosis (Include ICD-9 or DSM-IV Code) <u>CWA 438.21, 438.22</u>		
(b) Subjective symptoms <u>① tired weakness</u> <u>② heart palpitations</u>		
(c) Objective findings (Please attach copies of current X-rays, EKG's, Laboratory Data and any clinical findings as applicable.) <u>as above.</u> <u>① facial dysthesia</u>		
(d) Are symptoms consistent with the clinical findings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, explain _____		
(e) Is illness work related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
(f) If pregnancy please indicate: LMP: _____ EDC: _____ Actual Delivery: _____		
2. DATES OF TREATMENT		
• Date patient first visited you for this accident/illness: <u>6/13/00</u> Month Day Year		
• Date patient first unable to work due to this accident/illness: <u>6/11/00</u> Month Day Year		
• List frequency & date(s) patient was examined for this accident/illness: <u>6/13/00 → 6/30/00 → 7/21/00</u>		
• Date of last visit: <u>7/21/00</u> Month Day Year <u>next appt: in 6 wks</u>		
3. NATURE OF TREATMENT (Including Surgery & Medications prescribed, if any)		
Hospitalization on: <u>6/11/00</u> Month Day Year THROUGH <u>6/30/00</u> Month Day Year		
• Surgery on: _____ Type of Surgery: _____		
Name and Address of Hospital <u>DMRC, DuBois, PA 15801</u>		
• Medications-type/dosage: <u>coumadin, lipitor, cardura.</u>		
• Medications-type/dosage: _____		

4. PHYSICAL LIMITATIONS / IF APPLICABLE. In an 8 hour day is your patient able to:					Cardiac - If applicable (American Heart Association)
	0 hours	up to 2.5 hours	up to 5.5 hours	greater than 5.5 hours	
Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 1 - No Limitation
Balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 2 - Slight Limitation
Stoop	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 3 - Marked Limitation
Kneel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Class 4 - Complete Limitation
Crouch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Crawl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Reach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blood Pressure (last visit) _____
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>N/A patient totally disabled.</i>
Sit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Stand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Please indicate the maximum level of ability (sedentary, light, medium, heavy) of your patient to:					
_____ Lift _____ Carry _____ Push _____ Pull _____ Sedentary = 10 lbs. maximum, walking occasionally. Light = 20 lbs. maximum, 10 lbs. frequently Medium = 50 lbs. maximum, 25 lbs. frequently, up to 10 lbs. constantly. Heavy = 100 lbs. maximum, 50 lbs. frequently, 20 lbs. constantly.					
5. MENTAL IMPAIRMENT / IF APPLICABLE: Please complete the following (incomplete information will delay claim processing):					
Axis I: _____					
II: _____					
III: _____					
IV: _____					
V: Current GAF: _____ Highest GAF in past year: _____					
Additional Comments:					
6. EXTENT OF DISABILITY					
		Patient's Regular Occupation		Any Occupation	
When was patient able to go to work?		<i>full duty</i>		<i>Totally disabled.</i>	
		Month	Day	Year	Month Day Year
7. REHABILITATION					
(a) Is patient a suitable candidate for further PHYSICAL / PSYCHOLOGICAL rehabilitation services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
If no, explain: _____					
(b) Can present job be modified to allow for handling with impairment?					
(c) Is patient a suitable candidate for VOCATIONAL rehabilitation services?					
If no, when: <i>no.</i>					
8. REMARKS					
DATE <i>7/21/00</i>	PRINT NAME (ATTENDING PHYSICIAN) <i>ANNE MATTHEWS</i>		SIGNATURE <i>Anne Matthews, MD</i>		DEGREE
TELEPHONE NUMBER <i>814 375 4660</i>			PROVIDER TAX ID NUMBER		
STREET ADDRESS <i>14510 PINE AVE, DUBOIS, PA - 15801</i>					
CITY OR TOWN			STATE (OR PROVINCE)		ZIP CODE

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Expert Report of Anne Mathews was forwarded this 22 day of October, 2009 via postage prepaid United States Mail and facsimile to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsaysburg, PA 16648
(814) 695-5066



Rolf Louis Patberg, Esquire

FILED

NOV 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

NO CHARGE COPY

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

v.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

NO.: 2002-00740-CD

TYPE OF PLEADING:

**EXPERT REPORT OF JAMES D.
RODGERS, PH.D.**

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

EXPERT REPORT OF JAMES D. RODGERS, PH.D.

AND NOW, come the Plaintiffs, by and through their counsel, Rolf Louis Patberg, and the law firm of Patberg, Carmody & Ging, and files the attached Expert Report of James D. Rodgers, Ph.D.

RESPECTFULLY SUBMITTED:

DATE: 11-10-09

PATBERG, CARMODY & GING

By 

Rolf Louis Patberg, Esquire
PA I.D. No.: 65185

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

Attorney for Plaintiffs.

JURY TRIAL DEMANDED

JAMES D. RODGERS, PH.D.
Economic Appraisals & Forensic Economics
237 Timberton Circle
Bellefonte, Pennsylvania 16823-9070
814/355-4944
Facsimile 814/355-0530

November 9, 2009

Rolf Louis Patberg, Esquire
Patberg, Carmody & Ging
Attorneys at Law
Deuschtown Center
801 Vinial Street, Third Floor
Pittsburgh, PA 15212

RE: John D. Luttman and Audrey Luttman v. Scott Casteel, et al.
No.: 2002-00740-CD (Clearfield County, Pennsylvania)
Your File No.: 09-222

Dear Mr. Patberg:

This letter constitutes my report providing a report appraising the economic losses arising from the alleged medical negligence occurring 5/15/2000 through 6/10/2000, and causing injuries to John D. Luttman. Mr. Luttman's economic losses are computed according to the damage rules specified in Pennsylvania Act 13, commonly referred to as the "MCARE Act." To a reasonable degree of economic certainty, it is my opinion that the economic damages amount to \$283,344, if Mr. Luttman had worked at UPS until he would have accumulated 30 years of service, and \$501,465, if he had worked at UPS until he would have accumulated 34.941 years of service by working until he would have reached his "full" Social Security retirement age of 65 years and 8 months. The damage figures of \$283,344 and \$501,465 do not include any amounts to compensate for past medical expenses, or for pain and suffering. Also, these figure does not take into account any payments received as a consequence of the alleged medical negligence, aside from an offset made for the pension he currently receives.

I. Sources Relied Upon

In preparing this report, I have relied upon my general knowledge and experience as an economist. In addition, I have relied upon the publications and web sites referred to in the text tables, and Appendix of this report, and I have had access to the following materials relating to Mr. Luttman:

1. Complaint, Clearfield County Court of Common Pleas, No. 2002-00740-CD
2. Dr. Gebel consultation at UPMC

3. Reports from Drs. Jeret, Bragman and Matthews
4. United Parcel Service (UPS) employment documents
5. Tax documents and payroll stubs, 1998-2008
6. Depositions of John Luttman and Audrey Luttman, dated 7/17/2003
7. Medical time line
8. Employment time line
9. Answered checklist of information needed for appraisal
10. Phone conversations with John Luttman, 11/7/2009 and 11/9/2009.

II. Background Information

John D. Luttman, a white male, was born on 6/20/1941. He is married to Audrey Luttman, a white female, was born on 8/19/1946. The Luttmans were married on 12/11/1964. The Luttmans reside at R.D. #2, Box 248, DuBois, PA 15801-9771. They have three children: John Richard Luttman, born on 6/16/1965; Donald Jeffrey Luttman, born on 5/26/1966; and Gregory Matthew Luttman, born on 12/3/1982. The youngest son is dependant for financial support on his parents.

Mr. Luttman did not graduate from high school though he completed the 12th grade and obtained a GED in 1961. He also attended the IBM School of Business while he was serving in the United States Air Force in Buffalo, New York, where he worked as a key punch operator. He received an honorable discharge from the Air Force.

Mr. Luttman began his employment with United Parcel Service (UPS) in 1971. He worked as a delivery man and also in the warehouse. He was a member of the Teamster's union. He was employed at UPS up until the date of a work-related injury on 5/4/2000. He received workers' compensation payments for this injury, and he returned to work on 6/5/2000. However, he only worked for one week and never again returned to work due to injuries sustained from alleged medical negligence from chiropractic treatment at the Casteel Chiropractic Center over the period 5/15/2000 to 6/10/2009. As of his ending date of employment, Mr. Luttman was being paid a straight-time hourly rate of \$21.76, and he usually worked a 40 hour week, plus a considerable number of overtime hours. Table 4 shows Mr. Luttman's earnings at UPS during the years 1998, 1999 and 2000, up to the time he stopped working. Expressed in 2000 dollars, Mr. Luttman had annual average earnings in 1998 and 1999, the two most recent years prior to the year of the alleged medical negligence, of \$60,136 per year.

The alleged medical negligence at Casteel Chiropractic Center caused Mr. Luttman to suffer a stroke and rendered him totally and permanently disabled. Mr. Luttman was awarded a company pension for "25 & out" from the Western Pennsylvania Teamsters and Employers Pension Plan based on 28 years, 3 months and 1 week of service. The pension is in the amount of \$2,338.65 per month after an actuarial adjustment for the 100% survivor option,

which, in the event of Mr. Luttman's death, would continue the payment of \$2,338.65 for the life of Audrey Luttman. Without the 100% survivor option, the pension would have paid \$2,570.51 per month. An actuarial factor of 0.9098 was applied when to compute the monthly pension with the 100% survivor option, bringing the monthly pension to \$2,338.65.

In regard to Mr. Luttman's health prior to the alleged medical negligence, upon admission to the UPMC Presbyterian Hospital in Pittsburgh on 7/13/2000, Mr. Luttman was noted to be a generally healthy individual who did have risk factors for cerebrovascular disease, which included diabetes mellitus, hyperlipidemia, and hypertension, but he had no family history of stroke. Mr. Luttman was a non-smoker who was physically well until he injured himself while lifting at work on 5/4/2000, resulting in left groin and low back pain. Mr. Luttman did drink alcohol moderately. Mr. Luttman is 5'10" tall. At the time of the alleged medical negligence, he weighed about 206 pounds. On 9/22/2009, he weighed about 228 pounds. Mr. Luttman's father was born in 1903 and died in 1965. His mother was born in 1908 and died in 1977. Mr. Luttman has five sisters who are all currently living and who range in age from 60 to 77.

According to the report by Dr. Jaret, "It is well documented throughout the medical literature that cervical chiropractic manipulations can cause arterial dissection and stroke....The signs and symptoms of stroke and/or ischemia that began on 5/22/2000 were all ignored at Casteel Chiropractic Center, where Mr. Luttman continued receiving medically contraindicated and dangerous cervical spine manipulations through 6/10/2000." (third page of Jaret report of 9/22/2009). Due to the injuries related to this alleged medical negligence, which caused arterial dissection and stroke, Mr. Luttman is totally and permanently disabled, as indicated by the reports of Drs. Jeter, Bradman and Matthews.

Audrey Luttman graduated from high school in 1964. She has had previous employment but has spent most of her life as a housewife. She had breast cancer in the 1980s and recently had gynecological surgery. She does not smoke or drink alcohol. None of the three sons of the Luttmans have any health problems.

Pre-incident, Mr. Luttman performed various repairs around his home, which is a home of about 1,600 square feet that sits on a 2-acre lot. He performed the outside work (mowing, snow removal, etc.) and worked on the family vehicles. Mrs. Luttman was primarily responsible for inside housework, cooking, household management, shopping and travel for household activity. Post-incident, Mr. Luttman has lost a substantial portion of his ability to perform the household work he performed before.

III. Estimating the Economic Damages

The economic losses occasioned by the injuries sustained by Mr. Luttman are estimated as the present value of the money earnings, pension and capacity to provide

household services that he has lost as a result of the injuries due to the alleged medical negligence.

In making the economic damage calculations in this report, cognizance is taken of appropriate damage calculation procedure as specified in legislation. In particular, Act 13, the Pennsylvania Medical Care Availability and Reduction in Error Act ("MCARE") was enacted by the Pennsylvania legislature on March 20, 2002. Section 510 of MCARE states:

"Future damages for loss of earnings or earning capacity IN A MEDICAL PROFESSIONAL LIABILITY ACTION shall be reduced to present value based upon the return that the claimant can earn on a reasonable secure fixed income investment. These damages shall be presented with competent evidence of productivity and inflation over time. The trier of fact shall determine the applicable discount rate based on competent evidence."

The damage computation procedure specified in Act 13 is applied in this report.

Relevant Dates and Expectancies. The relevant dates and expectancies used in this report are shown in Table 1. It is assumed that Mr. Luttman will live to the end of the average statistical life expectancy of persons with his characteristics of race, gender and age as of the date of the first instance of alleged medical negligence, which is to age 80.681. It is further assumed that he would have worked to two alternative ages: A) to age 60.726, his age when he would have accumulated 30 years of service at UPS; and B), age 65 and 8 months, the age at which Mr. Luttman would have been eligible for full Social Security benefits, which is about six months longer than the statistical work life expectancy (6.233 years to age 65.207 if worked continuously) of someone with Mr. Luttman's characteristics of sex, education, labor force status and age as of the first date of the alleged medical negligence. It is also assumed that he would have provided household services for the average number of years of healthy life for a person with his characteristics of race, sex and age as of the first date of the alleged medical negligence (16.355 more years to age 75.258). It is further assumed that Mr. Luttman would have been able to recover from the work injury he sustained on 5/4/2000, and resume and continue working from 6/5/2000. It is also assumed that Mrs. Luttman will have the average life expectancy of a person of her race, sex and age as of the first date of the alleged medical negligence to age 83.274, which extends about 7 and 3/4th years beyond the life expectancy of Mr. Luttman. These various expectancies are shown in Table 1.

A. Estimating the Components of Economic Damages

Tables 7A and 7B show the computation of each of the three elements of economic damage computed in this report. Table 7A shows damages for the scenario where it is assumed that Mr. Luttman would have retired at age 60.276 with 30 years of UPS service. Table 7B shows damages for the scenario where it is assumed that Mr. Luttman would have worked to age 65 and 8 months. Column (4) of this table shows the discount factors used to

reduce future losses of wages, pension and household services to present value. The present value factors are equal to 1.00000 for past years up to the date of this report, and are less than 1.00000 for future years. The discount factors for future losses are taken from Column (8) of Table 3. This discount factors allow for an interest rate equal to the projected rate on U.S. Treasury Securities having four or more years to maturity, as forecast in the 2009 OASDI report from the Office of the Chief Actuary of the Social Security Administration. Wage growth due to inflation and economy-wide productivity factors are included in past and future wage projections and the replacement cost of household services. Past wage growth from the date of the alleged medical negligence to the date of this report is assumed to follow the increases that occurred in the Employment Cost Index for Wages and Salaries, as shown in Column (7) of Table 2. Future increases in the replacement wage for household services are assumed to follow the wage increases forecast in the 2009 OASDI was forecast, as shown in Column (4) of Table 3. Future pension losses are not adjusted for inflation because the pension Mr. Luttman receives (and the pension amounts I project he would have received but for the alleged medical negligence) from the Western Pennsylvania Teamsters and Employers Pension Plan is not indexed for inflation.

Lost Money Earnings. Column (5) of Table 7A shows the earnings projected for Mr. Luttman until he would have reached 30 years of service at UPS, at age 60.726. The time in the future when Mr. Luttman would have had 30 years of service is determined by noting that the pension documents showing the calculation of his current pension indicate that on 6/19/2000, he had 28 years, 3 months and 1 week of service. Hence, in 1 year, 8 months and approximately 3 weeks, he would have had 30 years of service, which would occur on approximately 3/12/2002. To compute the earnings loss, it is assumed that Mr. Luttman's earnings in 2000 would have been \$60,136, based on Table 4. These earnings are assumed to increase in accord with the change in the Employment Cost Index for Wages & Salaries, shown in Column (7) of Table 2. Because Mr. Luttman reached age 60.726 before the date of this report, all of his money wage losses are past losses and do not have to be discounted to present value.¹ The total of the losses of money earnings is estimated to be \$108,066.

Column (5) of Table 7B shows the earnings projected for Mr. Luttman until he would have reached age 65 and 8 months, when he would have had 34.941 years of service at UPS. The time in the future when Mr. Luttman would have been age 65 and 8 months is approximately 2/18/2007. To compute Mr. Luttman's earnings loss in this scenario, it is assumed that Mr. Luttman's earnings in 2000 would have been \$60,136, based on the average

¹Indeed, I assume that the court will add prejudgement interest for damages incurred in the past, particularly since the damages began to be incurred over 9 years ago. Not adding prejudgement interest would mean that Mr. Luttman is under-compensated for his past losses, in the same way that not discounting future losses to present value would over-compensate for those losses.

earnings in 1998 and 1999, as shown in Table 4. These earnings are assumed to increase in accord with the change in the Employment Cost Index for Wages & Salaries, shown in Column (7) of Table 2. Because Mr. Luttman reached age 65.667 before the date of this report, all of his money wage losses are past losses and do not have to be discounted to present value. The total of the losses of money wages for this scenario is estimated to be \$444,302.

Pension Loss. Mr. Luttman began receiving a private pension benefit from the Western Pennsylvania Teamsters and Employers Pension Fund effective retroactively on 6/19/2000, in the amount of \$2,338.65 per month with the 100% option (meaning that this same amount would be paid for the life expectancy of Audrey Luttman if Mr. Luttman predeceases her). The monthly payment with the 100% option reflects a base pension of \$2,570.51, with an actuarial reduction factor of 0.9098. If Mr. Luttman had worked until he would have had 30 years of UPS service, he would have received a larger monthly pension estimated in Table 5 to be \$3,248.45. The net pension loss is the difference between the lifetime present value of the pension he would have received with retirement at 30 years of service, and the lifetime present value of the pension he is now receiving. That difference in lifetime present value is computed in Columns (7) and (8) of Table 7A. The past loss of pension is \$34,978, and the present value of the future loss of pension is \$99,109, with a total lifetime loss of \$134,008.

For the scenario in which it is assumed that Mr. Luttman would have worked to age 65 and 8 months, it is estimated in Table 5 that his pension would have been \$3,783.47 per month, but he would have started collecting this pension almost five years later than in the "30 & out" scenario. Hence, the past loss of pension is actually a negative \$136,642. However, the present value of the future loss is \$157,392, and the lifetime loss is therefore \$20,750, as shown in Column (8) of Table 7B.

Lost Household Services. The final element of loss is the lost value of Mr. Luttman's capacity to produce household services. This loss is estimated using the data in Table 6. Part A of Table 6 shows (a) the average amount of household services provided by husbands over age 55 who work full time, and (b) the average amount of such services produced by husbands who are retired. These data come from the American Time Use Survey which is produced by the U.S. Department of Labor. Part B of Table 6 adjusts the data in Part A to account for Mr. Luttman's specific situation. He basically performed outside housework, inside and outside repairs and care for the family cars and pets. Hence, all of the other categories of service other than "pets, home and vehicles" are "zeroed out." Part C of Table 6 estimates the replacement wage cost of the services in the "pets, home and vehicles" category using data from the publication entitled "Dollar Value of a Day," with an adjustment for the lower level of wages in Clearfield County, Pennsylvania, compared to the United States as a whole. Part D of table 6 shows the hourly replacement wages used for years prior to 2008 and for 2009. Because Mr. Luttman can still perform a modest amount of household services, his loss is estimated to be 50% of what would be a total loss. The annual loss after the assumed date of retirement is larger because survey data show that married retired males spend more time providing

household services than those who work full time. For the scenario where Mr. Luttmann is assumed to retire with 30 years of service, the value of past lost services is estimated to be \$21,771, as shown in Column (10) of Table 7A. This estimate takes into account that services before 2008 had a lower wage replacement cost, based on changes in the ECI shown in Column (7) of Table 2. The present value of future lost services is estimated to be \$19,420. It is assumed that Mr. Luttmann would have ceased providing these household services at the end of the average number of years of healthy life, at age 75.258. The total of past and future loss of services is estimated to be \$41,191.


For the scenario where Mr. Luttmann is assumed to retire at age 65 and 8 months, the value of past lost services is estimated in Column (10) of Table 7B to be \$16,650. The present value of future lost services is estimated to be \$19,406. As in Table 7A, the provision of these services by Mr. Luttmann are assumed to cease at the end of the average number of years of healthy life, at age 75.258. The total of past and future loss of services for this scenario is estimated to be \$36,056.

B. Summary of Economic Damages

Table 8 shows overall economic damages arising from the alleged medical negligence injuries of John Luttmann. In the scenario with retirement after 30 years of service, the economic damages have a present value of \$283,344. In the scenario with retirement at age 65 and 8 months, the economic damages have a present value of \$501,108. These figures do not include any amounts to compensate for past medical expenses, nor do they include any amount for pain and suffering. Finally, save for the pension offset, the present value damage amounts are not adjusted for any payments Mr. Luttmann has received or will receive as a consequence of the alleged medical negligence.

This concludes my report. It is subject to revision based on the receipt of additional relevant information. Please contact me if you have any questions.

Sincerely,



James D. Rodgers

TABLE 1
RELEVANT DATES
IN THE CASE OF
JOHN D. LUTTMAN and AUDREY L. LUTTMAN, Plaintiffs
vs.

SCOTT CASTEEL, *Ind/b/a* CASTEEL CHIROPRACTIC CENTER, SCOTT CASTEEL, Individually, and CASTEEL CHIROPRACTIC
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA, NO.: 2002-00740-CD

		YEAR AND FRACTIONAL EQUIVALENT	NUMBER OF YEARS	AGE	50% OF GROUP WILL HAVE EXPECTANCY BETWEEN APPROXIMATELY	
	DATE				AGE (LOW)	AGE (HIGH)
<u>JOHN D. LUTTMAN:</u>						
1. DATE OF BIRTH	20-Jun-1941	1941.467	--	--	--	--
2. HIRE DATE AT UPS	25-Oct-1971	1971.815	30.348	30.348	--	--
3. DATE OF WORK INJURY	4-May-2000	2000.357	58.889	58.889	--	--
4. DATE OF INCIDENTS						
FIRST INCIDENT:	15-May-2000	2000.370	58.903	58.903	--	--
THROUGH :	10-Jun-2000	2000.441	0.071	58.974	--	--
5. DATE OF RETURN TO WORK	5-Jun-2000	2000.428	0.057	58.960	--	--
6. UNABLE TO RETURN TO WORK	12-Jun-2000	2000.447	0.077	58.980	--	--
7. TEAMSTERS PENSION COMPUTATION DATE	19-Jun-2000	2000.466	28.651	58.999	--	--
8. RETIREMENT DATE "30 & Out" (a)	12-Mar-2002	2002.193	1.823	60.726	--	--
9. AGE 62 (b)	Jun-2003	2003.467	3.097	62.000	--	--
10. AVERAGE STATISTICAL WORKLIFE EXPECTANCY (c)	Sep-2006	2006.675	6.233	65.207	61.419	67.088
11. AGE 65 AND 8 MON THS (c)	Feb-2007	2007.134	6.764	65.667	--	--
12. DATE OF THIS REPORT	9-Nov-2009	2009.856	9.486	68.466	--	--
13. AVERAGE "YEARS OF HEALTHY LIFE" (d)	Sep-2016	2016.725	16.355	75.258	69.862	80.774
14. AVERAGE STATISTICAL LIFE EXPECTANCY (e)	Feb-2022	2022.148	21.778	80.681	73.496	88.025
<u>AUDREY LUTTMAN:</u>						
1. DATE OF BIRTH	19-Aug-1946	1946.632	--	--	--	--
2. DATE OF FIRST INCIDENT	15-May-2000	2000.370	53.739	53.739	--	--
3. DATE OF THIS REPORT	8-Nov-2009	2009.853	9.483	63.222	--	--
4. AVERAGE STATISTICAL LIFE EXPECTANCY (d)	Nov-2029	2029.905	29.535	83.274	76.305	91.263

(a) Computed as the additional time to accumulate 30 years of service, given the years of service shown on the pension documents for years of service with the pension that began on 6/19/2000, which was 28 years, 3 months and 1 week. The date of 3/12/2002 is 1 year, 8 months and 3 weeks after 6/19/2000.

(b) For retirement ages under Social Security, see <http://www.ssa.gov/retirechartred.htm>

(c) Computed from Mr. Luttman's age as of the date of the first incident using Gary R. Skoog and James E. Clecka, "A Markov (Increment - Decrement) Model of Labor Force Activity: Extended Tables of Central Tendency, Variation, and Probability Intervals," *Journal of Legal Economics*, Vol. 11, No. 1, Spring/Summer, 2001, Table 3. The Skoog/Clecka paper updates with recent data the older worklife expectancy estimates found in U.S. Dept. of Labor, Bureau of Labor Statistics, "Worklife Estimates: Effects of Race and Education," Bulletin 2254, (Feb. 1986).

(d) Computed from Mr. Luttman's age as of the date first incident using Expectancy Data, "Healthy Life Expectancy: 2004 Tables," Shawnee Mission, Kansas, 2008, Table 5.

(e) Computed from Mr. and Mrs. Luttman's respective ages as of the date of the first incident using Elizabeth Arias, "United States Life Tables, 2004," *National Vital Statistics Reports*, Vol. 56, No. 9, December 28, 2007, U.S. Dept. of Health and Human Services, Tables 5 and 6, respectively.

TABLE 2
HISTORICAL DATA ON INTEREST RATES, WAGE GROWTH AND PRICES

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Year	One-Year Treasury Constant Maturity Rates (e)	Interest Rate on 3-month T-Bills Bank Discount Method (b)	Effective Yield Basis (c)	U.S. Treasury Securities Constant Maturities 10-Year (b)	High-Grade Municipal Bonds (S & P's) (b)	Employment Cost Index (ECI) Private Industry Workers (d) W & S Only	% Change In W & S ECI	Employment Cost Index (ECI) Private Industry Workers (d) Benefits	% Change In Benefits ECI	Consumer Price Index CPI-W (e)	% Change In CPI-W	Consumer Price Index CPI-U (e)	% Change In CPI-U
1953		1.93%	1.89%	2.85%	2.72%					26.9		26.7	
1954	1.05%	0.84%	0.88%	2.40%	2.37%					27.0	0.37%	26.9	0.75%
1955	2.04%	1.72%	1.78%	2.82%	2.53%					26.9	-0.37%	26.8	-0.37%
1956	2.98%	2.62%	2.70%	3.18%	2.93%					27.3	1.49%	27.2	1.49%
1957	3.82%	3.22%	3.33%	3.65%	3.60%					28.3	3.68%	28.1	3.31%
1958	2.27%	1.77%	1.81%	3.32%	3.56%					28.1	2.83%	28.9	2.85%
1959	4.24%	3.39%	3.51%	4.33%	3.85%					28.3	0.69%	29.1	0.69%
1960	3.83%	2.87%	2.86%	4.12%	3.73%					28.8	1.71%	29.6	1.72%
1961	2.98%	2.35%	2.42%	3.88%	3.46%					30.1	1.01%	29.9	1.01%
1962	3.10%	2.77%	2.86%	3.95%	3.18%					30.4	1.00%	30.2	1.00%
1963	3.36%	3.16%	3.27%	4.00%	3.23%					30.8	1.32%	30.6	1.32%
1964	3.85%	3.55%	3.68%	4.18%	3.22%					31.2	1.30%	31.0	1.31%
1965	4.14%	3.95%	4.11%	4.28%	3.27%					31.7	1.60%	31.5	1.61%
1966	5.20%	4.86%	5.08%	4.92%	3.82%					32.6	2.84%	32.4	2.86%
1967	4.89%	4.29%	4.47%	5.07%	3.96%					33.8	3.07%	33.4	3.09%
1968	5.69%	5.34%	5.60%	5.65%	4.51%					35.0	4.17%	34.8	4.19%
1969	7.12%	6.67%	7.08%	6.87%	5.81%					36.9	5.43%	36.7	5.46%
1970	6.90%	6.39%	6.75%	7.35%	6.51%					38.0	5.69%	38.8	5.72%
1971	4.88%	4.33%	4.51%	6.18%	5.70%					40.7	4.36%	40.5	4.38%
1972	4.98%	4.06%	4.22%	6.21%	5.27%					42.1	3.44%	41.8	3.21%
1973	7.31%	7.04%	7.47%	8.84%	5.18%					44.7	6.18%	44.4	6.22%
1974	8.18%	7.85%	8.37%	7.56%	6.08%					48.6	10.86%	48.3	11.04%
1975	8.76%	8.79%	7.19%	7.98%	6.88%	28.9				54.1	8.07%	53.8	9.13%
1976	5.87%	4.98%	5.21%	7.61%	6.46%	28.9	7.43%			57.2	5.73%	56.9	5.76%
1977	6.09%	5.26%	5.52%	7.42%	5.56%	30.9	6.92%			60.9	6.47%	60.6	6.50%
1978	8.34%	7.19%	7.62%	8.41%	5.90%	33.2	7.44%			65.8	7.72%	65.2	7.59%
1979	10.87%	10.05%	10.87%	8.44%	6.35%	36.1	8.73%			73.1	11.43%	72.6	11.35%
1980	12.05%	11.39%	12.43%	11.46%	8.51%	39.4	8.14%			82.9	13.41%	82.4	13.50%
1981	14.78%	14.04%	15.60%	13.91%	11.23%	42.8	8.63%			91.4	10.25%	90.9	10.32%
1982	12.27%	10.60%	11.51%	13.00%	11.57%	45.5	6.31%			98.9	6.02%	98.5	6.16%
1983	9.57%	8.62%	9.24%	11.10%	9.47%	47.8	5.05%			99.8	2.99%	99.6	3.21%
1984	10.89%	9.54%	10.29%	12.44%	10.15%	49.8	4.18%			103.3	3.51%	103.9	4.32%
1985	8.43%	7.47%	7.95%	10.62%	9.18%	51.8	4.02%			106.9	3.48%	107.6	3.56%
1986	6.46%	5.97%	6.29%	7.68%	7.38%	53.5	3.28%			108.6	1.59%	109.8	1.88%
1987	6.76%	7.58%	8.07%	8.38%	7.73%	55.2	3.18%			112.5	3.59%	113.6	3.65%
1988	7.85%	6.07%	7.08%	8.85%	7.76%	57.5	4.17%			117.0	4.00%	118.3	4.14%
1989	8.53%	8.11%	8.69%	8.40%	7.24%	59.9	4.17%			122.6	4.79%	124.0	4.82%
1990	7.88%	7.50%	7.98%	8.55%	7.25%	62.3	4.01%	52.9		129.0	5.22%	130.7	5.40%
1991	5.88%	5.38%	5.65%	7.86%	6.85%	64.8	3.69%	56.2	8.24%	134.3	4.11%	136.2	4.21%
1992	3.89%	3.43%	3.55%	7.01%	6.41%	66.3	2.83%	59.1	5.16%	138.2	2.90%	140.3	3.01%
1993	3.43%	3.00%	3.10%	5.87%	5.63%	68.3	3.02%	62.2	5.25%	142.1	2.82%	144.5	2.99%
1994	5.31%	4.25%	4.43%	7.08%	6.18%	70.2	2.78%	64.3	3.38%	145.6	2.46%	148.2	2.58%
1995	5.85%	5.49%	5.77%	6.57%	5.95%	72.2	2.85%	65.7	2.18%	148.8	2.88%	152.4	2.83%
1996	5.51%	5.01%	5.24%	6.44%	5.75%	74.7	3.46%	67.0	1.98%	154.1	2.87%	156.9	2.95%
1997	5.63%	5.06%	5.30%	6.35%	5.55%	77.8	3.88%	68.5	2.24%	157.6	2.27%	160.5	2.29%
1998	5.05%	4.78%	5.00%	5.26%	5.12%	80.8	3.87%	70.2	2.48%	159.7	1.33%	163.0	1.58%
1999	5.08%	4.64%	4.85%	5.65%	5.43%	83.5	3.80%	72.6	3.42%	163.2	2.19%	166.6	2.21%
2000	6.11%	5.82%	6.12%	6.03%	5.77%	86.7	3.83%	78.7	5.85%	168.9	3.49%	172.2	3.36%
2001	3.48%	3.40%	3.52%	5.02%	5.18%	90.0	3.81%	81.5	6.26%	173.5	2.72%	177.1	2.85%
2002	2.00%	1.61%	1.85%	4.81%	5.05%	92.4	2.67%	85.0	4.29%	175.9	1.38%	179.9	1.58%
2003	1.24%	1.01%	1.03%	4.01%	4.73%	95.2	3.03%	90.5	6.47%	179.8	2.22%	184.0	2.28%
2004	1.89%	1.37%	1.40%	4.27%	4.63%	97.5	2.42%	98.5	6.83%	184.5	2.81%	188.9	2.68%
2005	3.62%	3.15%	3.26%	4.26%	4.26%	100.0	2.56%	100.4	4.04%	191.0	3.52%	195.3	3.39%
2006	4.93%	4.73%	4.94%	4.80%	4.42%	103.2	3.20%	103.5	3.09%	197.1	3.19%	201.6	3.23%
2007	4.52%	4.36%	4.55%	4.63%	4.42%	106.7	3.38%	105.6	2.03%	202.8	2.89%	207.3	2.83%
2008	1.63%	1.37%	1.40%	3.66%	0.00%	109.6	2.72%	107.9	2.18%	211.1	4.08%	215.3	3.86%
2009						110.0	0.36%					214.5	-0.37%
Average 1959-2008	5.97%	5.45%	5.77%	6.80%	5.82%						4.08%		4.14%
Average 1969-2008	6.44%	5.80%	6.27%	7.38%	6.37%						4.63%		4.70%
Average 1979-2008	6.37%	5.85%	6.22%	7.45%	6.51%		4.08%		n.a.		4.01%		4.10%
Average 1989-2008	4.58%	4.17%	4.37%	5.82%	5.30%		3.28%		4.05%		3.00%		3.04%
Average 1999-2008	3.45%	3.15%	3.27%	4.70%	4.38%		3.12%		4.41%		2.83%		2.82%

(a) Source: <http://research.stlouisfed.org/fred2/series/GS17cid=115>.

(b) Source: <http://www.gpoaccess.gov/eep/2008/1873.xls>.

(c) Source: Boyd L. Fjeldstad, "A Nontrivial (Though Seemingly Common) Error in Calculating the Discount Rate Used to Reduce Future Losses to Present Value," *Journal of Legal Economics*, Spring/Summer 2000, Volume 10, No. 1, pp. 73-80, Equation (4).

(d) Source: Economic Reports of the President and <http://www.bls.gov/nca/oct/home.htm>.

(e) Source: <http://data.bls.gov/PDQ/servlet/SurveyOutputServlet> and News Releases at <http://www.bls.gov/news.release/eci.t02.htm>, and [ftp://ftp.bls.gov/pub/special.requests/cpi/cpiial.txt](http://ftp.bls.gov/pub/special.requests/cpi/cpiial.txt), and <http://www.bls.gov/news.release/eci.t09.htm> for June 2008 level of ECI.

(2) - (8) (5) - (8) (2) - (14) (5) - (14)

Difference 1959-2008	n.a.	n.a.	1.84%	2.66%
Difference 1969-2008	n.a.	n.a.	1.74%	2.69%
Difference 1979-2008	2.28%	3.37%	2.27%	3.35%
Difference 1989-2008	1.30%	2.54%	1.53%	2.78%
Difference 1999-2008	0.33%	1.57%	0.63%	1.87%

Table 3

INTERMEDIATE FORECASTS FOR THE GROWTH
OF WAGES AND PRICES, AND FOR INTEREST RATES
FROM THE 2009 OASDI TRUSTEE'S REPORT

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Year	Age at Beginning of the Indicated Year	Growth Rate of Average Annual Wage in Covered Employment (a)	Wage Increase Factors	CPI-W Price Inflation (a)	CPI-W Increase Factors (b)	OASDI Intermediate Average Annual Interest Rate	Interest Rate Discount Factors
2009	17.963	0.70%	1.00000	-1.00%	1.00000	3.00%	1.00000
2010	18.963	3.40%	1.03400	1.70%	1.01700	4.00%	0.98039
2011	19.963	4.10%	1.07639	2.30%	1.04039	5.00%	0.93371
2012	20.963	4.10%	1.12053	2.70%	1.06848	5.70%	0.88336
2013	21.963	4.20%	1.16759	3.10%	1.10160	6.00%	0.83335
2014	22.963	4.10%	1.21546	3.10%	1.13575	6.00%	0.78618
2015	23.963	4.20%	1.26651	2.80%	1.16756	5.70%	0.74379
2016	24.963	3.70%	1.31337	2.80%	1.20025	5.60%	0.70434
2017	25.963	3.80%	1.36328	2.80%	1.23385	5.60%	0.66699
2018	26.963	3.90%	1.41645	2.80%	1.26840	5.70%	0.63102
2019	27.963	3.80%	1.47027	2.80%	1.30392	5.70%	0.59700
2020	28.963	3.90%	1.52761	2.80%	1.34043	5.70%	0.56480
2021	29.963	3.90%	1.58719	2.80%	1.37796	5.70%	0.53434
2022	30.963	3.90%	1.64909	2.80%	1.41654	5.70%	0.50553

(a) Source for Columns (3), (5) and (7): http://www.ssa.gov/OACT/TR/2009/V_economic.html#170227.

TABLE 4

EARNINGS HISTORY
OF JOHN D. LUTTMAN
EXPRESSED IN CURRENT AND 2000 DOLLARS

(1)	(2)	(3)	(4)	(5)	
Year	Age at Start of Year	Year and Fractional Equivalent	Earnings (a)	Consumer Price Index CPI-U (b)	Earnings Expressed in Year 2000 Dollars (c)
1998	56.533	1.000	\$53,242	163.0	\$56,248
1999	57.533	1.000	\$61,942	166.6	\$64,024
2000	58.533	0.447	\$18,601	172.2	\$18,601
Totals for 1998-2000		2.447			\$138,873
Average for 1998-2000 in Year 2000 Dollars					\$56,752
Average for 1998-1999 in Year 2000 Dollars					\$60,136

(a) Sources: Tax returns and employer W-2 forms for the years 1998-2000.

(b) Source: Column (13) of Table 2.

(c) Current earnings multiplied by the ratio of the CPI in 2000 to its value in the indicated year.

TABLE 5

Monthly Pension Loss Computation

A. Retiring with 30 years of service at age 60.726

Pension payment commencing effective 6/19/2000 (a)	\$2,338.65
Estimated pension payment commencing 3/12/2002 (b)	\$3,248.45
Difference in monthly pension	\$910

B. Retiring with 34.941 years of service at age 65.667

Pension payment commencing effective 6/19/2000 (a)	\$2,338.65
Estimated pension payment commencing 2/18/2007 (c)	\$3,783.47
Difference in monthly pension	\$1,445

(a) Actual pension being received, given the alleged medical negligence.

(b) Estimated based on a conversation with Mr. Luttman in which he stated that UPS workers at his UPS located were being offered an extra pension of \$1,000.00 per month if the worker would not retire at "25 & out" but wait to retire at "30 & out." To his basic pension of \$2,570.51 per month is added \$1,000.00, bringing the monthly pension to \$3,570.51, to which is applied to actuarial factor of 0.9098 for the 100% option, bringing the monthly pension to \$3,248.45.

(c) Estimated by assuming that the pension amount of \$3,248.45 would have increased in proportion to the percentage increase in the number of years of service, namely, by 16.47%, computed as $((34.941/30) - 1) \times 100$.

TABLE 6

ESTIMATED HOURS OF HOUSEHOLD SERVICES WORK
AND MARKET REPLACEMENT COST OF SERVICES

PART A. AVERAGE HOUSEHOLD WORK HOURS (a)

Household Work Activity	1. Married Males Over Age 55 Working Full-Time No Children Under Age 18--T12		2. Married Retired Males Living Only with Wife--T17	
	Weekly Hours	Annual Hours	Weekly Hours	Annual Hours
Inside Housework	1.04	54.08	1.49	77.48
Food Cooking & Cleanup	1.76	91.52	2.45	127.40
Pets, Home and Vehicles	5.70	296.40	9.85	512.20
Household Management	1.28	66.56	2.17	112.84
Shopping	1.81	94.12	3.03	157.56
Obtaining Services	0.16	8.32	0.46	23.92
Travel for Household Activity	1.89	98.28	2.39	124.28
Caring & Helping	0.41	21.32	0.97	50.44
Totals	14.05	730.60	22.81	1186.12

PART B. WORK HOURS OF MR. LUTTMAN (b)

Household Work Activity	1. Married Males Over Age 55 Working Full-Time No Children Under Age 18--T12		2. Married Retired Males Living Only with Wife--T17	
	Weekly Hours	Annual Hours	Weekly Hours	Annual Hours
Inside Housework	0.00	0.00	0.00	0.00
Food Cooking & Cleanup	0.00	0.00	0.00	0.00
Pets, Home and Vehicles	5.70	296.40	9.85	512.20
Household Management	0.00	0.00	0.00	0.00
Shopping	0.00	0.00	0.00	0.00
Obtaining Services	0.00	0.00	0.00	0.00
Travel for Household Activity	0.00	0.00	0.00	0.00
Caring & Helping	0.00	0.00	0.00	0.00
Totals	5.70	296.40	9.85	512.20

PART C. REPLACEMENT HOURLY WAGE

	Average Wage 2008	Clearfield County Pay Relative (c) 0.851
1. Married Males Over Age 55 Working Full-Time No Children Under Age 18	\$12.75	\$10.85
2. Married Retired Males Living Only with Wife Living Only with Husband	\$12.75	\$10.85

PART D. BACKTRACKING 2008 WAGE RATE (d)

2000	\$8.58	2005	\$9.90
2001	\$8.91	2006	\$10.22
2002	\$9.15	2007	\$10.56
2003	\$9.42	2008	\$10.85
2004	\$9.65	2009	\$10.89

(a) Source: Household Services Check List, and Expectancy Data, "The Dollar Value of a Day, Time Dairy Analysis, 2008 Dollar Valuation (DVD)," Shawnee Mission, Kansas, 2009 (DVD), Tables 12 and 17.

(b) Source: Depositions of John and Audrey Luttman of 7/17/2003 and phone conversation with Mr. Luttman.

(c) Source: Pay relative information from the Bureau of Labor Statistics, Mid-Atlantic Region, as shown in Appendix. Berks County has a pay relative of 101, approximately equal to the national average, and average pay in Clearfield County is approximately 85.1% of pay in Berks County. See Appendix for supporting data.

(d) Source: Hourly replacement value in 2008 of \$10.85 multiplied by the ratio of the ECI wage and salary index in the indicated year to the ECI wage index in 2008, based on data in Column (7) of Table 2.

ESTIMATION OF THE PRESENT VALUE OF ANNUAL AND CUMULATIVE LOSSES BASED ON PENNSYLVANIA M-CARE ACT
WORKING UNTIL HE WOULD HAVE ACCUMULATED 30 YEARS OF SERVICE AT AGE 60.728

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
YEAR	AGE AT START OF YEAR	YEAR OR FRACTION OF YEAR	PRESENT VALUE DISCOUNT FACTORS FOR WAGES AND HOUSEHOLD SERVICES (a)	LOSS OF MONEY EARNINGS (b)	PRESENT VALUE OF LOSS OF MONEY EARNINGS IN PERIOD (3) X (4) X (5)	ANNUAL LOSS OF RETIREMENT BENEFITS (c)	PRESENT VALUE OF LOSS OF RETIREMENT BENEFITS IN PERIOD (3) X (5) X (8)	MARKET REPLACEMENT VALUE OF HOUSE- HOLD SERVICES (f)	PRESENT VALUE OF HOUSE- HOLD SERVICES IN PERIOD (3) X (5) X (11)	PRESENT VALUE OF NET ANNUAL LOSS (8) + (8) + (10) + (12)	CUMULATIVE LOSS
FROM DATE OF FAILURE TO RETURN TO WORK (6/12/2009) TO DATE OF THIS REPORT (11/9/2009):											
2000	58.533	0.553	1.00000	\$60,136	\$33,272	-\$14,967	-\$14,967	\$704	\$389	\$18,694	\$18,694
2001	59.533	1.000	1.00000	\$62,425	\$62,425	-\$28,064	-\$28,064	\$1,320	\$1,320	\$35,681	\$54,375
2002	60.533	1.000	1.00000	\$64,089	\$12,359	\$3,157	\$3,157	\$2,152	\$2,152	\$17,678	\$72,053
2003	61.533	1.000	1.00000	\$0	\$0	\$10,918	\$10,918	\$2,414	\$2,414	\$13,331	\$85,384
2004	62.533	1.000	1.00000	\$0	\$0	\$10,918	\$10,918	\$2,472	\$2,472	\$13,390	\$98,774
2005	63.533	1.000	1.00000	\$0	\$0	\$10,918	\$10,918	\$2,535	\$2,535	\$13,453	\$112,227
2006	64.533	1.000	1.00000	\$0	\$0	\$10,918	\$10,918	\$2,616	\$2,616	\$13,534	\$125,761
2007	65.533	1.000	1.00000	\$0	\$0	\$10,918	\$10,918	\$2,705	\$2,705	\$13,623	\$139,384
2008	66.533	1.000	1.00000	\$0	\$0	\$10,918	\$10,918	\$2,779	\$2,779	\$13,696	\$153,080
2009	67.533	0.856	1.00000	\$0	\$0	\$10,918	\$9,347	\$2,388	\$2,388	\$11,735	\$164,815
PAST TOTALS		9.409			\$108,066		\$34,978		\$21,771	\$164,815	
FROM THE DATE THIS REPORT TO END OF MR. HAMM'S LIFE EXPECTANCY AT AGE 80.763 AT 2026.261:											
2009	67.533	0.144	1.00000	\$0	\$0	\$10,918	\$1,570	\$415	\$415	\$1,985	\$166,800
2010	68.533	1.000	0.98039	\$0	\$0	\$10,918	\$10,704	\$3,002	\$2,943	\$13,647	\$180,447
2011	69.533	1.000	0.93371	\$0	\$0	\$10,918	\$10,194	\$3,125	\$2,918	\$13,112	\$193,559
2012	70.533	1.000	0.98336	\$0	\$0	\$10,918	\$9,644	\$3,256	\$2,876	\$12,521	\$206,079
2013	71.533	1.000	0.93335	\$0	\$0	\$10,918	\$9,098	\$3,390	\$2,825	\$11,923	\$218,002
2014	72.533	1.000	0.78618	\$0	\$0	\$10,918	\$8,583	\$3,532	\$2,777	\$11,360	\$229,362
2015	73.533	1.000	0.74379	\$0	\$0	\$10,918	\$8,120	\$3,663	\$2,724	\$10,845	\$240,207
2016	74.533	1.000	0.70434	\$0	\$0	\$10,918	\$7,690	\$2,756	\$1,942	\$9,631	\$249,838
2017	75.533	1.000	0.66699	\$0	\$0	\$10,918	\$7,282	\$0	\$0	\$7,282	\$257,120
2018	76.533	1.000	0.63102	\$0	\$0	\$10,918	\$6,889	\$0	\$0	\$6,889	\$264,010
2019	77.533	1.000	0.59700	\$0	\$0	\$10,918	\$6,518	\$0	\$0	\$6,518	\$270,527
2020	78.533	1.000	0.56480	\$0	\$0	\$10,918	\$6,165	\$0	\$0	\$6,166	\$276,694
2021	79.533	1.000	0.53434	\$0	\$0	\$10,918	\$5,834	\$0	\$0	\$5,834	\$282,527
2022	80.533	0.148	0.50553	\$0	\$0	\$10,918	\$917	\$0	\$0	\$817	\$283,344
FUTURE TOTALS TO AGE 80.681		12.292			\$0		\$99,109		\$19,420	\$118,529	
PAST + FUTURE		21.701			\$108,066		\$134,088		\$41,191	\$283,344	

(a) Discount factors for future years are taken from Column (8) of Table 3.

(b) Wages in 2000 are estimated to equal \$60,136, taken from Table 4, showing the average of 1998 and 1999, expressed in year 2000 dollars. Wages in 2001 and 2002 are estimated by increasing the 2000 wages by the growth in the Employment Cost Index between 2000 and 2001, as shown in Column (7) of Table 2. The average for the 1998 to 2000 is not used because some of the wage income in 2000 was no: wages for working but sick pay.

(c) Source: For 2000, a deduction is made for the lump sum pension received for the period from 6/19/2009 to 12/31/2009, equal to \$17,306.01 for the period 6/19/2000 to 1/31/2001, less the amount of \$2,338.65 for January of 2001. For 2001, a deduction is made for the 12 months of pension received of \$2,338.65 x 12 = \$28,063.80. However, added back is the amount of pension that would have been received but for the alleged chiropractic negligence. But for the alleged negligence, Mr. Luttman would have retired with a "30 & Out" pension when he had 30 years of service on 3/12/2002, as explained in note (a) to Table 1. In 2002, the pension loss turns positive, with the amount received but for the alleged mal-practice beginning to exceed the amount received, given the alleged mal-practice.

ESTIMATION OF THE PRESENT VALUE OF ANNUAL AND CUMULATIVE LOSSES BASED ON PENNSYLVANIA M-CARE ACT
WORKING UNTIL HE WOULD HAVE ACCUMULATED 30 YEARS OF SERVICE AT AGE 60.725

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
YEAR	AGE AT START OF YEAR	YEAR OR FRACTION OF YEAR	PRESENT VALUE DISCOUNT FACTORS FOR WAGES AND HOUSEHOLD SERVICES (a)	LOSS OF MONEY EARNINGS (b)	PRESENT VALUE OF LOSS OF MONEY EARNINGS IN PERIOD (3) X (4) X (5)	ANNUAL LOSS OF RETIREMENT BENEFITS (c)	PRESENT VALUE OF LOSS OF RETIREMENT BENEFITS IN PERIOD (3) X (5) X (9) 0.053571 x 28571	MARKET REPLACEMENT VALUE OF HOUSE- HOLD SERVICES (f)	PRESENT VALUE OF HOUSE- HOLD SERVICES IN PERIOD (3) X (5) X (11)	PRESENT VALUE OF NET ANNUAL LOSS (6) + (8) + (10) + (12)	CUMULATIVE LOSS
FROM DATE OF FAILURE TO RETURN TO WORK (8/12/2009) TO DATE OF THIS REPORT (11/8/2009):											
2000	58.533	0.553	1.00000	\$80,136	\$33,272	-\$14,967	-\$14,967	\$704	\$389	\$18,694	\$18,694
2001	59.533	1.000	1.00000	\$82,425	\$82,425	-\$28,064	-\$28,064	\$1,320	\$1,320	\$35,681	\$54,375
2002	60.533	1.000	1.00000	\$84,089	\$84,089	-\$28,064	-\$28,064	\$1,356	\$1,356	\$37,381	\$91,756
2003	61.533	1.000	1.00000	\$86,031	\$86,031	-\$28,064	-\$28,064	\$1,397	\$1,397	\$39,364	\$131,121
2004	62.533	1.000	1.00000	\$87,527	\$87,527	-\$28,064	-\$28,064	\$1,430	\$1,430	\$40,993	\$172,114
2005	63.533	1.000	1.00000	\$89,361	\$89,361	-\$28,064	-\$28,064	\$1,467	\$1,467	\$42,764	\$214,878
2006	64.533	1.000	1.00000	\$71,580	\$71,580	-\$28,064	-\$28,064	\$1,514	\$1,514	\$45,031	\$259,909
2007	65.533	1.000	1.00000	\$74,008	\$74,008	\$0	\$0	\$2,609	\$2,609	\$27,053	\$286,961
2008	66.533	1.000	1.00000	\$0	\$0	\$17,338	\$17,338	\$2,779	\$2,779	\$20,117	\$307,078
2009	67.533	0.856	1.00000	\$0	\$0	\$17,338	\$14,844	\$2,789	\$2,388	\$17,232	\$324,310
PAST TOTALS		9.409			\$444,302		-\$138,642		\$16,650	\$324,310	
FROM THE DATE THIS REPORT TO END OF MR. HAMM'S LIFE EXPECTANCY AT AGE 80.763 AT 2028.261:											
2009	67.533	0.144	1.00000	\$0	\$0	\$17,338	\$2,494	\$2,789	\$401	\$2,895	\$327,205
2010	68.533	1.000	0.98039	\$0	\$0	\$17,338	\$18,998	\$3,002	\$2,943	\$19,941	\$347,146
2011	69.533	1.000	0.93371	\$0	\$0	\$17,338	\$18,188	\$3,125	\$2,918	\$19,106	\$366,252
2012	70.533	1.000	0.88338	\$0	\$0	\$17,338	\$15,315	\$3,256	\$2,876	\$18,192	\$384,444
2013	71.533	1.000	0.83335	\$0	\$0	\$17,338	\$14,449	\$3,390	\$2,825	\$17,273	\$401,717
2014	72.533	1.000	0.78618	\$0	\$0	\$17,338	\$13,631	\$3,532	\$2,777	\$16,408	\$418,125
2015	73.533	1.000	0.74379	\$0	\$0	\$17,338	\$12,896	\$3,683	\$2,724	\$15,620	\$433,745
2016	74.533	1.000	0.70434	\$0	\$0	\$17,338	\$12,212	\$2,756	\$1,942	\$14,153	\$447,898
2017	75.533	1.000	0.66699	\$0	\$0	\$17,338	\$11,564	\$0	\$0	\$11,564	\$460,463
2018	76.533	1.000	0.63102	\$0	\$0	\$17,338	\$10,941	\$0	\$0	\$10,941	\$470,403
2019	77.533	1.000	0.59700	\$0	\$0	\$17,338	\$10,351	\$0	\$0	\$10,351	\$480,754
2020	78.533	1.000	0.56480	\$0	\$0	\$17,338	\$9,792	\$0	\$0	\$9,792	\$490,546
2021	79.533	1.000	0.53434	\$0	\$0	\$17,338	\$9,264	\$0	\$0	\$9,264	\$499,811
2022	80.533	0.148	0.50553	\$0	\$0	\$17,338	\$1,297	\$4,778	\$358	\$1,655	\$501,465
FUTURE TOTALS TO AGE 80.661		12.282			\$0		\$157,392		\$19,764	\$177,156	
PAST + FUTURE		21.701			\$444,302		\$20,750		\$36,414	\$501,465	

(a) Discount factors for future years are taken from Column (8) of Table 3.

(b) Wages in 2000 are estimated to equal \$80,136, taken from Table 4, showing the average of 1998 and 1999, expressed in year 2000 dollars. Wages in 2001 and 2002 are estimated by increasing the 2000 wages by the growth in the Employment Cost Index between 2000 and 2001, as shown in Column (7) of Table 2. The average for the 1998 to 2000 is not used because some of the wage income in 2000 was not wages for working but sick pay.

(c) Source: For 2000, a deduction is made for the lump sum pension received for the period from 8/19/2009 to 12/31/2009, equal to \$17,306.01 for the period 8/19/2000 to 1/31/2001, less amount of \$2,338.65 for January of 2001. For 2001, a deduction is made for the 12 months of pension received of \$2,338.65 x 12 = \$28,063.80. However, added back is the amount of pension that would have been received but for the alleged chiropractic negligence. But for the alleged negligence, Mr. Luttman would have retired with a "30 & Out" pension when he 30 years of service on 3/12/2002, as explained in note (a) to Table 1. In 2002, the pension loss turns positive, with the amount received but for the alleged mal-practice beginning to exceed the amount received, given the alleged mal-practice.

TABLE 8

SUMMARY OF ECONOMIC DAMAGES

	RETIRING WITH 30 YEARS OF SERVICE AT AGE 60.726	RETIRING WITH 34.941 YEARS OF SERVICE AT AGE 65.667
LOSS OF MONEY EARNINGS		
PAST LOSS	\$108,066	\$444,302
PRESENT VALUE OF FUTURE LOSS	\$0	\$0
LOSS OF PENSION BENEFITS		
PAST LOSS	\$34,978	-\$136,642
PRESENT VALUE OF FUTURE LOSS	\$99,109	\$157,392
REPLACEMENT VALUE OF LOST HOUSEHOLD SERVICES		
PAST LOSS	\$21,771	\$16,650
PRESENT VALUE OF FUTURE LOSS	<u>\$19,420</u>	<u>\$19,764</u>
TOTAL ECONOMIC DAMAGES	<u>\$283,344</u>	<u>\$501,465</u>

APPENDIX

Occupational Pay Relatives for Metropolitan Areas in Pennsylvania



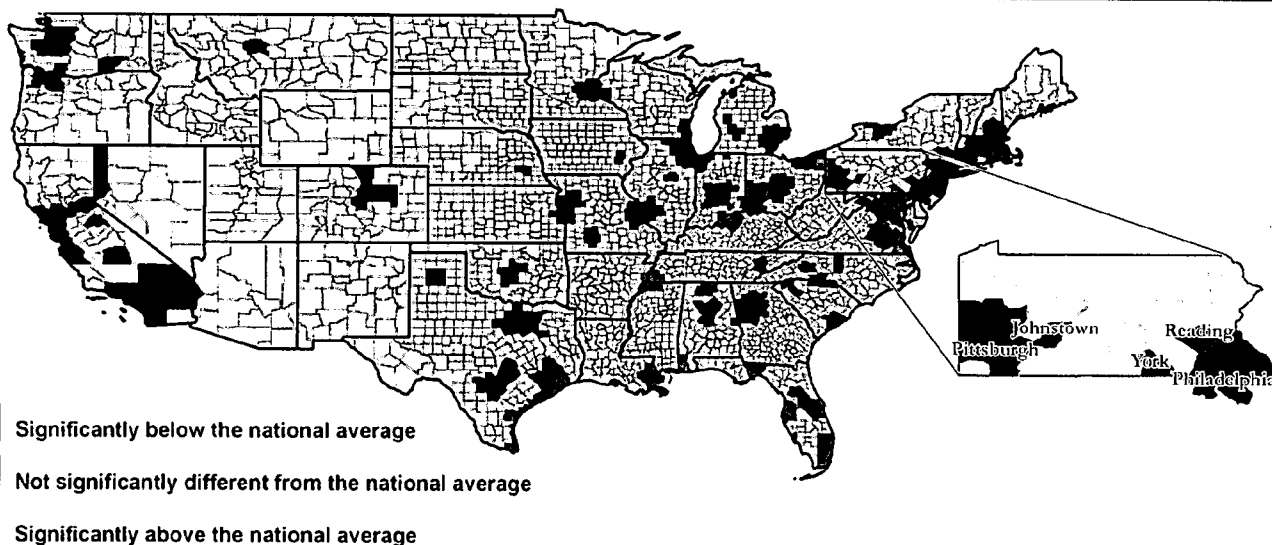
U.S. Department of Labor
Bureau of Labor Statistics
Mid-Atlantic Information Office

Pay relatives for major occupational groups in Pennsylvania's metropolitan areas, July 2008

Occupational group	United States	Johnstown	Philadelphia-Camden-Vineland	Pittsburgh-New Castle	Reading	York-Hanover
All occupations	100	86*	105*	95*	101	95*
Management, business, and financial	100	83*	104*	88*	106*	110*
Professional and related	100	84*	107*	94*	92*	98
Service	100	91*	104*	95*	99	96
Sales and related	100	85*	97	92*	107*	90*
Office and administrative support	100	87*	106*	97*	100	93*
Construction and extraction	100	91	104	93*	102	98
Installation, maintenance, and repair	100	88*	110*	95	99	92*
Production	100	85*	99	97	102*	96*
Transportation and material moving	100	83*	104	95	99	98

* The pay relative for this area is significantly different from the national average of all areas at the 10% level of significance.

Area-to-nation comparisons of pay relatives for all occupations, July 2008



What is a pay relative?

- ★ A pay relative is a calculation of pay—wages, salaries, commissions, and production bonuses—for a given metropolitan area relative to the nation as a whole.
- ★ Pay relatives are available for each of the 9 major occupational groups within 77 metropolitan areas, as well as averaged across all occupations for each area.
- ★ The calculation controls for differences among areas in occupational composition, establishment and occupational characteristics, and the fact that data are collected for areas at different times during the year.
- ★ In addition, area-to-area comparisons have been calculated for all 77 metropolitan areas.

Contact the Mid-Atlantic Information Office

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PENNSYLVANIA OCCUPATIONAL WAGES **BERKS COUNTY LABOR MARKET AREA**

MAY 2008

(Note: When data for a specific occupation is not available, the most relevant area containing this occupation has been provided, see Area Type.)

SOC Code	Occupational Title	Area Type	Average Hourly Wage (\$)	Average Annual Wage (\$)	Median Annual Wage (\$)	Entry Annual Wage (\$)	Exper'd Annual Wage (\$)	Mid Range Annual Wage (\$)
00-0000	All Occupations	CTY	18.35	38,180	31,160	18,995	47,770	21,470 to 45,815
11-0000	Management Occupations	CTY	42.92	89,260	77,230	46,670	110,560	56,300 to 106,890
11-1011	Chief Executives	CTY	69.32	144,180	130,460	71,110	180,710	# to #
11-1021	General and Operations Managers	CTY	42.38	88,140	75,480	48,850	107,790	55,950 to 104,390
11-1031	Legislators	CTY	*	21,580	15,840	15,590	24,580	15,500 to 21,340
11-2011	Advertising and Promotions Managers	CTY	39.97	83,130	71,550	56,550	96,410	58,450 to 105,430
11-2021	Marketing Managers	CTY	43.37	90,200	83,570	53,090	108,760	61,430 to 104,870
11-2022	Sales Managers	CTY	47.63	99,080	95,690	58,080	119,580	71,080 to 120,350
11-2031	Public Relations Managers	CTY	27.85	57,920	54,310	41,590	66,090	44,720 to 63,110
11-3011	Administrative Services Managers	CTY	33.56	69,800	68,240	37,690	85,850	46,420 to 86,160
11-3021	Computer and Information Systems Managers	CTY	49.06	102,050	88,570	60,870	122,650	68,250 to 119,170
11-3031	Financial Managers	CTY	42.88	89,190	75,350	51,730	107,930	58,500 to 109,520
11-3041	Compensation and Benefits Managers	CTY	44.21	91,950	85,490	63,080	106,390	71,340 to 111,370
11-3042	Training and Development Managers	CTY	40.25	83,720	69,870	56,400	97,380	60,060 to 98,090
11-3049	Human Resources Managers, All Other	CTY	41.27	85,840	86,010	57,240	100,150	66,420 to 107,380
11-3051	Industrial Production Managers	CTY	43.54	90,550	78,570	56,200	107,730	63,880 to 110,000

* - Wage not available, occupation generally not compensated at an hourly rate
- No data available due to limitations in methodology

PA - Statewide
CTY - Berks CTY

PENNSYLVANIA OCCUPATIONAL WAGES CLEARFIELD COUNTY LABOR MARKET AREA

MAY 2008

(Note: When data for a specific occupation is not available, the most relevant area containing this occupation has been provided, see Area Type.)

SOC Code	Occupational Title	Area Type	Average Hourly Wage (\$)	Average Annual Wage (\$)	Median Annual Wage (\$)	Entry Annual Wage (\$)	Exper'd Annual Wage (\$)	Mid Range Annual Wage (\$)
00-0000	All Occupations	CTY	15.62	32,490	27,110	17,500	39,990	19,110 to 40,140
11-0000	Management Occupations	CTY	35.27	73,360	67,140	41,390	89,350	48,810 to 89,860
11-1011	Chief Executives	CTY	57.13	118,820	105,300	70,090	143,180	87,670 to 142,900
11-1021	General and Operations Managers	CTY	41.97	87,290	84,670	47,060	107,410	54,140 to 103,170
11-1031	Legislators	PA	*	28,430	16,340	15,700	34,790	15,650 to 31,770
11-2011	Advertising and Promotions Managers	PA	47.68	99,170	81,340	46,250	125,630	55,360 to 124,890
11-2021	Marketing Managers	CTY	27.08	56,330	49,410	32,670	68,160	33,020 to 85,200
11-2022	Sales Managers	CTY	35.80	74,460	59,180	43,930	89,730	49,290 to 90,590
11-2031	Public Relations Managers	PA	40.68	84,610	71,870	43,880	104,980	51,560 to 101,940
11-3011	Administrative Services Managers	CTY	28.21	58,680	57,810	46,660	64,680	50,600 to 64,570
11-3021	Computer and Information Systems Managers	CTY	31.97	66,490	67,090	57,150	71,170	59,140 to 76,330
11-3031	Financial Managers	CTY	31.55	65,620	68,590	38,440	79,210	43,020 to 82,550
11-3041	Compensation and Benefits Managers	WIA	35.33	73,480	74,020	43,650	88,390	49,130 to 94,600
11-3042	Training and Development Managers	PA	45.35	94,330	87,010	54,270	114,360	63,070 to 115,200
11-3049	Human Resources Managers, All Other	CTY	39.73	82,640	76,020	50,440	98,740	54,940 to 103,300
11-3051	Industrial Production Managers	CTY	36.76	76,470	67,490	43,890	92,760	49,350 to 80,000

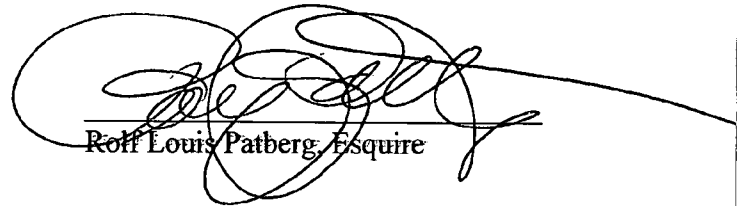
* - Wage not available, occupation generally not compensated at an hourly rate
- No data available due to limitations in methodology

PA - Statewide
WIA - North Central WIA
CTY - Clearfield CTY

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Expert Report of James D. Rodgers, Ph.D. was forwarded this 10 day of November, 2009 via postage prepaid United States Mail and e-mail to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsaysburg, PA 16648



Rolf Louis Patberg, Esquire

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

JOHN D. LUTTMAN and AUDREY L. CIVIL DIVISION
LUTTMAN,

Plaintiffs,

v.

SCOTT CASTEEL, t/d/b/a CASTEEL
CHIROPRACTIC CENTER, SCOTT
CASTEEL, individually, and CASTEEL
CHIROPRACTIC CENTER, a partnership or
similar entity,

Defendants.

NO.: 2002-00740-CD

TYPE OF PLEADING:

**PRAECIPE TO SETTLE AND
DISCONTINUE**

FILED ON BEHALF OF PLAINTIFFS

COUNSEL OF RECORD FOR THIS PARTY:

ROLF LOUIS PATBERG, ESQUIRE
PA I.D. NO.: 65185

PATBERG, CARMODY & GING
DEUTSCHTOWN CENTER
801 VINIAL STREET - THIRD FLOOR
PITTSBURGH, PA 15212
(412) 232-3500

FILED

DEC 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

1cc
Amy Patberg

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

JOHN D. LUTTMAN and AUDREY L.) CIVIL DIVISION
LUTTMAN,)
) NO.: 2002-00740-CD
Plaintiffs,)
)
v.)
)
SCOTT CASTEEL, t/d/b/a CASTEEL)
CHIROPRACTIC CENTER, SCOTT)
CASTEEL, individually, and CASTEEL)
CHIROPRACTIC CENTER, a partnership or)
similar entity,)
)
Defendants.)

PRAECIPE TO SETTLE AND DISCONTINUE

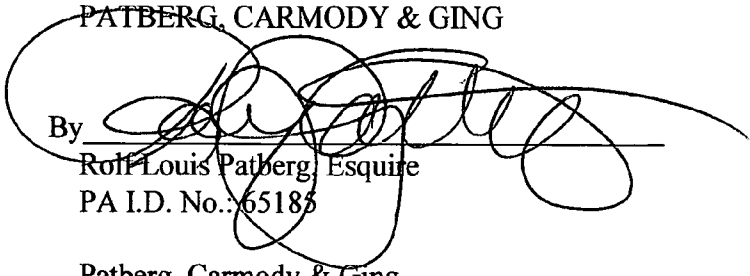
TO: PROTHONOTARY

Please settle and discontinue the above-captioned matter as to all Defendants.

RESPECTFULLY SUBMITTED:

PATBERG, CARMODY & GING

DATE: 12-9-09

By 
Rolf Louis Patberg, Esquire
PA I.D. No.: 65183

Patberg, Carmody & Ging
Deushtown Center
801 Vinial Street - Third Floor
Pittsburgh, PA 15212
(412) 232-3500

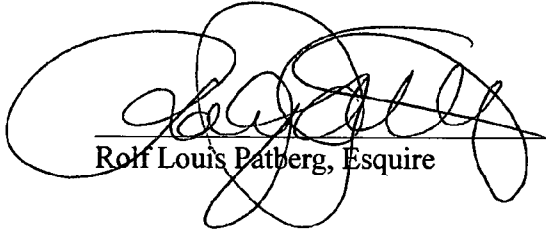
Attorney for Plaintiffs.

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Rolf Louis Patberg, hereby certify that a true and correct copy of the foregoing Plaintiffs' Pretrial Statement was forwarded this 9 day of December, 2009 via postage prepaid United States Mail to the following counsel of record:

Mary Lou Maierhofer, Esquire
P.O. Box 628
Hollidsaysburg, PA 16648



Rolf Louis Patberg, Esquire