



02-1060-CD  
RITA WOLFE -vs- RUTH BLOOM

Date		Judge
06/24/2002	Filing: Praeipce for Writ of Summons Paid by: Achille, John G. Esq (attorney for Wolfe, Rita) Receipt number: 1844248 Dated: 06/24/2002 Amount: \$80.00 (Check) Two Writs issued to Sheriff	No Judge ✓
07/18/2002	Entry of Appearance on behalf of Defendant, RUTH BLOOM, filed by s/Dennis J. Stofko, Esquire no cc Copy CA	No Judge ✓
	Praeipce to issue a Rule on Plaintiff to file her Complaint within 20 days or suffer judgment non pros. s/Dennis J. Stofko, Esq. no cc Rule to Attorney	No Judge ✓
07/24/2002	Affidavit of Service of Rule to File Complaint via mail dated July 20, 2002 along with returned receipt. Filed by Atty. Stofko. No cc.	No Judge ✓
08/06/2002	Complaint. Filed by s/John G. Achille, Esquire Verification s/Rita Berringer Wolfe no cc	No Judge ✓
	Notice of Service of Complaint upon DENNIS J. STOFKO, ESQ. s/John G. Achille, Esq. no cc	No Judge ✓
	Notice of Service of Interrogatories and Request for Production of Documents upon DENNIS J. STOFKO, ESQ. s/John G. Achille, Esq. no cc	No Judge ✓
08/12/2002	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge ✓
08/23/2002	Answer and New Matter. filed by s/Dennis J. Stofko, Esq. Verification s/Dennis J. Stofko, Esq. no cc	No Judge ✓
09/12/2002	Notice of Service of Answer to New Matter. filed by s/John G. Achille, Esq. no cc	No Judge ✓
	Plaintiff's Answer to Defendant's New Matter. filed by s/John G. Achille, Esq. Verification s/Rita Wolfe no cc	No Judge ✓
10/29/2002	Notice of Service of Plaintiff's Second Request for Production of Documents upon DENNIS J. STOFKO, ESQ. s/John G. Achille, Esq. no cc	No Judge ✓
12/27/2002	Motion To Compel Against Plaintiff. filed by s/Dennis J. Stofko, Esquire no cc	No Judge ✓
01/03/2003	ORDER, AND NOW, this 3rd day of January, 2003, re: Plaintiff shall have 10 days from the date of this Order to sign the requested authorizations or suffer those sanctions deemed appropriate by the Court. By the Court, s/JKR,JR.,P.J. 1 cc Atty Stofko	John K. Reilly Jr. ✓
01/15/2003	Motion To Compel. filed by s/John G. Achille, Esq. no cc	John K. Reilly Jr. ✓
	Notice of Service of Motion to Compel upon DEFENDANT, w/copy to DENNIS J. STOFKO, ESQ. s/John G. Achille, Esq. no cc	John K. Reilly Jr. ✓
01/16/2003	ORDER, AND NOW, this 15th day of January, 2003, re: Motion to Compel. by the Court, s/JKR,JR.,P.J. 2 cc Atty Achille	John K. Reilly Jr. ✓
05/15/2003	Motion To Compel. filed by s/John G. Achille, Esq. no cc	John K. Reilly Jr. ✓
	Notice Of Service Of Motion To Compel upon: DENNIS J. STOFKO, ESQUIRE filed by s/John G. Achille no cc	John K. Reilly Jr. ✓
05/19/2003	ORDER, AND NOW, this 16th day of May, 2003, re: Motion To Compel. by the Court, s/JKR,JR.,P.J. 1 cc Atty Achille	John K. Reilly Jr. ✓
05/21/2003	Answer To Motion To Compel. filed by s/Dennis J. Stofko, Esquire no cc	John K. Reilly Jr. ✓

**FullCourt Training Clearfield County, Pennsylvania**

[illegible]

Date: 02/26/2004

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 11:42 AM

ROA Report

Page 2 of 2

Case: 2002-01000-CD

Current Judge: Paul E. Cherry

Rita Wolfe vs. Ruth Bloom

Civil Other

Date		Judge
09/05/2003	Filing: Subpoena Paid by: Stofko, Dennis J. (attorney for Bloom, Ruth) Receipt number: 1865677 Dated: 09/05/2003 Amount: \$6.00 (Check)	John K. Reilly Jr.
12/08/2003	Motion For Summary Judgment. filed by, s/Dennis J. Stofko, Esquire no cc	John K. Reilly Jr. ✓
	Transcript of Deposition of RITA WOLF a/k/a RITA BERRINGER, January 10, 2003.	John K. Reilly Jr. ✓
01/08/2004	ORDER, NOW, this 7th day of January, 2004, Rule is issued upon Plaintiff. Rule Returnable is scheduled the 4th day of February, 2004 at 2:00 p.m., in Court Room No. 2. by the Court, s/FJA,P.J. 2 cc w/service memo to Atty Stofko	Paul E. Cherry ✓
01/12/2004	Certificate of Service, Order scheduling the Rule Returnable along with the Motion for Summary Judgment upon: John Achille. by the Court, s/Dennis J. ZStofko, Esquire no cc	Paul E. Cherry ✓
02/05/2004	ORDER, NOW, this 4th day of February, 2004, re: Defendant's Motion for Summary Judgment. by the Court, s/PEC,J. 2 cc Atty Achille, Stofko	Paul E. Cherry ✓
02/24/2004	Defendant's Response To Plaintiff's Request For Production Of Documents. filed by, s/Dennis J. Stofko, Esquire Verification s/Ruth Bloom cc to Atty	Paul E. Cherry ✓
	Defendant's Answers To Interrogatories. filed by, s/Dennis J. Stofko, Esq. 1 cc to Atty	Paul E. Cherry ✓
	Plaintiff's Affidavit. S/Rita Wolfe 2 CC to Atty.	Paul E. Cherry ✓

Date		Judge
11/07/2001	Please refer to docket book for entries prior to November, 2000.	No Judge
	Motion For A Finding of Contempt and For Sanctions. Filed by s/Paul J. McArdle, Esq.	No Judge
11/14/2001	Rule Returnable, Now, to wit, this 14th day of Nov. 2001, Hearing on Motion For a Finding of Contempt and For Sanctions on Dec. 18, 2001. By the Court, s/JKR,JR.,P.J. 1 cc Atty McArdle	John K. Reilly Jr.
11/16/2001	Praeipe to Withdraw Motion, Re: Motion for a Finding of Contempt and for Sanctions of November 5, 2001, filed by s/Paul J. McArdle No CC	John K. Reilly Jr.
09/16/2002	Motion For A Finding of Contempt and For Sanctions. s/Paul J. McArdle Certificate of Service no cc	John K. Reilly Jr.
09/17/2002	RULE RETURNABLE, NOW, to wit, this 17th day of Sept. 2002, re: Plaintiff's Motion For A Finding of Contempt and for Sanctions will be heard on Oct. 9, 2002, at 9:30 a.m. by the Court, s/JKR,JR, P.J. 2 cc to Atty McArdle	John K. Reilly Jr.
09/23/2002	Praeipe to Withdraw Motion for a Finding of Contempt filed by Atty. McArdle No CC.	John K. Reilly Jr.
05/12/2003	Motion For A Finding Of Contempt And For Sanctions. filed by s/Paul J. McArdle, Esq. Certificate of Service no cc	John K. Reilly Jr.
05/13/2003	RULE RETURNABLE, NOW, to-wit, this 13th day of May, 2003, re: Plaintiff's Motion For A Finding Of Contempt And For Sanctions will be heard before this Court on June 9, 2003, at 1:30 p.m. by the Court, s/JKR,JR.,P.J. 1 cc Plff	John K. Reilly Jr.
06/09/2003	Certificate of Service, Rule Returnable of May 13, 2003, upon Defendant RONALD STEWART. s/Paul J. McArdle, Esquire no cc	John K. Reilly Jr.
	ORDER, NOW, this 9th day of June, 2003, re: Plaintiff's Motion for Finding of Contempt and for Sanctions. Motion is hereby GRANTED and the Court finds the Defendant in contempt of this Court for failing to abide by previous Orders of this Court, Defendant to pay for the benefit of Clearfield County the sum of \$500.00 within 30 days from date hereof, failing which a Bench Warrant will issue. by the Court, s/JKR,JR.,P.J. 1 cc Atty McArdle, R. Stewart	John K. Reilly Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

CIVIL ACTION - LAW

No. 02-1000-CO ~~2002-C.D.~~

Type of Pleading:

**PRAECIPE FOR WRIT OF SUMMONS**

Filed on behalf of Plaintiffs

Counsel of Record for this Party:

John G. Achille, Esquire

Pa. I.D. # 28431

ACHILLE, ELLERMEYER & FRENCH

Attorneys at Law

379 Main Street

Brookville, PA 15825-1221

(814) 849-6701

**FILED**

JUN 24 2002

William A. Shaw  
Prothonotary

FILED

JUN 24 2002

*W* 13.00 / att achille  
William A. Shaw  
Prothonotary

Pa 80.00

2 wts Sherry



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

COPY

SUMMONS

Rita Wolfe a/k/a  
Rita Berringer

Vs.

NO.: 2002-01000-CD

Ruth Bloom

TO: RUTH BLOOM

To the above named Defendant you are hereby notified that the above named Plaintiff has commenced a Civil Action against you.

Date: 06/24/2002



---

William A. Shaw  
Prothonotary

Issuing Attorney:

John G. Achille Esq  
379 Main Street  
Brookville, PA 15825-1221

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

No. 2002-01000 CD

RUTH BLOOM,

Defendant

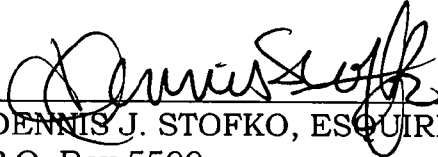
ENTRY OF APPEARANCE

Please enter my appearance for Defendant, Ruth Bloom in the above  
matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as  
amended, a Jury Trial is demanded on all issues raised by the pleadings in this  
action.

I certify this Entry of Appearance and Demand for Jury Trial shall be  
served forthwith by ordinary mail upon all parties.

  
DENNIS J. STOFKO, ESQUIRE  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

**FILED**

JUL 18 2002

m 11:22 1000

William A. Shaw  
Prothonotary

Copy G



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

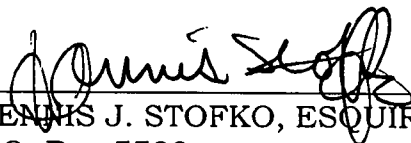
No. 2002-01000 CD

RUTH BLOOM,

Defendant

PRAECIPE

Please issue a Rule on Plaintiff to file her complaint within 20 days  
or suffer judgment non pros.

  
DENNIS J. STOFKO, ESQUIRE  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

**FILED**

JUL 18 2002

*ml 48: ncc*  
William A. Shaw  
Prothonotary

*Rule to City*



COPY

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

Rita Wolfe  
a/k/a Rita Berringer


Vs.  
Ruth Bloom

Case No. 2002-01000-CD

RULE TO FILE COMPLAINT

TO: Rita Wolfe a/k/a Rita Berringer

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

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

Dated: July 18, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

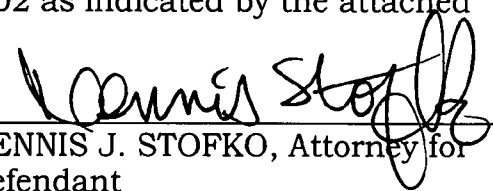
No. 2002-01000 CD

RUTH BLOOM,

Defendant

AFFIDAVIT OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the Rule to File Complaint was served via U.S. Mail, postage prepaid, on John Achille, Attorney for Plaintiff, on July 20, 2002 as indicated by the attached return receipt card.

  
DENNIS J. STOFKO, Attorney for  
Defendant

Sworn to and subscribed before  
me this 23rd day of July, 2002.



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

John Achille Esq.  
379 Main St  
Brookville Pa 15825

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

Carol Himes

7-20-02

C. Signature

x Carol Himes

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 2510 0003 6198 0076

**FILED**

JUL 24 2002  
m/124/noce  
William A. Shaw  
Prothonotary

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

Rita Wolfe  
a/k/a Rita Berringer

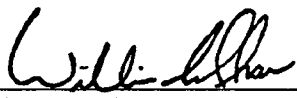
Vs.  
Ruth Bloom

Case No. 2002-01000-CD

RULE TO FILE COMPLAINT

TO: Rita Wolfe a/k/a Rita Berringer

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

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

Dated: July 18, 2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

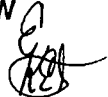
) CIVIL ACTION - LAW  
)  
) No. 2002-01000-CD  
)  
) Type of Pleading:  
) **COMPLAINT**  
)  
) Filed on behalf of Plaintiffs  
)  
) Counsel of Record for this Party:  
)  
) John G. Achille, Esquire  
) Pa. I.D. # 28431  
)  
) ACHILLE, ELLERMEYER & FRENCH  
) Attorneys at Law  
) 379 Main Street  
) Brookville, PA 15825-1221  
) (814) 849-6701

**FILED**

AUG 06 2002

m1120/noc c

William A. Shaw  
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	Type of Pleading:
	)	<b>COMPLAINT</b>
RUTH BLOOM,	)	
	)	Filed on behalf of Plaintiffs
Defendant.	)	
	)	Counsel of Record for this Party:
	)	
	)	John G. Achille, Esquire
	)	Pa. I.D. # 28431
	)	
	)	ACHILLE, ELLERMEYER & FRENCH
	)	Attorneys at Law
	)	379 Main Street
	)	Brockville, PA 15825-1221
	)	(814) 349-6701



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

RITA WOLFE, a/k/a RITA	)	CIVIL ACTION - LAW
BERRINGER,	)	
	)	No. 2002-01000-CD
Plaintiff,	)	
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	

**COMPLAINT**

1. The Plaintiff, Rita Wolfe, a/k/a Rita Berringer, is an adult individual resident of the City of Punxsutawney, County of Jefferson and Commonwealth of Pennsylvania, residing at Box 34A, Punxsutawney, Pennsylvania, 15767.

2. The Defendant, Ruth Bloom, is an adult individual resident of the City of DuBois, County of Clearfield and Commonwealth of Pennsylvania, and at all times pertinent hereto was an owner or the owner and possessor of and had under her care, custody, control, maintenance and supervision the real property located at 232 East Sheridan Street, DuBois, Pennsylvania, 15801 (hereinafter referred to as the "premises").

3. The events hereinafter complained of occurred on June 26, 2000, at or about 8:00 a.m., on the steps leading from the driveway up to the

Defendant's residence at 232 East Sheridan Street, DuBois, Pennsylvania, 15801, over which the Defendant had control.

4. At all times relevant hereto, Plaintiff was on the premises at the invitation and request of the Defendant, who invited Plaintiff there to assist in the care of Defendant's husband.

5. On June 26, 2000, and for a long time prior thereto, the slate steps and stairway, which the Defendant had a duty to maintain in a reasonably safe condition, were in a dangerous, hazardous, defective, uneven and irregular condition.

6. On June 26, 2000, it had been raining for some time prior to the accident, causing water to pool in the irregular surface of the slate steps and stairway.

7. On June 26, 2000, there were no railings on the slate steps and stairway.

8. On June 26, 2000, as the Plaintiff was proceeding with due care on the slate steps and stairway, she was caused to fall to the ground by reason of the dangerous, hazardous, defective, poorly illuminated, uneven and irregular condition of said steps, including lack of a railing, causing her to sustain certain injuries.

9. Defendant was aware of the condition of the slate steps and stairway prior to Plaintiff's injury, having lived there for a substantial period of time.

10. Defendant was financially able to make repairs to the slate steps and stairway to make them safe, including, but not limited to, having regular uniform depth and height to the steps, a safe surface which would prevent slipping and railings.

11. All of the resultant losses, damages and injuries sustained by the Plaintiff were in a direct and proximate result of the negligence of the Defendant, generally and in the following particulars:

- a. In failing to keep the premises in a safe condition for persons lawfully using same; and/or
- b. In permitting the dangerous condition to be and remain on the premises when the Defendant knew, or in the exercise of reasonable care, should have known, of the danger involved; and/or
- c. In failing to cover, blockade or otherwise remove the dangerous condition of which the Defendant knew or, in the exercise of reasonable care, should have known; and/or
- d. In permitting persons, and the Plaintiff in particular, to traverse the premises when the Defendant knew, or in the exercise of reasonable care, should have known, that it was dangerous to do so and involved an unreasonable risk of harm to persons so doing; and/or
- e. In failing to notify or warn the Plaintiff of the dangerous condition so that the hazard involved could be avoided; and/or
- f. In maintaining the premises in such a manner so as to constitute a danger to persons lawfully thereon; and/or
- g. In failing to provide persons lawfully using the premises with a safe area to traverse said premises; and/or
- h. In failing to inspect the premises to discover the dangerous condition or in inspecting so carelessly as not to have discovered the condition; and/or
- i. In maintaining the premises in an improper manner or in employing personnel who were not sufficiently qualified to maintain the premises in a proper manner; and/or
- j. In failing to employ competent people to initially install or subsequently inspect and maintain the slate steps and stairway; and/or
- k. In inspecting the premises in an improper manner or in employing personnel who were not sufficiently qualified to inspect the premises in a proper manner; and/or

1. In permitting the existence of a quantity of holes, depressions, ridges, elevations and ruts to be and remain on the premises, which created a dangerous condition; and/or
- m. In failing to resurface the area to rectify the dangerous condition; and/or
- n. In failing to provide proper markings on the steps; and/or
- o. In failing to provide proper illumination of the premises; and/or
- p. In failing to have proper handrails on the steps; and/or
- c. In failing to exercise that degree of care and regard for the rights and safety of the Plaintiff as was required under the circumstances and/or
- r. In requiring the Plaintiff to use the dangerous slate steps and stairway and/or
- s. failure to comply with Sections 1003.3.3.3 of the 2000 International Building Code, which states that stair riser heights shall be seven inches maximum and four inches minimum and stair tread depths shall be 11 inches minimum;
- t. failure to comply with Section 1003.3.3.3.1 of the 2000 International Building Code, which states that stair treads and risers shall be of uniform size and shape and that the tolerance between the largest and smallest riser or between the largest and smallest tread shall not exceed .375 inches in any flight of stairs;
- u. failure to comply with Section 1003.3.3.5.1 of the 2000 International Building Code, which states that the walking surface of treads and landings of a stairway shall not be sloped steeper than one unit vertical in 48 units horizontal (2%) in any direction;
- v. failure to comply with Section 1003.3.3.5.2 of the 2000 International Building Code, which states that outdoor stairways and approaches to stairways shall be designed so that water will not accumulate on walking surfaces;
- w. failure to comply with Section 1003.3.3.11 of the 2000 International Building Code, which states that stairways shall have handrails on each side and that handrails shall be adequate in strength and attachment in accordance with Section 1607.7; and/or

### VERIFICATION

I, Rita Wolfe, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Rita Berringer Wolfe

Dated: 8-5-02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA	)	CIVIL ACTION - LAW
BERRINGER,	)	
	)	No. 2002-01000-CD
Plaintiff,	)	
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	

NOTICE OF SERVICE OF COMPLAINT

TO THE PROTHONOTARY:

You are hereby notified that on the 5<sup>th</sup> day of August,  
2002, Plaintiff, Rita Wolfe, served the foregoing Complaint on the above-  
named Defendants by serving a copy of the same by first class mail, postage  
prepaid, addressed as follows:

Dennis J. Stofko, Esquire  
Stofko Law Offices  
969 Eisenhower Boulevard, Ste. E  
P. O. Box 5500  
Johnstown PA 15904

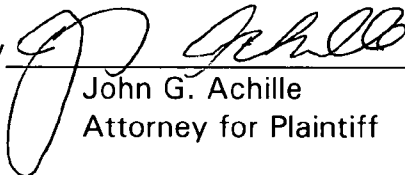
**FILED**

AUG 06 2002

mll:12/noc

William A. Shaw  
Prothonotary

By

  
John G. Achille  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

) CIVIL ACTION - LAW

) No. 2002-01000-CD

) Type of Pleading:

) **NOTICE OF SERVICE OF**

) **INTERROGATORIES AND REQUEST FOR**  
) **PRODUCTION OF DOCUMENTS**

) Filed on behalf of Plaintiffs

) Counsel of Record for this Party:

) John G. Achille, Esquire

) Pa. I.D. # 28431

) ACHILLE, ELLERMEYER & FRENCH

) Attorneys at Law

) 379 Main Street

) Brookville, PA 15825-1221

) (814) 849-6701

**FILED**

AUG 08 2002

m/120/nocc

William A. Shaw

Prothonotary

*[Handwritten signature]*

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 12675

WOLFE, RITA a/k/a RITA BERRINGER

02-1000-CD

VS.

BLOOM, RUTH

SUMMONS

**SHERIFF RETURNS**

NOW JUNE 28, 2002 AT 1:25 PM DST SERVED THE WITHIN SUMMONS ON  
RUTH BLOOM, DEFENDANT AT RESIDENCE, 232 E. SHERIDAN ST., DUBOIS,  
CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RUTH BLOOM A TRUE  
AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN TO HER  
THE CONTENTS THEREOF.  
SERVED BY : MCCLEARY/NEVLING.

**Return Costs**

Cost	Description
30.69	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY; ATTY.

Sworn to Before Me This

12th Day Of August 2002  
William A. Shaw

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

So Answers,

Chester A. Hawkins  
by Marly Hamr  
Chester A. Hawkins  
Sheriff

**FILED**

AUG 12 2002

014:00  
William A. Shaw  
Prothonotary

GRJ



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

No. 2002-1000 CD

RUTH BLOOM,

Defendant

ANSWER AND NEW MATTER  
Counsel of record for this party:  
Dennis J. Stofko, Esquire  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

TO THE PLAINTIFF:

You are hereby notified to reply to  
the enclosed New Matter within  
20 days of service hereof or a default  
judgment may be entered against you.

**FILED**

AUG 23 2002

m/130/ noc

William A. Shaw  
Prothonotary



7. Denied. After reasonable investigation, Defendant is without  
ANSWER AND NEW MATTER

sufficient knowledge or information to form a belief as to the truth of the  
NOW COMES the Defendant by and through counsel, Dennis J. Stofko  
averment and proof thereof is required at the time of trial  
and files the following Answer and New Matter.

8. Denied. Paragraph 8 contains a conclusion of law to which no

1. Denied. After reasonable investigation, Defendant is without  
responsive pleading is required.  
sufficient knowledge or information to form a belief as to the truth of the

9. Denied. Paragraph 9 contains a conclusion of law to which no  
averment and proof thereof is required at the time of trial.  
responsive pleading is required.

2. Admitted.

10. Denied. Paragraph 10 contains a conclusion of law to which no

3. Denied. After reasonable investigation, Defendant is without  
responsive pleading is required.  
sufficient knowledge or information to form a belief as to the truth of the

11. Denied. Paragraph 11 contains a conclusion of law to which no  
averment and proof thereof is required at the time of trial.  
responsive pleading is required.

4. Admitted in part, denied in part. It is admitted that plaintiff was

12. Denied. After reasonable investigation, Defendant is without  
invited on the premises to assist and care of defendant's husband. However it  
sufficient knowledge or information to form a belief as to the truth of the  
is specifically denied that the plaintiff was on the premises on June 26, 2000  
averment and proof thereof is required at the time of trial.

as defendant is without sufficient knowledge or information to form a belief as

13. Denied. After reasonable investigation, Defendant is without  
to the truth of the allegation.

sufficient knowledge or information to form a belief as to the truth of the

5. Denied. Paragraph 5 contains a conclusion of law to which no  
averment and proof thereof is required at the time of trial  
responsive pleading is required.

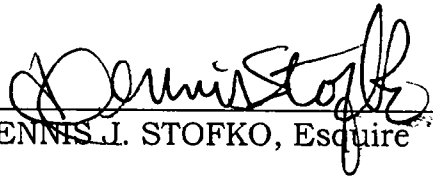
14. Denied. After reasonable investigation, Defendant is without

6. Denied. Paragraph 6 contains a conclusion of law to which no  
sufficient knowledge or information to form a belief as to the truth of the  
responsive pleading is required:

averment and proof thereof is required at the time of trial.

I, Dennis J. Stofko, do hereby state that I am the attorney for the Defendant, and that as such, being authorized to do so, state that the facts set forth in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Answer. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.

  
DENNIS J. STOFKO, Esquire

Dated: 22 Aug 02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

) CIVIL ACTION - LAW  
)  
) No. 2002-01000-CD  
)  
) Type of Pleading:  
) **NOTICE OF SERVICE OF ANSWER TO**  
) **NEW MATTER**  
)  
) Filed on behalf of Plaintiff  
)  
) Counsel of Record for this Party:  
)  
) John G. Achille, Esquire  
) Pa. I.D. # 28431  
)  
) ACHILLE, ELLERMEYER & FRENCH  
) Attorneys at Law  
) 379 Main Street  
) Brookville, PA 15825-1221  
) (314) 849-6701

**FILED**

SEP 12 2002

William A. Shaw  
Prothonotary

FILED

17/12:50  
SEP 12 2002

9/12/02

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
RITA WOLFE, a/k/a RITA BERRINGER, PENNSYLVANIA ACTION - LAW

Plaintiff,	)	No. 2002-01000-CD
RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
v.	)	
Plaintiff,	)	No. 2002-01000-CD
RUTH BLOOM,	)	
v.	)	Type of Pleading:
Defendant.	)	PLAINTIFF'S ANSWER TO DEFENDANT'S
RUTH BLOOM,	)	NEW MATTER

Defendant: **F'S ANSWER TO DEFENDANT'S ANSWER TO PLAINTIFF'S**

COMES NOW the Plaintiff, Rita Wolfe, a/k/a Counsel of Record for this Party, her  
undersigned attorneys, and files the following Answer:

1. Denied. Paragraph 18 contains a conclusion of law to which no responsive pleading  
is required. The Plaintiff was not contributorily negligent and  
Plaintiff is thus not barred from recovery of any damages by the  
Comparative Negligence Act. Act No. July 9, 1976, Pl. 855 No. 152 and the Act of April 20,  
1978, Pl. 202 No. 53 Section 10 (89) , 42 Pa. CSA Section 7102A. The Plaintiff is not  
negligent, or if there is any causal negligence, it is not greater than the  
Defendant.

2. Denied. Paragraph 19 contains a conclusion of law to which no responsive pleading  
is required. It is denied Plaintiff's damages should be diminished in proportion to any  
negligence alleged by the Defendant.

**FILED**

SEP 12 2002  
William A. Shaw  
Prothonotary

FILED

nc

11:57 AM

OCT 29 2002

*[Handwritten signature]*

William A. Shaw  
Prothonotary

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

RITA WOLFE, a/k/a RITA Defendant by and through counsel, Dennis J. Stofko and  
BERRINGER,

Plaintiff  
vs.  
Plaintiff

1. Plaintiff initiated the above cause of action as a result of an accident  
No. 2002-1000 CD

occurring on June 26, 2000.  
RITA BLOOM,

2. On November 7, 2002 Defendant forwarded three authorizations to  
Defendant MOTION TO COMPEL AGAINST  
counsel for so that Defendant could obtain records from Dr. Luon  
Counsel of record for this party:  
Hallstrom, Dr. Douglas Fugate and the work of Dennis J. Stofko, Esquire.  
P.O. Box 5500

3. On December 10, 2002 correspondence from Johnstown, Pa. 15904 Counsel  
814 262-0064  
requesting the status of these authorizations. ID27638

4. On December 20 further correspondence was forwarded to counsel  
requesting the authorizations be returned so that defense counsel could obtain the  
information prior to the deposition scheduled for January 10, 2003.

5. By letter dated December 23, 2002, a copy of which is attached,  
plaintiff's counsel is not willing to have the authorizations signed without receiving  
a \$1,000 med pay coverage

6. The authorizations are necessary and relevant with regard to claims  
being asserted by the Plaintiff to the within cause of action and are reasonable in  
scope.

7. Defendant is entitled to an order compelling Plaintiff to sign the  
requested authorizations.

WHEREFORE, Defendant requests that this Court compel the  
requested authorizations within ten days or to suffer such sanctions as the Court  
shall impose.

FILED

DEC 27 2002

William A. Shaw  
Dennis J. Stofko, Esquire  
Defendant



**FILED**<sup>ice</sup>  
012:39 ~~201~~ Any Stofko  
JAN 03 2003 ~~File~~

William A. Shaw  
Prothonotary

ACHILLE, ELLERMEYER & FRENCH  
Attorneys At Law

John G. Achille\*  
Joseph H. Ellermeyer  
Stephen W. French\*\*  
\*Also NJ Bar  
\*\*Also CPA

Tel: (814)849-6701  
Fax: (814)849-2889  
Email: achille@palaw.org



379 Main Street  
Brookville, PA 15825-1221

December 23, 2002

Dennis J. Stofko, Esquire  
Stofko Law Offices  
969 Eisenhower Boulevard, Suite E  
P O Box 5500  
Johnstown PA 15904

RE: Wolfe v. Bloom  
No. 2002-1000 CD

Dear Mr. Stofko:

Thank you for providing the declaration page for your client's insurance policy.

I will be happy to return to you the executed medical authorizations that you sent for my client's signature upon receipt of the \$1,000 med pay coverage under your client's policy.

Very truly yours,

  
John G. Achille  
JGA/glb

cc: Rita Wolfe

FILED

M 11:0:57 AM  
DEC 27 2002

NO  
cc  
(KCH)

William A. Shaw  
Prothonotary

379 Main Street  
Brookville, PA 15825-1221

**ACHILLE, ELLERMEYER & FRENCH**  
*Attorneys at Law*

(814) 849-6701  
Fax: (814) 849-2889

18

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

) CIVIL ACTION - LAW

)

) No. 2002-01000-CD

)

) Type of Pleading:

) **MOTION TO COMPEL**

)

) Filed on behalf of Plaintiff

)

) Counsel of Record for this Party:

)

) John G. Achille, Esquire

) Pa. I.D. # 28431

)

) ACHILLE, ELLERMEYER & FRENCH

) Attorneys at Law

) 379 Main Street

) Brookville, PA 15825-1221

) (814) 849-3701

**FILED**

JAN 15 2003

William A. Shaw  
Prothonotary

FILED

JAN 15 2003

William A. Shaw  
Prothonotary

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

RITA WOLFE, a/k/a RITA BERRINGER,	)	C VIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	Type of Pleading:
	)	<b>NOTICE OF SERVICE OF MOTION TO</b>
RUTH BLOOM,	)	<b>COMPEL</b>
	)	
Defendant.	)	Filed on behalf of Plaintiff
	)	
	)	Counsel of Record for this Party:
	)	
	)	John G. Achille, Esquire
	)	Pa. I.D. # 28431
	)	
	)	ACHILLE, ELLERMEYER & FRENCH
	)	Attorneys at Law
	)	379 Main Street
	)	Brookville, PA 15825-1221
	)	(814) 849-6701

**FILED**

JAN 15 2003

William A. Shaw  
Prothonotary

FILED

no  
cc

11:30 AM  
JAN 15 2003  
SHEP

William A. Shaw  
Prothonotary



CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	Type of Pleading:
	)	<b>MOTION TO COMPEL</b>
RUTH BLOOM,	)	
	)	Filed on behalf of Plaintiff
Defendant.	)	
	)	Counsel of Record for this Party:
	)	
	)	John G. Achille, Esquire
	)	Pa. I.D. # 28431
	)	
	)	ACHILLE, ELLERMEYER & FRENCH
	)	Attorneys at Law
	)	379 Main Street
	)	Brookville, PA 15825-1221
	)	(814) 849-6701

FILED

MAY 15 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RUTH BLOOM, )  
 )  
Defendant. )

CIVIL ACTION - LAW

No. 2002-01000-CD

**FILED**

MAY 19 2003

William A. Shaw  
Prothonotary

**ORDER**

AND NOW this 16<sup>th</sup> day of May, 2003, upon consideration of the foregoing Motion to Compel,

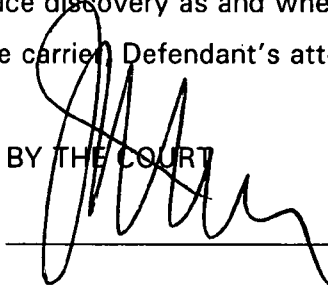
IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Defendant is barred from using the testimony of the proposed deponents for failure to timely produce all discoverable information, including but not limited to statements, notes or records of conversations that he or his client may have from these individuals, or in the alternative,

Defendant's counsel is compelled to produce all discoverable information, including but not limited to statements, notes or records of conversations that he or his client may have from the proposed deponents.

It is further ordered that the Defendant produce all discoverable information, whether in the possession of the Defendant, Defendant's insurance carrier, Defendant's attorney or other agents, servants or employees of the Defendant and whether in the form of written documents, recorded statements, computer records or otherwise, by May 30 2003. Failure to produce the same will bar the Defendant from presenting a defense or otherwise limit the Defendant's action.

This Order is continuing in nature to produce discovery as and when it becomes available to the Defendant, Defendant's insurance carrier, Defendant's attorney or other agents, servants or employees of the Defendant.

BY THE COURT



FILED

of 11:20  
MAY 19 2003

ICC  
Anthony Achille  
Sgt

William A. Shaw  
Prothonotary

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

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	
	)	

**MOTION TO COMPEL**

COMES NOW the Plaintiff, Rita Wolfe, a/k/a Rita Berringer, by and through her undersigned attorneys, and files the following Motion to Compel:

1. Plaintiff initiated the above cause of action as a result of an accident which occurred on June 26, 2000.
2. The depositions of Daniel Berringer, Angela Trumbetti and Tanya Reitz have been scheduled for May 22, 2003.
3. On April 22, 2003, Plaintiff's counsel called and wrote to Defendant's counsel asking for copies of any statements, notes or records of conversations that he or his client may have from the proposed deponents. A copy of that letter is attached hereto as Exhibit 1.
4. By letter of April 28, 2003, Defendant's counsel advised Plaintiff's counsel that he did not have any statements, recorded or written, taken from the individuals to be deposed. A copy of that letter is attached hereto as Exhibit 2.
5. Plaintiff's counsel called Defendant's counsel on or about April 29, 2003, upon receipt of this letter advising that Plaintiff's counsel understood that there were notes taken

by the insurance company during conversations with the proposed witnesses to be deposed on May 22, 2003. Defendant's counsel indicated that he would check with his client.

Plaintiff's counsel has never heard back from Defendant's counsel.

6. Plaintiff's counsel again called for the status of receiving information and left a message requesting the status of obtaining this discoverable information.

7. As of this date, Plaintiff's counsel has not received any of the requested materials.

8. This type of information was specifically covered by Plaintiff's Interrogatories and Request for Production served on Defendant's counsel by letter dated August 5, 2002. Plaintiff's Interrogatories required the Defendant to supply any information secured subsequent to the filing of her answer. A true and correct copy of Defendant's answers to Interrogatories Nos. 3 and 4 are attached hereto as Exhibit 3. These have not been updated and were verified by the Defendant on October 23, 2002. True and correct copies of Defendant's answer to Plaintiff's Request for Production are attached hereto as Exhibit 4.

9. Defendant has never produced any notes or records concerning statements by these witnesses.

10. A copy of such statements, notes or records of conversations is necessary and relevant with regard to claims being asserted by the Plaintiff in this cause of action and is reasonable in scope. The Defendant has failed to produce these notes and/or records within adequate time to prepare for the depositions scheduled for May 22, 2003.

11. Due to Defendant's counsel's hesitancy to produce a copy of Defendant's homeowner's insurance policy, Plaintiff was forced to file a Motion to Compel in this matter in order to obtain the same. A true and correct copy of said Motion to Compel and the resulting Order compelling Defendant to produce her homeowner's insurance policy are attached hereto as Exhibit 5.

12. Plaintiff requests an order barring Defendant's counsel from using the testimony of the proposed deponents for failure to timely produce all discoverable information, including but not limited to statements, notes or records of conversations that he or his client may have from these individuals, or in the alternative, compelling Defendant's counsel to produce all discoverable information, including but not limited to statements, notes or records of conversations that he or his client may have from the proposed deponents in advance of the deposition. To avoid further problems, it is also requested that the Order provide that the Defendant produce all discoverable information, whether in the possession of the Defendant, Defendant's insurance carrier, Defendant's counsel or other agents, servants or employees of the Defendant and whether in the form of written documents, recorded statements, computer records or otherwise, by a specified date, and provide that failure to produce the same will bar the Defendant from presenting a defense or otherwise limit the Defendant's action, and that said Order is continuing in nature to produce discovery as and when it becomes available to the Defendant, Defendant's insurance carrier, Defendant's attorney or other agents, servants or employees of the Defendant.

WHEREFORE, Plaintiff requests that this Court bar Defendant from using the testimony of the proposed deponents for failure to timely produce all discoverable information, including but not limited to statements, notes or records of conversations that he or his client may have from these individuals, or in the alternative, compel Defendant's counsel to produce all discoverable information, including but not limited to statements, notes or records of conversations that he or his client may have from the proposed deponents. To avoid further problems, it is also requested that the Order provide that the Defendant produce all discoverable information, whether in the possession of the Defendant, Defendant's insurance carrier, Defendant's attorney or other agents, servants or employees of the Defendant and whether in the form of written documents, recorded statements, computer

ACHILLE, ELLERMEYER & FRENCH  
Attorneys At Law

John G. Achille\*  
Joseph H. Ellermeyer  
Stephen W. French\*\*  
\*Also NJ Bar  
\*\*Also CPA

Tel: (814)849-6701  
Fax: (814)849-2889  
Email: achille@palaw.org



379 Main Street  
Brookville, PA 15825-1221

April 22, 2003

VIA FAX ONLY #814-262-0905

*faxed 4:54 pm*  
Dennis J. Stofko, Esquire  
Stofko Law Offices  
969 Eisenhower Boulevard, Suite E  
P O Box 5500  
Johnstown PA 15904

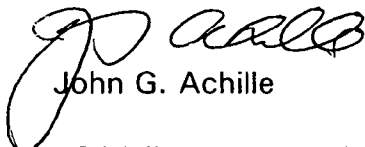
RE: Wolfe v. Bloom  
No. 2002-1000 CD

Dear Mr. Stofko:

As I left a message today, I would like to have copies of any statements that you have from individuals whom you have scheduled for depositions on May 22<sup>nd</sup>, whether they are recorded, written or otherwise taken. If you have no statements, but there are notes from conversations with these individuals, I believe I would be entitled to copies of the notes. If there are no records whatsoever, I would request that you advise us as to the purpose of their statements.

If I do not receive the information concerning these individuals immediately, please accept this as my objection to the depositions going forward.

Very truly yours,

  
John G. Achille  
JGA/glb

APR. 29 2003

## STOFKO LAW OFFICES

---

DENNIS J. STOFKO  
ANDREW L. HORVATH  
ROBERT L. FREY, JR.

969 EISENHOWER BOULEVARD, SUITE E  
P.O. BOX 5500  
JOHNSTOWN, PENNSYLVANIA 15904

TELEPHONE 814-262-0064 or 814-262-7341  
FAX 814-262-0905  
E-MAIL stofkoesq@charterpa.com

April 28, 2003

John G. Achille, Esquire  
379 Main Street  
Brookville, Pennsylvania 15825

Re: Wolfe vs. Bloom  
No. 2002-1000 CD

Dear Mr. Achille:

In reference to your letter of April 22, please be advised I do not have any statements, recorded or written, taken from the individuals to be deposed.

The purpose of their statements is to inquire concerning your client's condition prior to the date of the accident.

Should you have any further questions, please feel free to contact me.

Sincerely,

  
Dennis J. Stofko

DJS/dd



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

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	

**PLAINTIFF'S INTERROGATORIES ADDRESSED TO DEFENDANT**

PLEASE TAKE NOTICE that you are hereby required, pursuant to the Pennsylvania Rules of Civil Procedure to file and serve upon the undersigned, within thirty (30) days from service hereof, your answers in writing and under oath, to the following Interrogatories.

These Interrogatories are continuing and any information secured subsequent to the filing of your answers, which would have been included in the answers had it been known or available, are to be supplied by supplemental answers. This means that if between the preparation of your answers to the following Interrogatories and the time of trial of this case you or anyone acting on your behalf should learn the identities or locations of any personas having knowledge of discoverable matters, the identities of any persons expected to be called as expert witnesses at trial, the subject matter of such expected expert testimony and the substance of such expert testimony, you shall promptly furnish the same to the undersigned by supplemental answers. If, between the preparation of your answers to the following interrogatories and the time of trial of this case, you or anyone on your behalf should obtain information upon the basis of which you know that an earlier answer to the following Interrogatories was incorrect when made or, though correct when made, is no longer true, you shall promptly furnish the same to the undersigned by supplemental answers.

These Interrogatories are addressed to you, but all references to you shall be deemed to also include references to anyone acting on your behalf.

The "incident" or "occurrence", as used herein, refers to those events alleged in Plaintiff's Complaint which allegedly caused harm to the Plaintiff.

Please attach written materials to any answer for which written materials are available. If they are not available, state where they may be obtained. Label the written materials with the number of the Interrogatory to which they pertain.

1. List your correct legal names, and addresses, both now and at the time of the accident.

Ruth K. Bloom  
232 E. Sheridan Avenue  
DuBois, PA 15801-3152

2. In 2000, was the Defendant using the land, house and garage at 232 East Sheridan Street, DuBois, Pennsylvania, as a single family residence?

Yes

3. List the names, addresses, and telephone numbers of all witnesses, or persons believed or known by you to have any knowledge concerning the facts about the accident and state whether each person who witnessed the accident:

None.

a. was present at the accident scene immediately prior to its occurrence;

N/A

b. was within sight or hearing of the accident;

N/A

c. rendered assistance to the Plaintiff at the scene of the accident:

N/A

d. removed the Plaintiff from the scene of the accident;

N/A

e. has any knowledge of the facts to how the accident occurred;

N/A

f. can state facts or opinions as to the physical or mental condition of the Plaintiff as being related to this accident;

N/A

4. For each person listed in your answer to Interrogatory Number 3, summarize to what each would testify if called as a witness in this matter.

N/A

5. If any of the persons listed in your answer to Interrogatory Number 3, were or are your agents, employers, employees, servants, tenants, or representatives, state the nature of your association as to each person.

N/A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	Type of Pleading:
	)	<b>PLAINTIFF'S REQUEST FOR PRODUCTION</b>
RUTH BLOOM,	)	<b>OF DOCUMENTS</b>
	)	
Defendant.	)	Filed on behalf of Plaintiffs
	)	
	)	Counsel of Record for this Party:
	)	
	)	John G. Achille, Esquire
	)	Pa. I.D. # 28431
	)	
	)	ACHILLE, ELLERMEYER & FRENCH
	)	Attorneys at Law
	)	379 Main Street
	)	Brookville, PA 15825-1221
	)	(814) 849-6701

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

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff, Rita Wolfe, a/k/a Rita Berringer, requests that the Defendant, Ruth Bloom, produce within thirty (30) days at the office of ACHILLE, ELLERMEYER & FRENCH, 379 Main Street, Brookville, Pennsylvania, 15825, the following documents and permit inspection and copying of same pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure.

- (a) All statements from any and all witnesses, including any and all statements from the plaintiff(s) and defendant(s) including tapes or other mechanically transcribed information.
- (b) Any and all writings, photographs, recordings, films, charts, sketches, graphs and diagrams taken or prepared.
- (c) Investigative file, excluding reference to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and further excluding privileged communication from counsel.
- (d) Any and all documents containing the names, home and business addresses, and telephone numbers of all individuals contacted as potential witnesses whether expert or lay.
- (e) All expert witness reports.
- (f) All insurance company policies and their respective declaration sheets which may be liable to satisfy part or all of any judgment entered in this action or to indemnify or reimburse the Defendant for payments made to satisfy a judgment.

(g) All correspondence between the parties including Defendant's part of this suit, or not part of this suit.

(h) Any releases or indemnity agreements signed by any of the parties or actors involved in the circumstances underlying in this suit.

(i) All reports, estimates, invoices, or other documents pertaining to the Plaintiff's injuries.

(j) Any logs or records you may have concerning the maintenance of the steps, or that would be applicable to the condition of the steps at the time of the accident, or a few days before, including any estimates for repairs that were needed at the time to the steps.

(k) Pertaining to repairs made to the steps between the date you occupied the property to the present.

(l) Any and all documentation concerning injuries to the Plaintiff or other plaintiffs, if any other injured parties used these steps.

(m) Any and all medical records of the Plaintiff including, but not limited to, hospital records (admission summary, histories, progress notes, nurse's notes, physician's orders, laboratory reports, pharmacy receipts, diagnostic studies and reports, and discharge summaries), physician's records (office notes, forms completed by the physicians on your behalf for submission to any third party, diagnostic studies and reports, prescription records, and any correspondence from you, your attorney, or any person on your behalf to your physician), and all statements of charges, invoices, or receipts for medical services which Plaintiff received as a result of the accident.

(n) Any documents which in any way substantiate the Plaintiff's claim for lost earning capacity or wages, including but not limited to:

1. medical disability forms or reports; and
2. W-2 statements; and
3. investigative notes, reports, photographs, videos, statements or discoverable documents; and
4. income records; and

(o) Documentation concerning other accidents, if any, where the Plaintiff was injured on the property of the Defendant; and

(p) All documents, including computer records, contained in the insurance company's file or computers, otherwise mentioned above that are discoverable, or in any other file maintained by any other person concerning this event, whether it is the Defendant, the attorneys, the insurance company, or their agents, servants, or employees.

(q) All other discoverable documents; and

(r) If any document is withheld on any claim of privilege, or otherwise set forth the following:

1. the basis of the privilege claimed;
2. the author of the document;
3. the date of the document;
4. the recipient of intended recipient of the document;
5. a brief description of the substance of the document;
6. all persons who received copies of the document or were shown copies of the document, along with an identification of each such person.
7. Provide documentation establishing the name(s) and the owner(s) of the property.

(s) Identify and attach together with respective insurance policies identified above, and any other policies that may apply in this case, such as excess or duplicate coverages for the Defendant or her agents, servants, employees, or ones under contract or other legal obligation to provide insurance or protection to the Plaintiff, or one who is similarly situated. Attach all such copies of all such documents, including all insurance policies and declaration sheets.

Date: 8-5-02

  
\_\_\_\_\_  
John G. Achille, Esquire  
For Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	Type of Pleading:
	)	<b>MOTION TO COMPEL</b>
RUTH BLOOM,	)	
	)	Filed on behalf of Plaintiff
Defendant.	)	
	)	Counsel of Record for this Party:
	)	
	)	John G. Achille, Esquire
	)	Pa. I.D. # 28431
	)	
	)	ACHILLE, ELLERMEYER & FRENCH
	)	Attorneys at Law
	)	379 Main Street
	)	Brookville, PA 15825-1221
	)	(814) 849-6701



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

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	
	)	

**MOTION TO COMPEL**

COMES NOW the Plaintiff, Rita Wolfe, a/k/a Rita Berringer, by and through her undersigned attorneys, and files the following Motion to Compel:

1. Plaintiff initiated the above cause of action as a result of an accident which occurred on June 26, 2000.

2. On August 5, 2002, Plaintiff's counsel forwarded to Defendant's counsel Plaintiff's Request for Production of Documents asking, in part, for:

"(f) All insurance company policies and their respective declaration sheets which may be liable to satisfy part or all of any judgment entered in this action or to indemnify or reimburse the Defendant for payments made to satisfy a judgment."

3. On October 25, 2002, Plaintiff's counsel received Defendant's Response to Plaintiff's Request for Production of Documents, which stated:

"(f) Policy and declaration sheet has been requested form the insurance company and will be supplied as soon as received."

4. On December 21, 2002, Plaintiff's counsel received only the declaration page from the Defendant's policy.

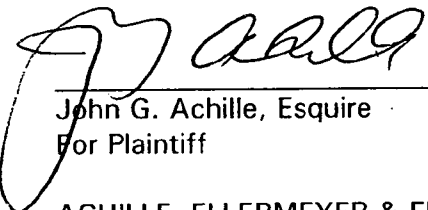
5. As of this date, Plaintiff's counsel has not received a complete copy of Defendant's policy despite the formal request on August 5, 2002, and a follow-up phone call, as well as an oral request made at the deposition taken on January 10, 2003.

6. A complete copy of Defendant's policy is necessary and relevant with regard to claims being asserted by the Plaintiff in this cause of action and is reasonable in scope.

7. Plaintiff is entitled to an order compelling Defendant to produce a clear and complete copy of any and all insurance company policies which may be liable to satisfy part or all of any judgment entered in this action or to indemnify or reimburse the Defendant for payments made to satisfy a judgment.

WHEREFORE, Plaintiff requests that this Court compel Defendant within ten days to produce a clear and complete copy of any and all insurance company policies which may be liable to satisfy part or all of any judgment entered in this action or to indemnify or reimburse the Defendant for payments made to satisfy a judgment or to suffer such sanctions as the Court shall impose.

Date: January 14, 2003



John G. Achille, Esquire  
For Plaintiff

ACHILLE, ELLERMEYER & FRENCH  
Attorneys at Law  
379 Main Street  
Brookville, PA 15825-1221  
(814) 849-6701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	
	)	

ORDER

AND NOW this 15<sup>th</sup> day of January, 2003, upon consideration of the foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the Defendant shall have ten (10) days from the date of this order to produce a clear and complete copy of any and all insurance company policies and their respective declaration sheets which may be liable to satisfy part or all of any judgment entered in this action or to indemnify or reimburse the Defendant for payments made to satisfy a judgment or suffer those sanctions deemed appropriate by the Court.

BY THE COURT:

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

/s/ JOHN K. REILLY, JR.

PRESIDENT JUDGE

JAN 10 2003

Attest.

William A. Brown  
Prothonotary/  
Clerk of Courts

FILED

NO  
cc

MAY 15 2003

William A. Shaw  
Prothonotary

C/pt

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

RITA WOLFE, a/k/a RITA BERRINGER,	)	CIVIL ACTION - LAW
	)	
Plaintiff,	)	No. 2002-01000-CD
	)	
v.	)	Type of Pleading:
	)	<b>NOTICE OF SERVICE OF MOTION TO</b>
RUTH BLOOM,	)	<b>COMPEL</b>
	)	
Defendant.	)	Filed on behalf of Plaintiff
	)	
	)	Counsel of Record for this Party:
	)	
	)	John G. Achille, Esquire
	)	Pa. I.D. # 28431
	)	
	)	ACHILLE, ELLERMEYER & FRENCH
	)	Attorneys at Law
	)	379 Main Street
	)	Brookville, PA 15825-1221
	)	(814) 849-6701

**FILED**

MAY 15 2003

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA BERRINGER,  
Plaintiff,

v.

RUTH BLOOM,  
Defendant.

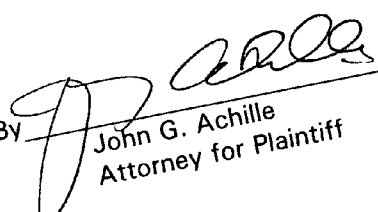
) CIVIL ACTION - LAW  
)  
) No. 2002-01000-CD  
)  
)  
)  
)  
)

NOTICE OF SERVICE OF MOTION TO COMPEL

TO THE PROTHONOTARY:

You are hereby notified that on the 14 day of May, 2003, Plaintiff,  
Rita Wolfe, served the foregoing Motion to Compel on the above-named Defendant by  
serving a copy of the same by first class mail, postage prepaid, addressed as follows:

Dennis J. Stofko, Esquire  
Stofko Law Offices  
969 Eisenhower Boulevard, Ste. E  
P. O. Box 5500  
Johnstown PA 15904

By   
John G. Achille  
Attorney for Plaintiff

FILED

MAY 15 4 54 PM '03

NO  
CC  
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K

William A. Shaw  
Prothonotary

ANSWER TO PLAINTIFF'S MOTION TO COMPEL

NOW COMES the Defendant by and through counsel, Dennis J. Stofko  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
and files the following Answer to Plaintiff's Motion to Compel  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

2. Admitted

Plaintiff

3. Admitted

Vs.

4. Admitted

RUTH BLOOM,  
5. Admitted

Defendant  
Admitted

No. 2002-1000 CD

ANSWER TO MOTION TO COMPEL

Counsel of record for this party:

Dennis J. Stofko, Esquire

P.O. Box 5500

Johnstown, Pa. 15904  
814 262-0064

ID 27638

The Defendant avers that Plaintiff's complaint to the witnesses  
produced from Plaintiff's motion is unwarranted and that the defendant has not been

afforded a reasonable time to obtain the requested information that was only

Plaintiff's motion to compel the defendant to produce Plaintiff's

Plaintiff's motion to compel the defendant to produce Plaintiff's

the witness scheduled for May 21, 2003 that the depositions simply be

rescheduled at a later date until a time when investigation to determine whether

or not there are any notes or records of any conversations have been given by

any of the purported witnesses to any representative of the defendant.

insurance carrier. Furthermore this matter has not been scheduled for trial.

**FILED**

MAY 21 2003

m/12:05/ly

William A. Shaw  
Prothonotary

No. Clear Court

625



CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
Civil Action Law

RITA WOLFE, a/k/a RITA  
BERRINGER,

Plaintiff,

vs.

No. 2002-1000 CD

RUTH BLOOM,

Defendants.

**MOTION FOR SUMMARY JUDGMENT**

AND NOW comes Defendant, Ruth Bloom, by and through counsel, Dennis J. Stofko and, pursuant to Pa.R.C.P. 1035.1 *et seq.*, moves this Honorable Court to the entry of *Summary Judgment*, of which the following statements are made in support thereof:

1. On or about June 26, 2000, Plaintiff, Rita Wolfe, a/k/a Rita Berringer, was allegedly on the property of Defendant. The purported purpose of Plaintiff's visit to Defendant's home was to perform private nursing for Defendant's late husband, who was terminally ill at the time.

2. Plaintiff alleges she arrived at the residence around 8:00 a.m., at which time it was raining.

3. As directed and utilized numerous times prior to this date, Plaintiff alleges she began to ascend the steps leading to the backdoor of the residence.

FILED

DEC 08 2003

William A. Shaw  
Prothonotary

CA

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

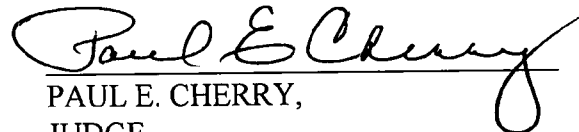
RITA WOLFE a/k/a  
RITA BERRINGER  
V.  
RUTH BLOOM

:  
:  
: NO. 02-1000-CD  
:  
:

**ORDER**

AND NOW, this 22<sup>nd</sup> day of April, 2004, following Argument on Defendant's Motion for Summary Judgment and upon review of briefs filed by the parties, it is the ORDER of this Court that the Motion for Summary Judgment is hereby GRANTED.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED

APR 22 2004

0:13:55 / w

P. J. ...

CENT. TO ACHILLE

L

STOFKO

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
Civil Action Law**

**RECEIVED**

RITA WOLFE, a/k/a RITA  
BERRINGER,

Plaintiff,

vs.

RUTH BLOOM,

Defendants.

DEC 08 2003

COURT ADMINISTRATOR'S  
OFFICE

No. 2002-1000 CD

---

**BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

AND NOW comes the Defendant, Ruth Bloom, hereinafter identified as "Ms. Bloom", by and through her counsel, Dennis J. Stofko, Esquire, and files the following *Brief in Support of Motion for Summary Judgment*.

**FACTS**

On or about June 26, 2000, Plaintiff, Rita Wolfe, a/k/a Rita Berringer, was an alleged invitee on the property of Ms. Bloom. The purpose of Plaintiff's presence at Defendant's residence was to provide private nursing care to Ms. Bloom's late husband, who was terminally ill at the time and required day-to-day care. Apparently, Plaintiff was in the employment of Interim Health Care Management as a Certified Nurse's Assistant (CNA). Plaintiff's job responsibilities included going to the home of elderly individuals to assist them in bathing, eating, dressing, walking, occasionally shopping for groceries, and other day-to-day activities the elder clients could not perform for themselves.

Plaintiff claims she began working at the Blooms residence approximately three weeks prior to the date of this injury; her to lose her balance and fall back. On the date in question, Plaintiff allegedly arrived at the Bloom home around 8:00 a.m. According to Plaintiff's deposition testimony, she had stayed the previous night at another patient's home, which was not unusual, and prepared and left for the Blooms from there. *N.T. of Deposition of Rita Wolf a/k/a Rita Berringer*, January 10, 2003, Page 58, Line 15 to Page 62, Line 1. The accident Plaintiff stated that the weather conditions were foggy and rainy when she left for the Blooms house. *N.T. of Deposition of Rita Wolf a/k/a Rita Berringer*, January 10, 2003, Page 64, Lines 21-24. Although Plaintiff could not recall whether the precipitation was in the form of a heavy rain, or a light mist when she left for the Blooms, she stated that when she arrived at the Blooms, "it was just kind of a steady rain" at that point. *N.T. of Deposition of Rita Wolf a/k/a Rita Berringer*, January 10, 2003, Page 66, Lines 1-2. In connection, Plaintiff cannot Upon arrival, Plaintiff proceeded to exit her vehicle and ascend the steps in question, which led to the backdoor entrance. This entrance pathway had been utilized probably between 12 and 15 times prior to the date in question. *N.T. of Deposition of Rita Wolf a/k/a Rita Berringer*, January 10, 2003, Page 47, Line 11. Plaintiff was instructed, upon commencing her work at the Blooms, to enter the house via the backdoor. This instruction was given by both Ms. Bloom and Plaintiff's employer. *N.T. of Deposition of Rita Wolf a/k/a Rita Berringer*, January 10, 2003, Page 49, Lines 12 to Page 50, Line 6. Pa.R.C.P. 1035.2(1), 42 Pa.C.S.A.; Dean of Commonwealth, Department of

this evidence establishes that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Id.*

Summary judgment is a procedural means that works to eliminate the waste of time and resources of litigants, as well as the courts, where a trial would be a useless formality. *First v. Zem Zem Temple*, 454 Pa.Super. 548, 551, 686 A.2d 18, 20 (1996).

### **DISCUSSION**

Defendant avers that the issues for this Honorable Court's consideration are: 1.) Whether Defendant is liable for allege injuries where the Plaintiff fails to establish a dangerous condition on the steps, 2.) Whether Defendant is liable for allege injuries where Plaintiff fails to show Defendant had notice of an alleged dangerous condition, and 3.) Whether Defendant is liable for allege injuries where Plaintiff fails to show a causal connection between the injuries claims and the presence of a handrail on the steps.

Defendants aver that discovery is complete and closed. Based on the discovery materials in this case, clearly Defendants motion for summary judgment must be granted where the pleadings, discovery and affidavits, in this case none where offered, reflect no genuine issue of material fact. *Loyal Christian Benefit Association v. Bender*, 342 Pa.Super. 614, 493 A.2d 760 (1985); Pa.R.C.P. 1035 (b).

Pennsylvania law is clear in that a possessor of land is not an insurer of the safety of those who enter onto the premises. *See Moultrely v. Great A & P Tea Co.*, 281 Pa. Super. 525, 422 A.2d 593 (1980). "[T]he mere happening of an

accident or an injury does not establish negligence nor raise an inference or presumption of negligence nor make out a prima facie case of negligence." *Amon v. Shemaka*, 419 Pa. 314, 317, 214 A.2d 238, 239 (1965).

Therefore, in order for Plaintiff to impose liability upon the Blooms, the Plaintiff must present evidence tending to prove a cause of Plaintiff's fall. The fatal weakness in Plaintiff's case is that she has produced no evidence of how or why she fell. Nor has Plaintiff produced evidence of any condition of the steps that caused her to fall.

There is no dispute that no eyewitnesses were present that viewed Plaintiff's fall. In her deposition, Plaintiff is asked by defense counsel, near the end of testimony, the following:

Q. Do you know of any eye witnesses to your fall?

A. No.

*N.T. from the deposition of Rita Wolf a/k/a Rita Berringer, January 10, 2003, page 83, line 24 to page 84, line 1.*

In *Roland v. Kravco, Inc.*, 355 Pa.Super. 493, 513 A.2d 1029 (1986), the court stated the following, in pertinent part:

The appellant admitted that she did not see any ice or icy ridges on the parking lot surface, notwithstanding that she was looking at the ground at the time that she fell, and that she did not know what caused her to slip. Since by her own statements she \*501 did not observe any ice when she fell, she had the obligation to show by affidavit or otherwise that there were icy ridges or elevations which caused her to fall.

*Roland* at 500-501.

Defendant was in some way negligent rest upon Plaintiff. At the close of all discovery, Plaintiff has not provide the necessary evidence required to maintain their claims against Mrs. Bloom. Nor have they offered any witness testimony that would warrant submission to a jury.

In *Carrender v. Fitterer*, 503 Pa. 178, 469 A.2d 120 (1983), the Supreme Court, speaking through Chief Justice Roberts, held that, [a]lthough the question of whether a danger was know or obvious is usually a question of fact for the jury, the question may be decided by the court where reasonable minds could not differ as to the conclusion." *Carrender*, 503 Pa. at 185-6, 469 A.2d at 124.

Clearly, Plaintiff, herself, cannot identify why she fell. Nor will Plaintiff be able to present witness testimony to establish the cause of her fall. Pennsylvania law does not create a presumption of negligence just because Plaintiff fell. Instead, Plaintiff must be able to present evidence that will tend to prove why she fell. Obviously, neither she, nor any other person can identify a cause. Therefore, Defendant is entitled to summary judgment as a matter of law.

Furthermore, Plaintiff claims that there were defects in the condition of the steps. Upon questioning by defense counsel at her deposition, Ms. Wolfe stated:

Q. Well, I'm not asking you - - - I'm not asking what you probably saw, can you describe for me what you did see? Did you look forward?

A. I don't remember. I mean, I can't tell you exactly what I seen that day. I mean, I seen steps, and grass and trees and - - -.

*N.T. from the deposition of Rita Wolf a/k/a Rita Berringer, January 10, 2003, page 70, line 9 to 16.*

In her own testimony, Plaintiff admits that she had been to the Bloom residence numerous times prior to the date of the alleged accident. As the back entrance was the only entrance that she used upon all prior visits, she obviously was familiar with the condition of the steps. Yet, Plaintiff states:

Q. Did you ever complain to Mr. or Mrs. Bloom about the conditions of their steps and their sidewalk before the day of this accident?

A. No.

*N.T. from the deposition of Rita Wolf a/k/a Rita Berringer, January 10, 2003, page 81, line 25 to page 82, line 4.*

Section 343 of the Restatement (Second) of Torts sets forth the duty owed to invitees:

A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he  
(a) knows or by the exercise of reasonable care would discover the condition, and should realize that it involves an unreasonable risk of harm to such invitees, and  
(b) should expect that they will not discover or realize the danger, or will fail to protect themselves against it, and  
(c) fails to exercise reasonable care to protect them against the danger.

*Zito v. Merit Outlet Stores*, 436 Pa.Super. 213, 216, 647 A.2d 573, 574 (1994).

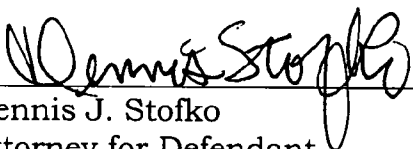
Clearly, from her own testimony, Plaintiff did not view the steps as dangerous the numerous times she ascended and descended them prior to the



injury to her ankle because of the twisting. Therefore, the lack of a handrail was not the proximate cause of Plaintiff's alleged ankle injury.

In sum, Plaintiff has failed to set forth any evidence at all as to how and why she fell on the steps. Furthermore, there has been no evidence that any condition existed on the steps, that resulted in the alleged accident, or any prior notice to the Blooms that the steps were dangerous. Finally, the existence of a handrail had no causal connection to the alleged twisting of Plaintiff's ankle. Defendant avers that Plaintiff will not offer the necessary evidence at time of trial.

Inasmuch, Plaintiff has failed to establish the causal connection between how or why she and the resultant injuries. Likewise, she has failed to establish any dangerous condition, or that the Blooms were aware of the same. Without such evidence this Court must grant summary judgment as a matter of law. Plaintiff's' cause of action, sounding in negligence, cannot be submitted to a jury because an essential element of negligence has not been established, that being the causal connection.

  
Dennis J. Stofko  
Attorney for Defendant

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

RITA WOLFE, a/k/a RITA  
BERRINGER

vs.

RUTH BLOOM

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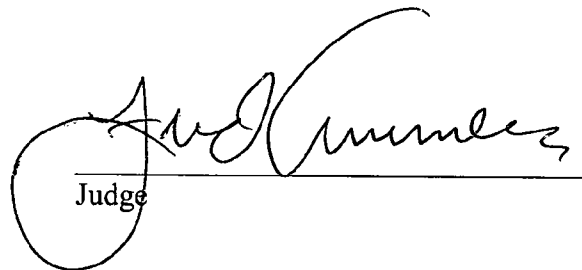
JAN 08 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

NOW, this 7<sup>th</sup> day of January, 2004, upon consideration of Defendant's Motion for Summary Judgment, a Rule is hereby issued upon Plaintiff to Appear and Show Cause why the Motion should not be granted. Rule Returnable is scheduled the 4 day of February, 2004, at 2:00 P.M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
Judge

FILED

Q/12:57/84  
JAN 08 2004

William A Shaw  
Prothonotary/Clerk of Courts

acc. w/ service  
memo to Atty Gen  
SKO  
1/8/04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

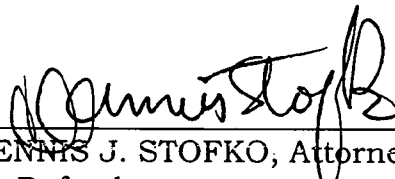
No. 2002-1000 CD

RUTH BLOOM,

Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Order scheduling the Rule Returnable along with the Motion for Summary Judgment was forwarded via U.S. Mail, postage prepaid to John Achille, 379 Main Street, Brookville, Pennsylvania 15825 on the 9th day of January, 2004.

  
DENNIS J. STOFKO, Attorney  
for Defendant

January 9, 2004

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m/1/4084 cc  
JAN 12 2004 E  
William A. Shaw  
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RITA WOLFE a/k/a RITA  
BERRINGER

-VS-

RUTH BLOOM

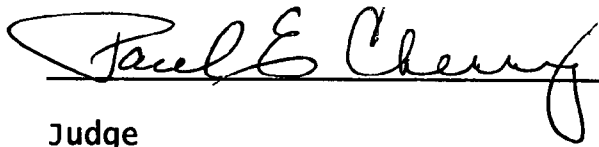
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No. 02-1000-CD

O R D E R

NOW, this 4th day of February, 2004, following argument on Defendant's Motion for Summary Judgment, it is the ORDER of this Court that Plaintiff file a brief within no more than twenty (20) days from this date. Both sides will have an additional ten (10) days to file a reply brief, if so desired.

BY THE COURT,

  
Judge

FILED

FEB 05 2004

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

2004 FEB 05

2cc Atty Achille  
2cc Atty Stofko

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a  
RITA BERRINGER,

Plaintiff,

vs.

No. 2002-01000 CD

RUTH BLOOM,

Defendant.

**DEFENDANT'S RESPONSE TO  
PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Filed on behalf of Defendant

Counsel of Record:

Dennis J. Stofko, Esq.  
PA ID #27638

STOFKO LAW OFFICES  
969 Eisenhower Blvd.  
P. O. Box 5500  
Johnstown, PA 15904

(814) 262-0064

FILED

FEB 24 2004

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a  
RITA BERRINGER,

Plaintiff,

vs.

No. 2002-01000 CD

RUTH BLOOM,

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST  
FOR PRODUCTION OF DOCUMENTS**

AND NOW comes Defendant, Ruth Bloom, through her counsel, Dennis J. Stofko, and files the following Response to Plaintiffs' Request for Production of Documents:

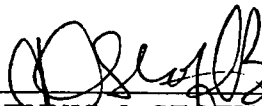
- (a) See Claimant Summary attached hereto as Exhibit 1.
- (b) See photos attached as Exhibit B to Answers to Interrogatories.
- (c) See Loss Report attached as Exhibit A to Answers to Interrogatories.
- (d) None.
- (e) None. An expert has not been retained. However, in the event one is procured, counsel will be notified and supplied with a report.
- (f) Policy and declaration sheet has been requested from the insurance company and will be supplied as soon as received.
- (g) None.
- (h) None.



- (i) None, other than what has been supplied by Plaintiff's counsel.
- (j) None.
- (k) None.
- (l) None, other than what has been supplied by Plaintiff's counsel.
- (m) None, other than what has been supplied by Plaintiff's counsel.
- (n) None, other than what has been supplied by Plaintiff's counsel.
- (o) None.
- (p) See Exhibits attached to Answers to Interrogatories.
- (q) None.
- (r) None.
- (s) None, other than what has been supplied above.

Respectfully submitted,

Dated: October 24, 2002

  
\_\_\_\_\_  
DENNIS J. STOFKO, ESQ.  
Attorney for Defendant

**VERIFICATION**

I, Ruth Bloom, hereby state that I am the Defendant in this action and verify that the statements made in the foregoing Response to Plaintiff's Request for Production of Documents are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Dated: October 23, 2002

  
\_\_\_\_\_  
Ruth Bloom

*Coverage* — *ASK RUTH BLOOM*

## Claimant Summary

Claimant: Rita <Berringer

Address: \*

*RD 3 341A*  
*Punxy 15767*  
Unk, PA PA

Home Phone: ( ) UNK-NOWN

Business Phone: ( ) UNK-NOWN

ext:

Clmt ID: R/B1

Age: 99

Sex:

DOB: *2-9-73*

TIN/SSN: - - TORT:

Spouse:

Employer:

Title:

*CNA - Wm Reitz*

Comments: \*UNK

CLMT WAS WORKING AT THE TIME FOR NURSING CAR

Injury: UNK

CPS Injury: UNK

Hospital: UNK

UNK

Loc in Veh:

Seat Belt:

Air Bag:

Veh. Year:

Make: Model:

License:

Veh. Description:

Veh. Damage:

Veh. Location:

Veh. Drivable:

Loss Amount: 0.00

Violations:

Items Damaged: UNK INJ CAUSED BY FALL IN PH HOME. HAS GONE THROUGH TWO SURGERIES AND ABOUT TO RECIEVE A THIRD.

*surface*  
*Interim Health care*

*WC*  
*1 1/2 months - assignment*  
*cooked, helped*

Ver<sup>20</sup> In drive.

Back steps - never told PH they  
were bad.

slate w/dips No railing

Top step slippery

Sneakers walking faster than normal

shin thump, knee, rt foot 8-9 steps

rt side - fell on

Got up rt knee + ankle imm'd swelling

Hard to bear weight.

Told Ruth. Called work.

DuBois Occupational Health

Air cast. No x-rays

Joint in knee. Ligaments ~~ripped~~, cart. out

Lt duty. Interim advised of cont'd spraining

Dr. Miller - first 2 surgeries June 01? Nov 01

---

3 kids racketball. Non wt bearing.

Lvs simster.

Crutches

ROM - 90°

Knee shld. + hmb - OK.

FILED

9-3-48 134

FEB 24 2004

*Handwritten signature*

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a  
RITA BERRINGER,

Plaintiff,

vs.

No. 2002-01000 CD

RUTH BLOOM,

Defendant.

**DEFENDANT'S ANSWERS  
TO INTERROGATORIES**

Filed on behalf of Defendant

Counsel of Record:

Dennis J. Stofko, Esq.  
PA ID #27638

STOFKO LAW OFFICES  
969 Eisenhower Blvd.  
P. O. Box 5500  
Johnstown, PA 15904

(814) 262-0064

FILED

FEB 24 2004

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a  
RITA BERRINGER,

Plaintiff,

vs.

No. 2002-01000 CD

RUTH BLOOM,

Defendant.

**DEFENDANT'S ANSWERS TO INTERROGATORIES**

AND NOW comes Defendant, Ruth Bloom, through her counsel, Dennis  
J. Stofko, and files the following Answers to Plaintiffs' Interrogatories:

1. List your correct legal names, and addresses, both now and at the time of the accident.

Ruth K. Bloom  
232 E. Sheridan Avenue  
DuBois, PA 15801-3152

2. In 2000, was the Defendant using the land, house and garage at 232 East Sheridan Street, DuBois, Pennsylvania, as a single family residence?

Yes

3. List the names, addresses, and telephone numbers of all witnesses, or persons believed or known by you to have any knowledge concerning the facts about the accident and state whether each person who witnessed the accident:

None.

a. was present at the accident scene immediately prior to its occurrence;

N/A

b. was within sight or hearing of the accident;

N/A

c. rendered assistance to the Plaintiff at the scene of the accident:

N/A

d. removed the Plaintiff from the scene of the accident;

N/A



e. has any knowledge of the facts to how the accident occurred;

N/A

f. can state facts or opinions as to the physical or mental condition of the Plaintiff as being related to this accident;

N/A

4. For each person listed in your answer to Interrogatory Number 3, summarize to what each would testify if called as a witness in this matter.

N/A

5. If any of the persons listed in your answer to Interrogatory Number 3, were or are your agents, employers, employees, servants, tenants, or representatives, state the nature of your association as to each person.

N/A

6. List:

- a. the names and addresses of those persons who have given to you, your attorney, or any person, firm, or corporation acting in your behalf, any statements, accident reports, voice recordings, medical proof of claim forms, reports or memoranda in any way concerning this accident;

Charles Cowfer, Nationwide Insurance Company, 999 N. Loyalsock Ave.,  
Suite 3, Montoursville, PA 17754

- b. the date of each such statement, accident report, voice recording, medical proof of claim form, report, or memorandum;

5/1/02 Loss Report by Nationwide Ins. Co.

- c. the name, telephone number, and address of the person, firm, or corporation who now has possession of same;

Charles Cowfer, Nationwide Ins. Co. (See (a) for address)

Dennis J. Stofko, Stofko Law Offices, 969 Eisenhower Blvd.,  
P. O. Box 5500, Johnstown, PA 15904 (814) 262-0064

- d. attach copies of each such statement, accident report, voice recording, medical proof of claim form, report or memoranda.

See Exhibit A.

7. State the name, address, or other information concerning the location of every person known, or reasonably believed by you, your agents, investigators, or other representatives to have knowledge, information, or possession of any map, picture, photograph, drawing or other document about any issue or fact concerning the accident, including the Lease, if applicable, of the premises on June 26, 2000. Attach copies of each.

See photographs attached as Exhibit B. See names and addresses listed in 6a.

8. Did you or your agents, employees or assigns, give a statement or accident report to any person, firm, or corporation regarding this accident? If so, specify:

NO.

a. the date that each such statement was given;

N/A

b. the name, address, and occupation of the person to whom and for whom each such statement was given;

N/A

c. the name and address of the person, firm, or corporation having possession of each statement;

N/A

d. attach a copy of each. N/A

9. Describe in detail the use for which the premises at 232 East Sheridan Street, DuBois, Pennsylvania, were being used at the time of the accident of June 26, 2000.

Residence

10. If there was consideration for such use, please state the amount of such consideration.

N/A

11. Describe in detail how the accident occurred, giving all facts concerning the details of the events before, at the time of, and/or after the accident, which you believe had any bearing on the accident, and your basis for these facts.

It is unknown whether the accident happened, how it happened, or where it happened, and therefore no details can be supplied.

12. Please state in detail whether there were any warnings to the Plaintiff or the general public as to the existence of any dangerous condition of the accident scene. If so, state with particularity the nature and extent of each such warning and from what date said warning was posted.

No dangerous conditions existed that would require a warning.

13. Prior to the date of the accident, were there ever any claims or complaints, whether written or oral, concerning the condition of the accident scene? If so, state with particularity the nature and extent of each such claim or complaint, giving the name, address and telephone number of the individual providing such complaint; the nature of the complaint or claim; date of the same; name address and telephone number of any attorney involved; and what steps were taken to correct each complaint.

No.

14. Were there any actions which could have been taken prior to the alleged occurrence, by you, your agents, employees, independent contractors, or assigns, which might have prevented the alleged occurrence? If so, state with particularity, what the said actions would have been.

It is unknown whether or how the accident happened and therefore no prior actions could have been taken.

15. Describe in detail the conditions of the walkways, steps and exit ways at the accident scene at the time of the accident on June 26, 2000.

Good.

16. Do you contend that the Plaintiff was negligent in any fashion? If yes, please state with specificity: Unknown at this time. However, discovery is ongoing and will be supplemented at a later time.

- a. each and every allegation or ground upon which you base your contention that the Plaintiff acted negligently;

See answer under 16.

- b. every fact upon which you rely to support each such allegation or ground.

See answer under 16.

23. State in detail each and every act of maintenance at the accident scene for a one year period prior to June 26, 2000.

Sweeping, Shoveling and miscellaneous cleaning as needed.

24. For each such act of maintenance, state with particularity the individual who performed such maintenance and the date of such performance and the costs associated with each.

When it would snow, a man would come and shovel.

25. Specify the time, place, and substance of any conversation which you had about the manner in which the accident happened.

This question is unintelligible and cannot be answered in present form.

26. Specify whether you were covered by liability insurance at the time of the accident, and if so, list:

- a. the name of all insurance companies providing such coverage, and the respective policy numbers;

Nationwide Ins. Co. (See address in 6a.)  
Claim No. 54-37-HO-672464 06262000-01

- b. the individual policy limitations for coverage from each insurance policy;

See Loss Report attached as Exhibit A. Policy and declaration sheet has been requested from company and will be forwarded upon receipt.

- c. attach copies of each and every insurance policy covering you and said premises at the time of the accident.

See answer to 26.b.

27. At any time since the accident, were any photographs, motion picture films or video films taken of you, the scene of the accident, or the steps involved? If so, identify same by giving:

- a. the date or dates of the taking of such photographs, motion picture films or video films; and

See photographs attached as Exhibit B. All other information supplied by Plaintiff's counsel.

- b. the name and address of the person or persons having possession of them.

See 6a.

28. Give a description of the accident scene, including:

- a. its date of construction, type of construction, and the name, address, telephone number of the individual, business or corporation who constructed the same;

It was already constructed when we moved into the house.

- b. if any building permits were issued or applied for concerning the area in question at anytime prior to or after the accident, attach copies of each such application or permit with any diagrams or drawings, and indicate what differences there are between the condition of the accident scene and the permits and applications; and

N/A

- c. if the area of the accident scene was repaired or modified after the accident, state the nature of repair or change of the accident scene.

N/A

29. Give the name, address, and telephone number of the person or persons who owned or were in possession and/or control of the premises where the accident occurred on June 26, 2000.

Marvin L. & Ruth K. Bloom  
232 E. Sheridan Street  
Dubois, PA 15801

30. Please give the name, address, employer, and capacity in which employed, of all persons who have investigated on your behalf, the accident involved in the instant case.

Chuck Cowfer, Adjuster, Nationwide Insurance Company

31. Were any reports, memoranda, or notes of the investigation made? If so, give the name, address and job title of each person making the report, memoranda or notes.

Yes, See Loss Report attached as Exhibit A.

32. Prior to Plaintiff's accident had any similar accident ever occurred?

No.



33. If the answer to the preceding interrogatory is in the affirmative, state in complete detail the nature and extent of the accident and injury.

N/A

34. Identify all persons whom you intend to call as expert witnesses at trial, and for each such expert specify: None. An expert has not been retained. However, in the event one is procured, counsel will be supplied with a report.

- a. each school attended by said expert, including the years in attendance and the degree received;

N/A

- b. any specialized training in the expert's area of expertise;

N/A

- c. list all publications written by each expert, including the title of each one, the name and date of the periodical or book in which it was printed, and the date of its printing;

N/A

d. attach each expert's curriculum vitae, if available; N/A

e. the subject matter on which he is expected to testify;

N/A

f. the substance of the facts and opinions to which he is expected to testify;

N/A

g. a summary of the grounds for each opinion to which he will testify; and

N/A

- h. list all appearances in court by each expert for the past ten years stating the subject of his testimony and the party for whom he testified.

N/A

35. Were you in possession and/or in control of the real estate and the adjacent sidewalk and walkway located at 232 East Sheridan Street, DuBois, Pennsylvania, on or about June 26, 2000?

Yes.

36. Identify how the property at 232 East Sheridan Street, DuBois, Pennsylvania, was titled on June 26, 2000, identifying the names, addresses and ownership interests of the respective parties who had an interest in the property.

This information is a matter of public records in the Recorder of Deeds Office of Clearfield County.

37. If the answer to the preceding question is negative, please state the names and addresses of any and all persons or corporations or other entities who were in possession or control of the said premises on June 26, 2000.

N/A

41. Please list all steps which you have taken prior to June 26, 2000, to ensure a safe and unhazardous entrance way from the street, walkways adjacent to your property, the steps and exit areas for 232 East Sheridan Street, DuBois, Pennsylvania.

No Hazardous conditions existed anytime on or before June 2000.

42. Who participated in the answering of these interrogatories? Please state the name, address and telephone number of each individual and explain to what extent each person participated and their relationship to the Defendant.

Ruth Bloom (Address supplied in 1.)

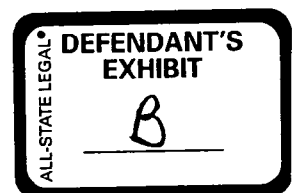
Dennis J. Stofko, Stofko Law Offices, 969 Eisenhower Blvd.,  
Johnstown, PA 15904 (814) 262-0064

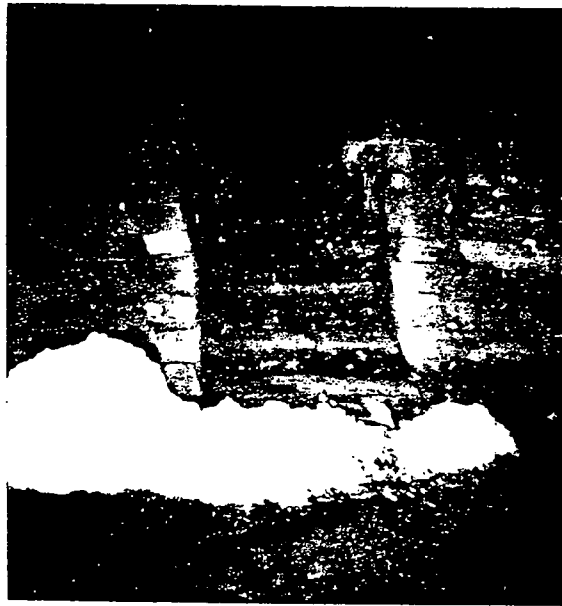
Date: 8-5-02

John G. Achille  
John G. Achille, Esquire  
For Plaintiffs

Date: 08-13-2002

Ruth Bloom  
Ruth Bloom  
Defendant





**FILED**

② 34988 1006 atty  
FEB 24 2004 *[Signature]*

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA  
BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

) CIVIL ACTION - LAW  
)  
) No. 2002 - 1000 CD  
)  
) Type of Pleading:  
) **PLAINTIFF'S AFFIDAVIT**  
)  
) Filed on behalf of Plaintiff  
)  
) Counsel of Record for this  
) Party:  
)  
) John G. Achille, Esquire  
) Pa. I.D. # 28431  
)  
) ACHILLE, ELLERMEYER & FRENCH  
) Attorneys at Law  
) 379 Main Street  
) Brookville, PA 15825-1221  
) (814) 849-6701  
)  
)

FILED

FEB 24 2004

William A. Shaw  
Prothonotary



# Registered Architect

Ethan J. Hine AIA  
85 Caldwell Street  
Brookville, PA 15825

April 20, 2002

Achille, Ellemeyer & French  
379 Main Street  
Brookville, PA 15825-1221  
Attn: John G. Achille

Re: Outdoor stair construction at 232 East Sheridan Street in DuBois PA.

Dear Mr. Achille:

As requested, I have reviewed the outdoor stair construction on April 19, 2002 at 232 East Sheridan Street in DuBois Pa.

In my professional opinion the exterior stairs are below code standards due to a failure to comply with the following code sections in the "2000 International Building Code":

- 1) **1003.3.3.3 Stair treads and risers.** Stair riser heights shall be 7 inches maximum and 4 inches minimum. Stair tread depths shall be 11 inches minimum.
- 2) **1003.3.3.3.1 Dimensional Uniformity.** Stair treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser or between the largest and smallest tread shall not exceed .375 inches in any flight of stairs.
- 3) **1003.3.3.5.1 Stairway walking surface.** The walking surface of treads and landings of a stairway shall not be sloped steeper than one unit vertical in 48 units horizontal (2%) in any direction.
- 4) **1003.3.3.5.2 Outdoor conditions.** Outdoor stairways and approaches to stairways shall be designed so that water will not accumulate on walking surfaces.
- 5) **1003.3.3.11 Handrails.** Stairways shall have handrails on each side. Handrails shall be adequate in strength and attachment in accordance with Section 1607.7.

If you have any questions or require additional information, feel free to contact my office.

Sincerely,



Ethan J. Hine, AIA  
Registered Architect

## RESUME

**ETHAN HINE, AIA  
PROJECT ARCHITECT****EDUCATION:**

ARIZONA STATE UNIVERSITY, COLLEGE OF ARCHITECTURE - 1990  
MASTERS OF ARCHITECTURE WITH BUSINESS MANAGEMENT STREAM

ARIZONA STATE UNIVERSITY, COLLEGE OF ARCHITECTURE - 1988  
BACHELORS OF SCIENCE IN DESIGN, ARCHITECTURE

ARCITETURA ITALIA, ARIZONA STATE UNIVERSITY - 1985  
OVERSEAS STUDY PROGRAM IN ARCHITECTURE, THEORY & DRAWING

HARVARD GRADUATE SCHOOL OF DESIGN - 1984  
CAREER DISCOVERY PROGRAM, SIX WEEK DESIGN STUDIO

**REGISTERED ARCHITECT:**

PENNSYLVANIA - RA-015076-X      1997

**EMPLOYMENT HISTORY WITH KTH:**

KTH ARCHITECTS, DUBOIS, PA  
PROJECT ARCHITECT - 1995 - 1997  
REGISTERED ARCHITECT - 1997-PRESENT

**MEMBER:**

AMERICAN INSTITUTE OF ARCHITECTS  
DUBOIS AREA CHAMBER OF COMMERCE BOARD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA  
BERRINGER,

Plaintiff,

v.

RUTH BLOOM,

Defendant.

) CIVIL ACTION - LAW

) No. 2002

) Type of  
) **PLAINTIFF**  
) **TO MOTION**  
) **FILED BY**

) Filed on

) Counsel  
) Party:

) John G.  
) Pa. I.D.

) ACHILLE FRENCH  
) Attorne  
) 379 Main Street  
) Brookville, PA 15825-1221  
) (814) 849-6701

**FILED**

FEB 24 2004

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE, a/k/a RITA	)	CIVIL ACTION - LAW
BERRINGER,	)	
	)	No. 2002-01000-CD
Plaintiff,	)	
	)	
v.	)	
	)	
RUTH BLOOM,	)	
	)	
Defendant.	)	

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2004, after due consideration of the Motion for Summary Judgment filed by Defendant, Ruth Bloom, the Motion is hereby denied and this case will proceed.

BY THE COURT:

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

Rita Wolfe a/k/a Rita	:	
Berringer,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION - LAW
	:	
Ruth Bloom	:	No. 2002 - 1000 CD
	:	
	:	<b>JURY TRIAL DEMANDED</b>
Defendant.	:	

**PLAINTIFF'S BRIEF IN OPPOSITION**  
**TO MOTION FOR SUMMARY JUDGMENT FILED**  
**BY RUTH BLOOM**

AND NOW, comes the Plaintiff, by and through her attorney, John G. Achille, Esquire, and files the following Brief in Opposition to Motion for Summary Judgment filed by Defendant, Ruth Bloom.

**FACTS**

Defendant, Ruth Bloom, has filed Motion for Summary Judgment alleging that all discovery is now complete and closed, that there has been no evidence set forth, as to how or why a handrail would have prevented Plaintiff's alleged injury, that the record is void of any evidence that a dangerous condition existed on the premises and/or any notice to Defendant of an alleged dangerous condition, thereby causing Plaintiff's injuries and that Plaintiff cannot establish negligence on the part of Defendant, being that no evidence has been, nor shall be adduced, that specifies any cause upon which liability is based.

### STANDARD OF REVIEW

"A motion for summary judgement is not appropriate in a tort case of great breadth and complexity where all the facts should be developed at trial." 6 Standard PA Practice 2d, § 32:17 230 citing *Kuranda Farm Fresh Poultry, Inc. v Montgomery Bucks Farm Bureau Cooperative Asso.* (1977) 78 Lack Jur 113.

The Superior Court of Pennsylvania found "summary judgement should not be granted except in "clearest" of cases where there is not the least doubt as to absence of triable issue of material fact." *Gertrude Prince, Appellant v Louise G. Pavoni and Maria R. Pavoni*, 225 Pa.Super 286, 302 A.2d 452 (1973). "[1] It is well settled and beyond reasonable dispute that such a severe dispositive procedure should not be granted except in the 'clearest' of cases where there is not the least doubt as to the absence of a triable issue of material fact." Id 288, 454. "[2] The burden of proving the absence of any genuine issue of fact is on the moving party and all doubt in reference thereto must be resolved against that moving party." Id 288, 454. "[3] The burden of the non-moving party where summary judgement is requested is not the same as the burden during a trial of the issues, it need only be shown that there is a genuine issue as to any material fact." Id 289, 454.

"Defendant's motion for summary judgment will be denied where, although plaintiff may not be able to prove its case at trial, it is not appropriate to force plaintiff to be ready to proceed well in advance of trial." 6 SPP2d Supp § 32:9 32 citing *Knouse Foods*

v *Rice Fruit* (1983) 25 Adams Co Leg J 156, PLJ-R Vol. VII, No. 2, P. 4.

"A motion for summary judgment will not be granted where there are several factual issues for determination. *Dunhill of Lancaster, Inc. v AC & S Co.* (1982) 68 Lanc L Rev 188, 1 Packard's L Rep 434." 6 SPP2d Supp § 32:9 33.

The Plaintiff agrees with the standard of proof set forth on page 4 of Defendants Motion for Summary Judgement that "This Honorable Court is required to view the record in a light most favorable to the non-moving party, resolving all doubts as to the existence of a genuine material fact against the moving party." *Pennsylvania State University v. County of Centre*, 615 A.2d 303 (Pa. 1992). The records would include the Plaintiff's Complaint and Answers to Discovery as well as her Deposition, which when read as a whole, clearly document the cause of her fall being the defects of the stairway resulting in her slipping, twisting her ankle, due to the slippery and uneven nature of the steps and inability to secure a hand on a railing that was not there as well as injuries to her thumb, right shoulder and abrasions and contusions to her knee when she fell.

#### **DISCUSSION**

The Plaintiff has alleged in her Complaint and offered an expert report documenting the defects in the stairwell which resulted in her slip and fall injury.

The Defendants first alleged the question of whether or not

there was a dangerous condition of the steps. Clearly the Answers to Requests for Productions, a true and correct copy which is attached here for the convenience of the Court shows the opinion of the Plaintiff's expert on the condition of the steps which when read in conjunction with the Plaintiff's Complaint sets forth the defective conditions causing the Plaintiff's injury.

The Defendant is alleging lack of notice. However the Defendant's answers to Interrogatories and Complaint document ownership of the property and daily inspections by the Defendant. In fact the Defendant's Answers to Requests for Production of Documents produces an insurance policy which shows it was in effect since 1990. This is a 10 year period before the accident in which the Defendant would have had the opportunity to inspect the steps under the conditions of heavy rain such as was present on the day of the Plaintiff's injury, which opportunity the Plaintiff never had prior to her fall.

The Defendant is alleging a lack of causal connection between injuries claimed with the lack of a handrail on the steps. It would be a question for the jury as to whether or not a slip would be contributed to or caused by the lack of a handrail. Clearly the fall that resulted was the result of the lack of a handrail. The Court should review the Plaintiff's Complaint and Answers to Discovery by both sides along with the answers to questions at her Deposition. "A motion for summary judgment can be granted only if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that



heavy rain. The record shows Plaintiff only worked there a couple days a week for a few weeks before the accident.

*Section 343 Reinstatement (Second) of Torts* as cited by the Defendant would apply to establish liability of the Defendant based upon the record of this case. The Defendant made daily inspection so it would be unreasonable for her not to have seen the pooling of the water there during a rainstorm. In fact, Defendant has not offered any affidavits or evidence from anyone that the Defendant did not have notice of the condition of the stairs and the way they were on the day of the accident. Discovery answers reveal no changes since the house was built in 1965.

It is an issue for the jury as to whether the handrail would have prevented her from twisting as much on her ankle but clearly no question that the handrail could have prevented her from falling and injuring other parts of her body. Plaintiff does allege injuries from falling including her shoulder, knee, thumb and multiple abrasions and contusions.

### **CONCLUSION**

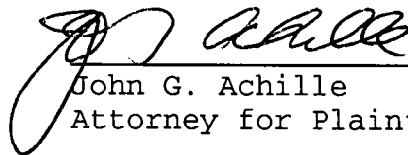
In the case at bar, the Plaintiff, Rita Wolfe a/k/a Rita Berringer, was merely using the Defendant, Ruth Bloom's steps as they were intended to be used, unaware of the defective condition until after her fall. The Defendant, Ruth Bloom should be held liable. This case should proceed onto the courts.

"In a very large number of cases, motions for summary judgement were denied because the court found that there were

genuine issues of material fact." 6 Standard PA Practice 2d § 32:9  
214.

WHEREFORE, for all the reasons outlined above and others, we  
pray this Honorable Court deny the Defendant, Ruth Bloom's Motion  
for Summary Judgment as she failed to show her burden that there  
are no material issues of fact for the jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John G. Achille", is written over a horizontal line.

John G. Achille  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

No. 2002-1000 CD

RUTH BLOOM,

Defendant

REQUEST FOR PRODUCTION  
Counsel of record for this party:  
Dennis J. Stofko, Esquire  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 252-0064  
ID 27638

## AFFIDAVIT

I, William I. Reitz, Jr., residing at R. D. 3, Box 118, Brookville, PA, 15825,  
being duly sworn according to law, deposes and says:

On June 26, 2000, Rita Berringer phoned me while on her way to work at the residence of Ruth Bloom. The call was placed on a cell phone I had given her. Shortly after she hung up with me, she called back and told me that she had fallen outside on Mrs. Bloom's sidewalk and that she had injured her ankle and shoulder and skinned her knees. She also said that her employer had told her to go seek treatment.

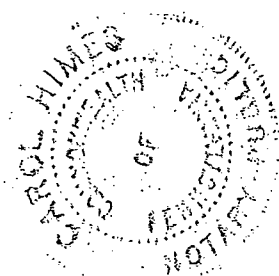
Within the following couple of days, Ruth Bloom called me and asked if I knew how she could get in touch with Rita and asked how Rita was doing. I understood that she was concerned about Rita, as she had fallen on her steps. She had called for Rita at my home before, as Rita had no telephone at home and worked at my house when not working for the Blooms.

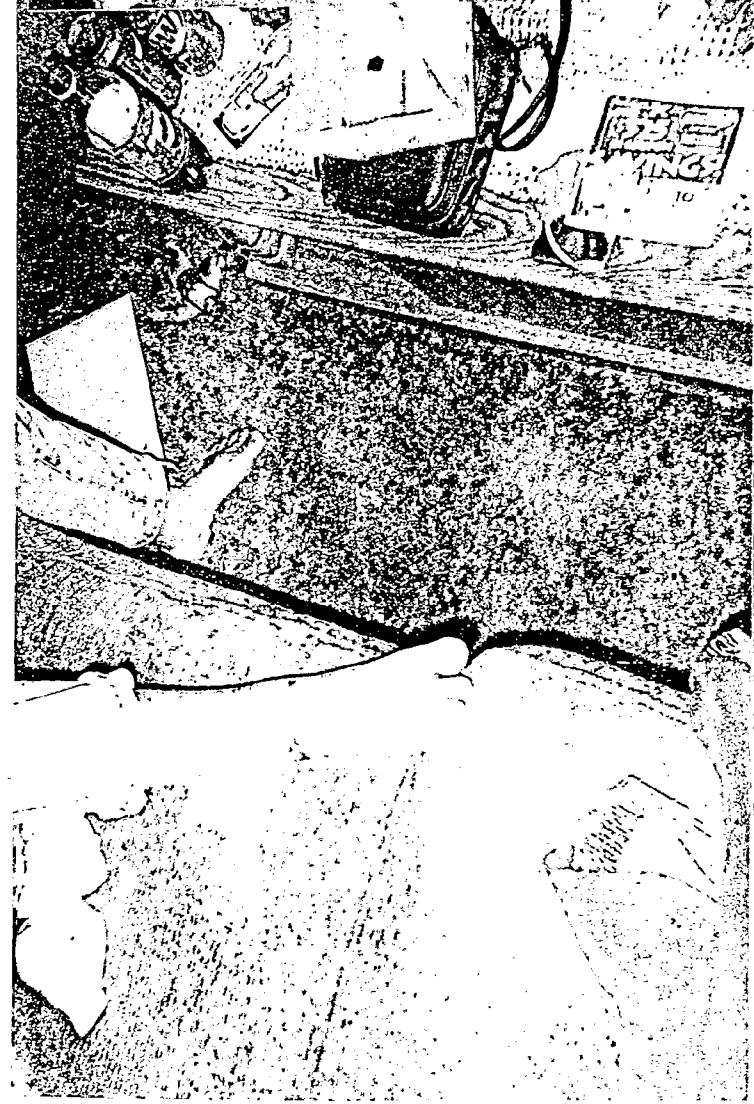
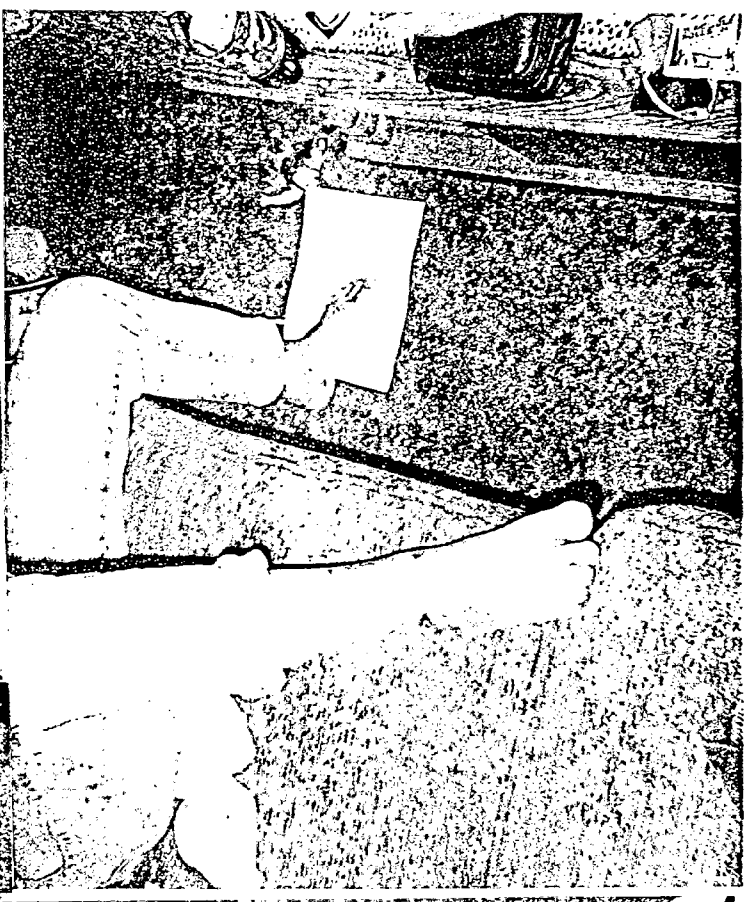
William I. Reitz, Jr.  
Signature

Sworn to and subscribed before me this  
5<sup>th</sup> day of July, 2002.

Carol Himes  
NOTARY PUBLIC

NOTARIAL SEAL  
CAROL HIMES, NOTARY PUBLIC  
BROOKVILLE BOROUGH, COUNTY OF JEFFERSON  
MY COMMISSION EXPIRES MAY 4, 2006





(C)

~~P 2-27-04~~

Replies - 3-5-04

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RITA WOLFE a/k/a RITA  
BERRINGER

-VS-

RUTH BLOOM

:  
:  
:  
:  
:  
:  
:

No. 02-1000-CD

2-5-04 - gave  
Achille's brief to her

O R D E R

NOW, this 4th day of February, 2004, following argument on Defendant's Motion for Summary Judgment, it is the ORDER of this Court that Plaintiff file a brief within no more than twenty (20) days from this date. Both sides will have an additional ten (10) days to file a reply brief, if so desired.

BY THE COURT,

\_\_\_\_\_

Judge

# STOFKO LAW OFFICES

DENNIS J. STOFKO  
ANDREW L. HORVATH  
~~ROBERT L. STOFKO~~

969 EISENHOWER BOULEVARD, SUITE E  
P.O. BOX 5500  
JOHNSTOWN, PENNSYLVANIA 15904

TELEPHONE 814-262-0064 or 814-262-7341  
FAX 814-262-0905  
E-MAIL stofkoesq@stofkolaw.com

February 5, 2004

*hold onto  
other case coming*

The Honorable Judge Paul E. Cherry  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, Pennsylvania 16830

**RECEIVED**  
2/11/04

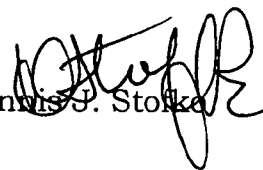
Re: Wolfe vs. Bloom  
No. 2002-1000 CD

Dear Judge Cherry:

Pursuant to your request at the argument on Motion for Summary Judgment, I enclose herewith a copy of plaintiff's transcript which was referred to in my Brief.

Thank you for your consideration in this matter.

Sincerely,

  
Dennis J. Stofko

DJS/dd  
Enclosure

*Responses will  
be due 3-5-04 -  
can do an  
order then.*

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

\* \* \* \* \*

RITA WOLF a/k/a           \*  
RITA BERRINGER,           \*  
Plaintiff               \*   Case No.  
vs.                       \*   2002-1000 CD  
RUTH BLOOM,             \*  
Defendant               \*

\* \* \* \* \*

DEPOSITION OF  
RITA WOLF a/k/a RITA BERRINGER  
January 10, 2003

**ORIGINAL**

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## DEPOSITION

OF

RITA WOLF a/k/a RITA BERRINGER, taken  
on behalf of the Defendant herein,  
pursuant to the Rules of Civil  
Procedure, taken before me, the  
undersigned, Rhonda K. Lingle, a  
Court Reporter and Notary Public in  
and for the Commonwealth of  
Pennsylvania, at the offices of  
Sargent's Court Reporting Service,  
Inc., 106 North Second Street,  
Clearfield, Pennsylvania, on Friday,  
January 10, 2003 beginning at 10:20  
a.m.

## A P P E A R A N C E S

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## I N D E X

WITNESS: RUTH WOLF a/k/a RUTH

BERRINGER

EXAMINATION

by Attorney Stofko 7 - 98

CERTIFICATE 99

EXHIBIT PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE IDENTIFIED</u>
1	Photograph	52
2	Photograph	52

OBJECTION PAGEATTORNEYPAGE

NONE

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## P R O C E E D I N G S

-----  
RUTH WOLF a/k/a RUTH BERRINGER,  
HAVING FIRST BEEN DULY SWORN,  
TESTIFIED AS FOLLOWS:  
-----

DIRECT EXAMINATION

BY ATTORNEY STOFKO:

Q. Would you state your full name  
please?

A. Rita Mae Wolf.

Q. Ms. Wolf, my name is Dennis  
Stofko and I represent Ruth Bloom  
concerning an alleged accident you  
had back on June 26<sup>th</sup> of 2000. Today  
I'm here to ask you questions about  
yourself and about the facts of this  
particular matter. During my  
questions should you not hear my  
questions or not understand my  
questions, let me know, I'll repeat  
or rephrase the question for you.  
You'll have to speak your answers so  
that we can clearly hear them and  
understand them. If you simply nod

1 your head or shake your shoulders,  
2 the Court Reporter may misinterpret  
3 your answer. Okay?

4 A. Yes.

5 Q. Ms. Wolf, where do you  
6 currently reside at?

7 A. 1956 Scotland Avenue  
8 Extension, Punxsutawney,  
9 Pennsylvania.

10 Q. And how long have you resided  
11 at that address?

12 A. Since June of 2000.

13 Q. And who do you currently  
14 reside there with?

15 A. My mom and dad and my three  
16 kids.

17 Q. Is this your parent's home?

18 A. Yes.

19 Q. Prior to June 26<sup>th</sup> of 2000,  
20 where did you reside at?

21 A. R. D. #1, Rossiter.

22 Q. Is there a 911 address?

23 A. Probably is now. I know it  
24 wasn't then.

25 Q. How long did you live at the

1 Rossiter address?

2 A. From 1993.

3 Q. Until June 26<sup>th</sup> of 2000; is  
4 that correct?

5 A. Yes. Well, it was in June of  
6 2000. It was somewhere between the  
7 26th and the end of June. It's hard  
8 to say exactly what day it was, but  
9 ---.

10 Q. Okay. But from 1993 up until  
11 the time that you moved in with your  
12 parents you were at that R. D. #1  
13 Rossiter address?

14 A. Occasionally, no.

15 Q. Did you live somewhere else in  
16 between there?

17 A. Once I had moved with my mom  
18 and dad again.

19 Q. What period of time was that?

20 A. I don't know.

21 Q. The caption in the Complaint  
22 is Rita Wolf also known as Rita  
23 Berringer. Can you explain that for  
24 me please?

25 A. I was married for five and a



1 half years.

2 Q. And when did your marriage  
3 terminate?

4 A. You mean what ---?

5 Q. When did you divorce?

6 A. When was my divorce final?

7 Q. Yes.

8 A. July of 2001, I think.

9 Q. You were still legally married  
10 as of June 26 of 2000?

11 A. I believe so.

12 Q. Were you separated at that  
13 time?

14 A. Yes.

15 Q. How long had you been  
16 separated prior to the date of the  
17 accident?

18 A. A year.

19 Q. What is your ex-husband's  
20 name?

21 A. Daniel.

22 Q. Berringer?

23 A. Uh-huh (yes).

24 Q. The answer is yes?

25 A. Yes.

1 Q. And do you know where Mr.  
2 Berringer currently lives at?

3 A. R. D. #1, Rossiter.

4 Q. That was the same house that  
5 you lived from '93 up until June of  
6 2000?

7 A. Yes.

8 Q. What are the names and ages of  
9 your children?

10 A. Sheyenne.

11 Q. How old is she?

12 A. Seven. Ty.

13 Q. Can you spell that please?

14 A. T-Y.

15 Q. Just T-Y?

16 A. Uh-huh (yes). Six. McKenzie,  
17 M-C K-E-N-Z-I-E, five.

18 Q. Are these all children of Mr.

19 ---

20 A. Yes.

21 Q. --- Daniel Berringer? And do  
22 you have legal custody of the  
23 children?

24 A. Yes.

25 Q. Okay. Are you a high school

1 graduate?

2 A. Yes.

3 Q. Where did you graduate from?

4 A. Punxsutawney Area High School.

5 Q. And what year was that?

6 A. 1991.

7 Q. Do you have any formal  
8 education beyond high school?

9 A. I have two and a half years of  
10 college at IUP.

11 Q. Did you obtain any kind of a  
12 degree or certificate from IUP?

13 A. No.

14 Q. Was that --- what years was  
15 that that you attended IUP?

16 A. From '91 until '93 and then  
17 from a half --- another --- not quite  
18 a whole semester in the Fall 2001, I  
19 believe.

20 Q. Okay. Any further formal  
21 education?

22 A. I have my CNA license.

23 Q. And what is that?

24 A. Certified Nurses Aide license  
25 from Jeff Tech.

1 Q. Jefferson County Technical  
2 School, is that what it's called or  
3 is it Jeff Tech, if you know?

4 A. I don't know.

5 Q. And when did you obtain that  
6 certificate?

7 A. May 1995 or 1996, around  
8 there. And I also had my personal  
9 care home administrator's license  
10 through IUP.

11 Q. Personal care home  
12 administrator's license?

13 A. Uh-huh (yes).

14 Q. And when did you obtain that?

15 A. Probably around the same time  
16 '96, '97.

17 Q. Did you actually attend  
18 classes at IUP for that degree or  
19 certificate?

20 A. They weren't held at IUP but  
21 they were IUP.

22 Q. And where were they held at?

23 A. The Holiday Inn in Indiana.

24 Q. How long of a course was that?

25 A. It was twice a week for I

1 believe eight weeks.

2 Q. What did that --- what did  
3 that certificate entitle you to do or  
4 enable you to do in the job force?

5 A. My husband wanted --- my ex-  
6 husband wanted to start a personal  
7 care home and that would have enable  
8 us to start a personal care home.

9 Q. Did you ever start a personal  
10 care home?

11 A. No.

12 Q. Have you ever worked as a  
13 personal care home administrator in  
14 any capacity since obtaining your  
15 license?

16 A. No, like worked for one and  
17 someplace else you have to have a  
18 business degree or something.

19 Q. Any other training in any  
20 field?

21 A. No.

22 Q. Are you working at the present  
23 time?

24 A. No.

25 Q. And when was the last time you

1 worked?

2 A. In October of 2000.

3 Q. And what was the last job that  
4 you had?

5 A. Interim Health Care.

6 Q. I'm sorry, I missed what you  
7 said.

8 A. Interim Health Care.

9 Q. Interim, that's the  
10 organization you worked for?

11 A. Yes.

12 Q. What was your position with  
13 Interim Health Care?

14 A. CNA.

15 Q. Now, this was after the  
16 accident in June; is that correct?

17 A. Correct.

18 Q. What period of time was it  
19 that you worked after the accident  
20 until October 2000?

21 A. The middle of June of 2000 and  
22 I worked as a nurses aide at that  
23 period on.

24 Q. So, the middle of June of 2000  
25 you worked as a nurses aide?

1 A. Yes.

2 Q. The accident happened, as I  
3 understand on June 26?

4 A. Correct.

5 Q. Did you miss time from work  
6 after the accident?

7 A. Did I say June or July?

8 Q. You said June.

9 A. I'm sorry, the middle of July  
10 of 2000.

11 Q. The middle of July you worked  
12 as a nurses aide?

13 A. Uh-huh (yes).

14 Q. Was that something different  
15 than your work before July?

16 A. Yes.

17 Q. Were you a CNA in June of  
18 2000?

19 A. Correct.

20 Q. What's the different between  
21 those two positions?

22 A. Being certified allows you to  
23 do more. Being a nurses aide pretty  
24 much you just --- the person that you  
25 take care of can be basically

1 everything for themselves, you just  
2 basically sit with them and help them  
3 like to do maybe certain things that  
4 they can't do.

5 Q. Do I understand the nurses  
6 aide job would be less physically  
7 demanding than the CNA position?

8 A. Correct.

9 Q. And so you worked in that  
10 capacity, a nurses aide, from July  
11 until October of 2000?

12 A. Correct.

13 Q. And why did you stop working  
14 as a nurses aide in October?

15 A. Because my ankle kept going  
16 out and it just started hurting more  
17 and more.

18 Q. Were you working full-time as  
19 a nurses aide during this period?

20 A. No.

21 Q. What was your job  
22 classification, as far as part-time  
23 and what was part-time in terms of  
24 hours?

25 A. I was working 18 to 25 hours a



1 week.

2 Q. Were you released by a doctor  
3 to go to work part-time as a nurses  
4 aide?

5 A. Do you mean after that period  
6 of time that, did I see a doctor in  
7 between when I got hurt and when I  
8 went back to work?

9 Q. Well, after you got hurt you  
10 were off a period of time and then  
11 you began working in July as a  
12 nurse's aide?

13 A. Right.

14 Q. Did some doctor release you to  
15 go back to work as a nurses aide in  
16 July of 2000?

17 A. Correct.

18 Q. Who was that?

19 A. Doctor McVay.

20 Q. I'm sorry?

21 A. Doctor McVay.

22 Q. And what kind of doctor is he,  
23 if you know?

24 A. I have no idea.

25 Q. Is he your family doctor?

1 A. No, he's who interim sent me  
2 to when I got hurt.

3 ATTORNEY STOFKO:

4 He might be a provider.

5 A. Actually, I didn't see Doctor  
6 McVay. I saw a physician's  
7 assistant.

8 BY ATTORNEY STOFKO:

9 Q. After seeing a physician's  
10 assistant, you were released to go  
11 work as a nurses aide; is that  
12 correct?

13 A. Correct.

14 Q. And did you have a family  
15 doctor at the time?

16 A. Yes.

17 Q. Who was that?

18 A. At that time it was Doctor  
19 Yunuis.

20 Q. Can you spell that, please?

21 A. Y-U-N-U-I-S. I don't know,  
22 I'm guessing.

23 Q. Where is Doctor --- is that a  
24 male or female?

25 A. She --- it's a female. She

1 works at the Medical Center.

2 Q. Which Medical Center?

3 A. Punxsutawney. The big red  
4 office there.

5 Q. Punxsutawney. She works at  
6 the Punxsutawney Medical Center?

7 A. Uh-huh (yes).

8 Q. Right in Punxsy?

9 A. Yes.

10 Q. Do you know her first name?

11 A. I have no idea.

12 Q. How long have you been  
13 treating with her at or about the  
14 time of this accident?

15 A. Four or five years.

16 Q. And when did she leave, do you  
17 know?

18 A. No, I don't know.

19 Q. Do you have another family  
20 doctor now?

21 A. Doctor Tirado.

22 Q. Can you spell that?

23 A. T-I-R-A-D-O.

24 Q. T-A - - - ?

25 A. T-I-R-A-D-O, I believe.

1 Q. Where is Doctor Tirado located  
2 at?

3 A. He's in the Medical Center.

4 Q. The same one, Punxsutawney  
5 Medical Center?

6 A. Yes.

7 Q. Okay. Was October 2000 the  
8 last time that you worked?

9 A. Yes.

10 Q. And we're talking about any  
11 type of employment. And why haven't  
12 you worked since October of 2000?

13 A. Because I have not been able  
14 to. I don't know. And I have seen a  
15 doctor who said I can return to work.

16 Q. What prevents you from  
17 working?

18 A. I still have ankle pain. I  
19 have numbness in the right outer side  
20 of my foot. Sometimes my whole foot  
21 will go numb and if you stretch it  
22 --- stretch my tendons that were  
23 fixed. And I have a lot of pain in  
24 the tendon underneath my foot.

25 Q. Do I understand the pain is in

1 the right ankle, right foot area?

2 A. Right.

3 Q. And what doctor is it that  
4 says you cannot work any longer?

5 A. Doctor Allen Note (phonetic).

6 Q. Doctor Note?

7 A. Uh-huh (yes).

8 Q. Have you sought any type of  
9 employment since October of 2000?

10 A. No. I can only drive short  
11 distances. I have to have my mom or  
12 dad take me some place and it just  
13 doesn't work.

14 Q. Do you use some kind of  
15 prosthetic device to get around,  
16 cane, anything of that nature  
17 currently?

18 A. No. I have things that go on  
19 my shoes. They made a cast of my  
20 feet and they go on my shoe.

21 Q. Are you talking about a lift  
22 of some kind or some kind of ---?

23 A. It's a support but it's not  
24 working.

25 Q. How long have you worn the

1 support in your shoe?

2 A. They were just made.

3 Q. When was that?

4 A. Three days ago.

5 Q. And who prescribed it?

6 A. Doctor Barto.

7 Q. As a result of this incident  
8 of June 26<sup>th</sup> of 2000, other than the  
9 right foot, right ankle and problems  
10 you just mentioned to me, did you  
11 sustain any other injuries in this  
12 accident?

13 A. Myself?

14 Q. Yes.

15 A. Yes.

16 Q. What are they?

17 A. I injured my knee.

18 Q. Which knee?

19 A. My right one.

20 Q. Does that give you any  
21 problems?

22 A. It hurts on occasion.

23 Q. Did you ever have that x-  
24 rayed?

25 A. I don't know if they ever x-



1 rayed it. I couldn't tell you.

2 Q. Did any doctor tell you that  
3 you injured your right knee,  
4 fractured, broken, stretched?

5 A. No.

6 Q. Did you receive any specific  
7 treatment to your right knee?

8 A. Only from Doctor McVay's  
9 office.

10 Q. And what kind of treatment?

11 A. When I first injured it.

12 Q. What type of treatment did you  
13 get on your right knee?

14 A. Just an Ace wrap and pain  
15 medicine.

16 Q. And you said you have problems  
17 currently?

18 A. Cracks.

19 Q. It cracks? How often does  
20 that happen?

21 A. I don't know.

22 Q. Do you have pain in your knee?

23 A. When it cracks, yeah.

24 Q. Does it happen once a month,  
25 if you know? Twice a month? Less



1     than that?   More than that?

2     A.           More than that.

3     Q.           Do you take any kind of  
4     medications for that condition?

5     A.           I take Celebrex but that's  
6     basically for my ankle but they said  
7     it would help my knee.

8     Q.           What other injuries did you  
9     sustain?

10    A.           I also injured my right  
11    shoulder and sprained my right thumb.

12    Q.           Any residual problem with your  
13    right shoulder?

14    A.           Never.

15    Q.           How about your right thumb?

16    A.           No.

17    Q.           Anything else?

18    A.           No.

19    Q.           Before the date of this  
20    accident, June 26, 2000, did you ever  
21    sustain an injury to your right  
22    shoulder or to your thumb previously?

23    A.           No.

24    Q.           How about your right knee?

25    A.           No.

1 Q. I'm not talking just about  
2 accidents like slip and fall  
3 accidents or car accidents, activity-  
4 related accidents, sporting  
5 accidents, related activities,  
6 anything where you sustained an  
7 injury to these areas?

8 A. Okay.

9 Q. So, your answer is still the  
10 same ---

11 A. Yes.

12 Q. --- with regard to your right  
13 knee? How about your right ankle?

14 A. No.

15 Q. Ever treated by a doctor such  
16 as a podiatrist or an orthopedic  
17 doctor for any problems associated  
18 with your right ankle or foot before  
19 the date of this incident?

20 A. No.

21 Q. Have you ever sprained your  
22 right ankle previously?

23 A. Not that I can ever remember.

24 Q. Do you recall having any  
25 medical treatment to your right knee

1 before the date of this accident?

2 A. My right knee, no.

3 Q. How about your right ankle?

4 A. No.

5 Q. Did you ever have problems  
6 with stability or your right ankle  
7 giving out ---

8 A. No.

9 Q. --- before the date of this  
10 incident?

11 A. No.

12 Q. So, to the areas where you  
13 indicate that you injured in this  
14 accident it is your testimony that  
15 you never had any of those areas  
16 injured before the date of this  
17 accident; is that correct?

18 A. Not that I remember, no.

19 Q. How about from these --- let  
20 me ask you this. Do you continue to  
21 treat with anyone for your injuries?

22 A. Yes.

23 Q. And who is that?

24 A. Doctor Miller

25 Q. How often do you see Doctor

1 Miller?

2 A. Well, usually twice a month  
3 but I've seen him twice last week and  
4 I see him on Mondays also.

5 Q. And why did you see him twice  
6 last week?

7 A. Why did I see him twice last  
8 week? He's --- because he's taping  
9 my foot also with tape, and he  
10 retapes that often and because it's  
11 continually getting worse instead of  
12 better.

13 Q. Can you tell me as best you  
14 can describe how your ankle is  
15 getting worse?

16 A. Yeah, instead of just the  
17 right side of my foot and ankle being  
18 numb it will all go to sleep and when  
19 I'm walking it's stretching and like  
20 it's pulling those tendons in there  
21 which is making my ankle joint inside  
22 actually hurt again. And the pain in  
23 my arch, their not being able to  
24 figure out what to do and wear a  
25 device at night to stretch it and not

1 stretching it.

2 Q. What type of device is that?  
3 Is there a name for that or can you  
4 describe for me what it is?

5 A. It's a black thing that fits  
6 over my foot and comes up to my calf  
7 and it has straps that go across, it  
8 pulls that arch tight.

9 Q. Is it a plastic device and has  
10 Velcro strips that you tighten?

11 A. Yes. I don't know if it's  
12 plastic but something like ---.

13 Q. Fiberglas or something of that  
14 nature?

15 A. Yes. It has a foam thing to  
16 make it so that the section can get  
17 warm.

18 Q. And how long have you been  
19 wearing that ankle device, for lack  
20 of a better term?

21 A. You mean, ---?

22 Q. When was it first prescribed  
23 for you, how long have you been using  
24 it?

25 A. He first prescribed it, I

1 believe after my first surgery.

2 Q. Doctor Miller?

3 A. Uh-huh (yes).

4 Q. You wear that nightly?

5 A. What do you mean?

6 Q. Do you wear it every night?

7 A. Since when?

8 Q. What?

9 A. Since when?

10 Q. Since when you were told to  
11 use it, put it that way? How long  
12 have you been using it?

13 A. I used it every night for a  
14 certain period of time after I had my  
15 surgery.

16 Q. Okay.

17 A. And then he told me to start  
18 using it again and, yes, I use it  
19 every night.

20 Q. Are you currently using it  
21 every night?

22 A. Yes.

23 Q. What has Doctor Miller  
24 expressed to you concerning your  
25 condition of your ankle in the

1 future? Does he have any specific  
2 treatment recommendations for you  
3 regarding that ankle?

4 A. Possibly another surgery.

5 Q. Is Doctor Miller a podiatrist,  
6 do you know?

7 A. He's an ankle doctor.

8 Q. Are you receiving workers'  
9 compensation benefits currently?

10 A. Yes.

11 Q. And what is the amount that  
12 you're receiving?

13 A. You mean, ---?

14 Q. How much do you get paid  
15 weekly or bi-weekly? How often does  
16 it pay?

17 A. \$577.60. That's how much I  
18 get, bi-weekly.

19 Q. Has the workers' compensation  
20 carrier ever asked you to be examined  
21 by any doctor?

22 A. Yes.

23 Q. And do you know who that was  
24 that examined you?

25 A. Doctor Tissenbaum.

- 1 Q. Tissenbaum?
- 2 A. Uh-huh (yes).
- 3 Q. Do you know where he is
- 4 located at?
- 5 A. Pittsburgh.
- 6 Q. Do you know what kind of
- 7 doctor he is?
- 8 A. He's a surgeon.
- 9 Q. Could you spell his name?
- 10 A. I have no idea.
- 11 Q. Tissenbaum. When was it that
- 12 you went to see Doctor Tissenbaum?
- 13 A. Two months after my first
- 14 ankle surgery, approximately.
- 15 Q. Was your first surgery in the
- 16 year 2001, do you recall? I could be
- 17 wrong on that.
- 18 A. I don't know.
- 19 Q. Did you ever see a report from
- 20 Doctor Tissenbaum concerning what his
- 21 findings were of the examination that
- 22 he performed?
- 23 A. Have I ever seen it?
- 24 Q. Yes.
- 25 A. Yes.



1 Q. Do you have a copy of it?

2 A. Do I?

3 Q. Yes.

4 A. No.

5 Q. Were you represented in your  
6 workers' compensation claim by an  
7 attorney?

8 A. Yes.

9 Q. Who was that?

10 A. John Kelley.

11 Q. To your knowledge, has  
12 workers' compensation paid all the  
13 medical bills that you've incurred as  
14 a result of this June 26 incident to  
15 date?

16 A. I believe so.

17 Q. Has the workers' compensation  
18 carrier ever requested you undergo an  
19 interview with an occupational  
20 rehabilitation expert of any kind?

21 A. No.

22 Q. Have they ever recommended you  
23 obtain any other alternative type  
24 training?

25 A. No.

1 Q. Have you applied for Social  
2 Security disability?

3 A. No.

4 Q. What are your intentions  
5 concerning your future employment?

6 A. I attempted to go back for a  
7 semester of college, I could not walk  
8 around campus. When ever I can, I  
9 intend to go back to college to get  
10 my RN.

11 Q. When did you attempt to go  
12 back to college?

13 A. I believe I told you when it  
14 was. It was in the Fall of I think  
15 2001, I believe. I believe I didn't  
16 finish the whole semester.

17 Q. I may have missed it and I  
18 apologize if you said that. I didn't  
19 understand that to be the case. In  
20 the Fall of 2001. And where did you  
21 attempt to go back to school?

22 A. IUP.

23 Q. Did you complete the Fall  
24 semester?

25 A. No.

1 Q. How far through the semester  
2 did you get?

3 A. Five, six weeks maybe.

4 Q. And what was the percentage  
5 you completed, balance of it?

6 A. Well, I walk on the outside of  
7 my foot so it was hard for me to  
8 walk, I can't walk long distances and  
9 I'm not supposed to carry anything  
10 over ten pounds so that makes it a  
11 little bit hard to carry a backpack  
12 with college books in it.

13 Q. Who placed the restriction ---  
14 the ten pound restriction?

15 A. Doctor Miller.

16 Q. Are you under any other  
17 physical restrictions by Doctor  
18 Miller besides the ten pound  
19 restriction that you're aware of?

20 A. No.

21 Q. Any physical restriction, as  
22 to what you can or cannot do?

23 A. Not a lot of steps, not a lot  
24 of walking. I can't exercise I can't  
25 stand for long period of time. I

1 think there's probably more, but I  
2 don't --- those are the ones I  
3 remember.

4 Q. Are you taking any  
5 prescription medications besides the  
6 Celebrex you mentioned before  
7 currently?

8 A. Yes.

9 Q. What is that?

10 A. Klonopin.

11 Q. Who prescribed that?

12 A. Doctor San Jose.

13 Q. I'm sorry?

14 A. Doctor San Jose.

15 Q. Is that one word, San Jose?

16 A. I think it's two.

17 Q. What kind of doctor is Doctor  
18 San Jose?

19 A. Psychiatrist.

20 Q. Where is he located at?

21 A. Jefferson Clarion Mental  
22 Health.

23 Q. And for what condition are you  
24 treating with Doctor San Jose?

25 A. I use to have panic attacks.

1 I just --- I continue to take the  
2 medicine.

3 Q. When did you begin treating  
4 with Doctor --- when did you begin  
5 first experiencing panic attacks?

6 A. A year before I left my  
7 husband.

8 Q. Were you diagnosed with any  
9 other condition besides the panic  
10 attack?

11 A. Panic disorder.

12 Q. Depression of any kind?

13 A. (Indicates "no")

14 Q. Your answer is no?

15 A. No.

16 Q. Bi polar disorder?

17 A. No.

18 Q. Do you continue to see Doctor  
19 San Jose?

20 A. Yes.

21 Q. And how often do you see her?

22 A. Three, three or four months.

23 Q. Are the panic attacks under  
24 control with the medication?

25 A. Yes.

1 Q. So these panic attacks pre-  
2 existed the date of this accident; is  
3 that correct? Your experience of the  
4 panic attacks began before this  
5 accident?

6 A. Yes.

7 Q. Has there been any change in  
8 that condition, the panic attack  
9 situation, since this accident?

10 A. No. My nerves have gotten  
11 worse. That's it.

12 Q. What do you mean?

13 A. Klonopin helps my nerves.

14 Q. Has there been any change in  
15 your weight since this accident?

16 A. Yeah, I gained 25 pounds.

17 Q. Can you give me your height  
18 and weight currently?

19 A. I'm 5' 4 1/2" and I weigh 115.

20 Q. You weigh 115. And how much  
21 did you weigh at the time of the  
22 accident?

23 A. Like 91 pounds.

24 Q. Ever treated for any type of  
25 eating disorder of any kind?

1 A. No.

2 Q. How long had you been 91  
3 pounds before this accident?

4 A. Other than being pregnant,  
5 probably since I was 14 or 15.

6 Q. Since the accident of June  
7 2000 have you been involved in any  
8 incidents where you sustained any  
9 type of bodily injury?

10 A. Excuse me, say it one more  
11 time?

12 Q. Since the accident of June  
13 26<sup>th</sup>, have you been involved in any  
14 incident of any kind where you  
15 sustained any type of bodily injury?

16 A. Any incident, not accident,  
17 any incident.

18 Q. Anything?

19 A. Okay. Yes.

20 Q. And what is that?

21 A. A girl attacked me.

22 Q. When did this happen?

23 A. March or April of last year.

24 Q. Can you tell me about that,  
25 what happened? what was injured?

1 A. She yanked the hair out of my  
2 head.

3 Q. I'm sorry, I missed it.

4 A. She yanked the hair out of my  
5 head.

6 Q. Where did this happen?

7 A. In Punxsutawney.

8 Q. At home or ---?

9 A. No. At the tanning shop.

10 Q. Were charges filed?

11 A. No.

12 Q. Was a police report made?

13 A. Uh-huh (yes).

14 Q. The answer is yes?

15 A. Yes.

16 Q. What police investigated this?

17 A. The town police.

18 Q. Punxsutawney?

19 A. Uh-huh (yes). Yes, sorry.

20 Q. What injuries did you sustain  
21 from this incident?

22 A. She pulled a lump of hair out  
23 of my head.

24 Q. Did you fall down?

25 A. No.



1 Q. Was there a fight of some  
2 kind?

3 A. Yes.

4 Q. Besides the hair pulling, was  
5 there anything else physically that  
6 happened between the two of you?

7 A. No. Well, yeah, I kind of  
8 jerked my neck and I kind of pulled a  
9 muscle in my neck.

10 Q. Did you get the medical  
11 treatment?

12 A. Yes.

13 Q. And where did you receive  
14 treatment at?

15 A. Punxsutawney Area Hospital.

16 Q. Were you admitted into the  
17 hospital?

18 A. No.

19 Q. After the incident where you  
20 went to the hospital, did you treat  
21 with any doctor for the problems with  
22 your neck or your head or anything?

23 A. No, I don't think so.

24 Q. Who was this individual?

25 A. I couldn't tell you what her

1 name is, Felicia something. That's  
2 all I could guess.

3 Q. I'm sorry, Alicia?

4 A. Felicia.

5 Q. Felicia. Any other incident  
6 besides this one in March of 2002?

7 A. No.

8 Q. Maybe you can clarify what I  
9 asked you previously when I used the  
10 term before that may have confused  
11 you. I asked you about prior  
12 accidents. But prior incidents where  
13 you sustained any injury to your  
14 right knee, your right ankle, your  
15 right shoulder. Any prior incidents,  
16 maybe that's a better term, before  
17 the date of this accident?

18 A. No.

19 Q. Okay. Besides seeing Doctor  
20 Miller at the frequency that you just  
21 told me a few minutes ago, do you  
22 have plans on seeing or treating with  
23 any other doctor or health care  
24 practitioner in the near future?

25 A. For my ankle?

1 Q. Yes.

2 A. If I have to have another  
3 surgery, I don't think Doctor Miller  
4 wants to do it.

5 Q. Is that something he's told  
6 you or is that just based on what you  
7 understand?

8 A. No, he told me he probably  
9 wouldn't without wanting to confirm  
10 because he didn't do my last one.

11 Q. Ms. Wolf, do you have a  
12 recollection of the day of this  
13 accident?

14 A. Yes.

15 Q. Do you recall the day of the  
16 week that the accident occurred?

17 A. No.

18 Q. It's my understanding that you  
19 were working for Interim Health Care  
20 at the time?

21 A. Yes.

22 Q. As a certified nurses aide?

23 A. Yes.

24 Q. And when did you begin that  
25 position with them?

1 A. At Interim Health Care?

2 Q. Yes.

3 A. I believe in March.

4 Q. March of what year?

5 A. 2000.

6 Q. And generally what were your  
7 duties with Interim Health Care?

8 A. Depending on where I worked.

9 Q. And can you give me a range of  
10 what your duties would be during this  
11 period of time?

12 A. Lifting patients, transferring  
13 patients, feeding patients, cooking  
14 them their meals. If they wore  
15 Depends, changing their Depends. If  
16 they were continent, take them to the  
17 bathroom, bathing them, walking them,  
18 if they weren't, range of motion,  
19 medicine, cleaning the house.

20 Q. Was that part of the ---?

21 A. It would be light  
22 housecleaning just in their area  
23 where they were at. It would not be  
24 a whole house, it would just be their  
25 own little area, their space.

1 Q. When you would go to the home,  
2 the resident's homes, would you get  
3 to go by yourself or did you go with  
4 someone or did that vary?

5 A. You mean to the homes?

6 Q. Yes.

7 A. I go there by myself. Well,  
8 beside the day I would be trained and  
9 then we would go to somebody's house.

10 Q. Right. There was a period of  
11 time you were training with someone.  
12 And do you work for Interim Health  
13 Care then you were left on your own,  
14 so to speak?

15 A. No, that's not what I mean, I  
16 mean, every --- like every person's  
17 house I would go to, I would go and  
18 we'd be trained by somebody else that  
19 had already worked there, you know,  
20 that knew the person with the  
21 exception of the Blooms.

22 Q. And what was that?

23 A. Because I was the very first  
24 person to get there.

25 Q. And when was it that you first

1 became acquainted with the Blooms?

2 A. Approximately three weeks  
3 before I got there.

4 Q. And what were your duties  
5 specifically at the Bloom residence?

6 A. Helping transferring Mr. Bloom  
7 from his bed to his wheelchair and  
8 chair and back, walking him, feeding  
9 him, cooking for him, changing his  
10 Depends, bathing him. He had slight  
11 bed sores from therapy --- I don't  
12 know he was prescribed an ointment on  
13 his bed sores. Walking him. He was  
14 sometimes continent, so I'd take him  
15 to the bathroom.

16 Q. So, if there's some kind of a  
17 request or the Agency gets a request  
18 to do this and that gets down to you.  
19 Did you make contact with the Blooms  
20 to set up a time or ---?

21 A. No.

22 Q. How was that determined?

23 A. They kind of just told me what  
24 time to go and where to go.

25 Q. And what time did you go to

1 the Blooms?

2 A. I believe it was eight o'clock  
3 in the morning.

4 Q. And how often on a weekly  
5 basis would you have to go to the  
6 Blooms?

7 A. Three or four days a week.

8 Q. Do you know how many times you  
9 had been to the Bloom residence  
10 before the day of this incident?

11 A. Probably between 12 and 15.

12 Q. When you would go to the Bloom  
13 residence, would you take equipment  
14 or supplies with you?

15 A. No.

16 Q. You never did?

17 A. No.

18 Q. And you were scheduled to be  
19 there at 8:00 a.m.?

20 A. I believe that's the time.

21 Q. And how long typically did you  
22 stay there to complete your duties?

23 A. I believe it was a ten hour  
24 shift. It was 8:00 to 6:00.

25 Q. You'd be at the house 8:00 to

1 6:00?

2 A. I believe that's how long the  
3 shift was.

4 Q. Did you eat lunch there with  
5 Mr. Bloom?

6 A. Yes.

7 Q. While you were there did you  
8 have occasion to leave the premises  
9 and come back for any reason, you  
10 know, like to go get lunch maybe or  
11 to do something else and come back  
12 the same day?

13 A. Only if it was something that  
14 Mrs. Bloom wanted.

15 Q. Did that happen, when you had  
16 to leave the house and come back?

17 A. I had to go get medicine for  
18 him, Depends --- not depends, as in,  
19 it depends on, but Depends as in  
20 Depends. Anything she needed,  
21 groceries. She had a hard time  
22 getting him to eat so specifically  
23 anything that he said he wanted to  
24 eat, I would get that.

25 Q. And how would you gain access



1 to the house? Can you tell me how  
2 you would get into their house? Was  
3 there only one way or two different  
4 ways or three different ways or how  
5 many ways did you use to get into the  
6 house?

7 A. There was --- well, I suppose  
8 the basement, garage door there'd be  
9 three ways, but there was two ways  
10 but we are instructed which way to go  
11 in or out.

12 Q. Okay. So, who instructed you?

13 A. First of all Interim Health  
14 Care and then Mrs. Bloom.

15 Q. And did Interim give you any  
16 kind of written directions or did  
17 they tell you how to get into the  
18 house? I mean, did somebody tell you  
19 that, was there some kind of written  
20 job order, so to speak?

21 A. Yes.

22 Q. Okay. And what was the way  
23 that you were told to use to get into  
24 the house?

25 A. To pull in her driveway, park

1 in her driveway and to use the back  
2 stairs and the back door to enter.

3 Q. And how did you get to the  
4 back stairs? Which way would you  
5 have to go facing the house or what  
6 direction would you have to travel?

7 A. I don't understand what you  
8 mean.

9 Q. Well, you park in the  
10 driveway, I assume your car was  
11 facing towards the house?

12 A. It would be facing towards the  
13 side of the house.

14 Q. Oh, okay.

15 A. There was a door --- you could  
16 either go right to the front or left  
17 to the back.

18 Q. Okay. And so, you went left  
19 to the back?

20 A. Correct.

21 Q. So, just tell me --- can you  
22 describe for me the steps that you  
23 would use, the sidewalk you would use  
24 going up the back steps of the house?

25 A. You mean, the sidewalk on top

1 of the steps?

2 Q. Well, talk about the steps and  
3 the sidewalk and that.

4 A. Okay. They were slate maybe,  
5 none of them were --- I would say at  
6 equal heights apart. Slanted, the  
7 sidewalk is made out of some kind of  
8 rock, too. I don't know ---.

9 Q. Made out of what?

10 A. Some kind of rock, too. I  
11 don't know what the sidewalk is made  
12 out of. I mean, I'd say probably the  
13 same thing that the steps are made  
14 out of.

15 Q. You said rock and then you  
16 said something else.

17 A. I said I thought it was  
18 probably slate or ---.

19 Q. Okay. I'm going to show you a  
20 black and white exhibit which  
21 contains three smaller photographs on  
22 that exhibit.

23 ATTORNEY STOFKO:

24 We'll identify that as  
25 Deposition Exhibit Number One.

1 (Deposition Exhibit Number  
2 One marked for  
3 identification.)

4 BY ATTORNEY STOFKO:

5 Q. Do those three photographs  
6 show the back steps that you would  
7 use to gain access to Mrs. Bloom's  
8 house?

9 A. Yes.

10 Q. And were these the steps that  
11 you were just describing for me a few  
12 minutes ago?

13 A. Yes.

14 (Deposition Exhibit Number  
15 Two is marked for  
16 identification.)

17 BY ATTORNEY STOFKO:

18 Q. I'm going to show you another  
19 exhibit which has already been marked  
20 as Defendant's Exhibit B which I  
21 believe is attached requested  
22 documents. Would you look at that  
23 photograph and I apologize for the  
24 poor quality, this is just what I  
25 have. Does Exhibit B as identified

1 show a closer view of the steps as  
2 shown in Exhibit One? A little  
3 larger view of that same area?

4 A. I would say closer but not as  
5 detailed.

6 Q. Okay. Exhibit B would also be  
7 the back steps that you would have  
8 utilized to gain access to the Bloom  
9 residence; is that correct?

10 A. I would believe so.

11 Q. Did you ever take any  
12 photographs of this area yourself  
13 after your accident?

14 A. Did I?

15 Q. Yes.

16 A. Yes.

17 Q. And do you have those  
18 photographs?

19 A. No, my attorney has them, I  
20 believe.

21 Q. Exhibit Number One, are those  
22 the photographs that you believe you  
23 took?

24 ATTORNEY STOFKO:

25 Do you have the

1 photographs? You identified  
2 photographs in your Answer.

3 ATTORNEY ACHILLE:

4 Yeah, I have the  
5 photographs. I don't know if  
6 our architect took those or if  
7 she took those. We have  
8 Polaroid's, I believe I have  
9 them here.

10 A. I think these are the  
11 architect.

12 BY ATTORNEY STOFKO:

13 Q. I think you're right. Do you  
14 have a copy of that?

15 A. These look like Polaroid's.

16 ATTORNEY ACHILLE:

17 Yeah, those are  
18 Polaroid's. I seen the  
19 originals. That's a photocopy  
20 of the Polaroid's. So, those  
21 are the pictures. I can't  
22 remember if the architect took  
23 pictures or not. I thought he  
24 did.

25 ATTORNEY STOFKO:

1                   Those photographs,  
2                   Exhibit Number One were  
3                   attached right behind the  
4                   architect's report. I presume  
5                   they were from the architect.  
6                   I could be wrong.

7                   ATTORNEY ACHILLE:

8                   I probably gave him  
9                   copies of the pictures so he  
10                  would know what steps we're  
11                  talking about because I think  
12                  there are front steps.

13       A.       Uh-huh (yes).

14                  ATTORNEY STOFKO:

15                  Just so we're clear on  
16                  the record, ---.

17                  ATTORNEY ACHILLE:

18                  Well, I'll check on  
19                  that. I can't give you the  
20                  answer right away. If I have  
21                  colored pictures, I'll make  
22                  sure that you got them and  
23                  also I'm still waiting for the  
24                  insurance policy from your  
25                  records.

1 ATTORNEY STOFKO:

2 I sent you the dec

3 page.

4 ATTORNEY ACHILLE:

5 The Prudential policy.

6 ATTORNEY STOFKO:

7 I don't think I have  
8 the policy but I sent you the  
9 dec page.

10 ATTORNEY ACHILLE:

11 So, you'll get me the  
12 policy.

13 BY ATTORNEY STOFKO:

14 Q. What time did you arrive at  
15 the Bloom residence on June 26<sup>th</sup>, of  
16 2000?

17 A. I usually arrived somewhere  
18 between ten till and five till eight.

19 Q. Do you recall specifically  
20 that morning what time you arrived?

21 A. No.

22 Q. Do you wear glasses at all?

23 A. No.

24 Q. Contacts?

25 A. Uh-huh (yes).



1 Q. And what is the condition of  
2 your eyes since you wear contacts?  
3 Are you near-sighted, far-sighted  
4 ---?

5 A. I don't know.

6 Q. Any stigmatism?

7 A. No, no stigmatism.

8 Q. Do you just wear them for  
9 cosmetic or do you need them?

10 A. Huh?

11 Q. Do you need them to ---?

12 A. I need them to see but I don't  
13 know if I'm far-sighted or near-  
14 sighted. I don't know. But I do  
15 know that I I don't have a  
16 stigmatism.

17 Q. Who is your eye doctor,  
18 optometrist or optomalogist?

19 A. The last eye doctor that I  
20 seen was the eye doctor at Pearle  
21 Vision in Indiana. I don't know his  
22 name.

23 Q. And when was the last time  
24 that you saw this doctor?

25 A. A year and a half ago.

1 Q. How about immediately prior to  
2 the accident, who was your eye doctor  
3 then at that time?

4 A. Same one, Pearle Vision.

5 Q. Pearle Vision in Indiana. Do  
6 you wear contacts all the time?

7 A. Yes.

8 Q. Do you ever wear glasses?

9 A. No.

10 Q. On June 26<sup>th</sup> do you recall if  
11 your contacts were being used at that  
12 time?

13 A. Yes. I can't drive without  
14 them.

15 Q. When you left that morning to  
16 get to the Bloom residence, what time  
17 was it your left your residence?

18 A. I wasn't at my residence the  
19 night before.

20 Q. Where were you the night  
21 before?

22 A. I had another job.

23 Q. Where was the other job at?

24 A. It was --- where or for whom?

25 Q. Both.

- 1 A. It was for William Wright,  
2 Senior and that was for CAN. And I  
3 worked at this sons house.
- 4 Q. You worked the night before?
- 5 A. Yes.
- 6 Q. Okay. What time?
- 7 A. It would have taken me  
8 probably about a half an hour from  
9 Blooms to there, so I would guess  
10 about 6:30 p.m.
- 11 Q. 6:30 p.m., the day before  
12 this?
- 13 A. Right.
- 14 Q. And when did you stop work?
- 15 A. I was taking a shower at that  
16 residence and left and I probably  
17 left about ten after seven.
- 18 Q. I'm just trying to understand  
19 this. You worked at the William  
20 Wright, Senior's house from 6:30  
21 p.m., on June 25<sup>th</sup>, 2000 ---
- 22 A. Right.
- 23 Q. --- until what time in the  
24 morning?
- 25 A. Well, I'm going include taking

1 a shower and getting ready for work  
2 into that. And so, it probably would  
3 have been seven o'clock.

4 Q. Seven o'clock what?

5 A. A.m.

6 Q. A.m. And where did you take  
7 the shower at, the Wright residence?

8 A. Yes. I worked at his son's  
9 house. It's William Wright, Junior's  
10 house.

11 Q. Oh, I see. But William  
12 Wright, Senior was there and you were  
13 taking care of him?

14 A. No, William Wright, Senior was  
15 the person who hired me. William  
16 Wright, Junior is the house where I  
17 worked at.

18 Q. Were you taking care of  
19 William Wright, Junior?

20 A. No. His cousin.

21 Q. Who is that?

22 A. Ruth Poole.

23 Q. So, Senior hired you to take  
24 care of Ruth Poole and Ruth Poole  
25 lives at William Wright, Junior's

1 house?

2 A. Uh-huh (yes).

3 Q. And where is this house at?

4 A. Shoe Pond Road, Bristol,  
5 Pennsylvania.

6 Q. I'm sorry, Shoe Pond Road?

7 A. Uh-huh (yes).

8 Q. And how long had you been  
9 working at the Wright, Junior's  
10 house, taking care of Ruth Poole?

11 A. Probably since October,  
12 November of '99.

13 Q. And what agency --- was that  
14 also through Interim Health Care?

15 A. No.

16 Q. Who was that through?

17 A. It was just private duty.

18 Q. You did this on your own?

19 A. Yes.

20 Q. Were you permitted to have  
21 outside employment as a CNA with  
22 Interim Health Care?

23 A. Yes.

24 Q. To your knowledge, were they  
25 aware that you were working 12 hour

1 shifts approximately and then going  
2 to another shift for them?

3 A. They knew I worked another  
4 job, yes. Because they knew that I  
5 could not work night shift for them  
6 unless they gave me notice because  
7 then I worked night shift for another  
8 house.

9 Q. Was anyone there besides Ruth  
10 Poole when you did the shift, 6:30  
11 until approximately 7:00 a.m.?

12 A. Yes.

13 Q. Who would that have been?

14 A. William Wright, Junior, and  
15 William Wright, the III, Joleene  
16 Wright, Ruth Poole.

17 Q. Joleene Wright?

18 A. His daughter.

19 Q. And the III, would that be his  
20 son?

21 A. His son.

22 Q. Okay. Was Mr. Wright married?

23 A. He's divorced.

24 Q. Were you seeing him or  
25 something?

1 A. No.

2 Q. Did you get any sleep?

3 A. I slept all night. I was just  
4 there just in case she would get up  
5 to do anything, I was there. And her  
6 room is off like into the back hall  
7 Joleene's is behind hers, but they  
8 have a motion sensor that Joleene  
9 wouldn't come out and come into the  
10 kitchen and we only have to worry  
11 about her burning anything. They had  
12 motion sensors that would go off if  
13 she got up.

14 Q. You said Joleene?

15 A. I said, Joleene, we wouldn't  
16 have to worry about her getting up to  
17 burn anything.

18 Q. I see. Well, how much sleep  
19 did you get that night, if you  
20 recall?

21 A. Probably like I went to sleep  
22 at ten o'clock.

23 Q. Is that something you recall  
24 that or are you just estimating?

25 A. I always went to sleep around

1     ten o'clock so I'm assuming that  
2     night was no different.

3     Q.       And what time did you wake up?

4     A.       6:00.

5     Q.       Did you eat breakfast before  
6     you left the Wright residence?

7     A.       Yes.

8     Q.       Did they provide food for you?

9     A.       Yes.

10    Q.       Then did you drive straight  
11    from the Wright residence to the  
12    Bloom residence?

13    A.       I stopped in Sheetz, Sheetz in  
14    Bristol.

15    Q.       When you left and I think you  
16    said it was around 7:00 a.m., when  
17    you left the house?

18    A.       Uh-huh (yes).

19    Q.       The answer is yes?

20    A.       Yes.

21    Q.       What were the weather  
22    conditions at that time?

23    A.       Foggy and rainy.

24    Q.       How about the temperature, was  
25    it warm, chilly?



1 A. It wasn't real warm for a June  
2 day but it wasn't cold.

3 Q. Was it raining real hard, was  
4 it sprinkling? Could you describe  
5 how it was raining?

6 A. I don't know. It was raining.  
7 I don't know if it was sprinkling or  
8 if it was pouring.

9 Q. How long does it take you to  
10 get from the Wright residence to the  
11 Bloom residence?

12 A. 35, 40 minutes.

13 Q. Besides stopping at Sheetz,  
14 did you stop anywhere else?

15 A. No.

16 Q. When you got to the Bloom  
17 residence, about what time was it?

18 A. Approximately ten till.

19 Q. Ten till eight?

20 A. Ten till, five till eight.

21 Q. And what were the weather  
22 conditions at that time?

23 A. Still rain.

24 Q. Hard, light, could you  
25 describe it?

1 A. I believe it was just kind of  
2 a steady rain at that point.

3 Q. And when you got to the Bloom  
4 residence, what were the lighting  
5 conditions outside about ten till  
6 8:00 in the morning?

7 A. It was hazy.

8 Q. Did you have any trouble with  
9 visibility, seeing?

10 A. No.

11 Q. When you got out of the car  
12 that morning, what were you wearing?  
13 What clothing did you have on?

14 A. Scrubs and a pair of sneakers.

15 Q. You say scrubs, hospital  
16 scrubs?

17 A. Yes.

18 Q. And a pair of sneakers?

19 A. Yes.

20 Q. Do you know what kind of soles  
21 were on the sneakers?

22 A. They were Addias. Whatever  
23 comes on Addias.

24 Q. Well, there are a gazillion  
25 types of those. Do you remember

1 whether or not there was tread or it  
2 was smooth or ---?

3 A. Well, they were running  
4 sneakers so lots of tread.

5 Q. Were you carrying anything in  
6 your arms?

7 A. No.

8 Q. Did you have a purse?

9 A. No.

10 Q. You said it was raining steady  
11 out. Did you take an umbrella with  
12 you?

13 A. No.

14 Q. How far would you estimate the  
15 distance would be between the car  
16 when you got out to the front door of  
17 the Bloom residence?

18 A. You mean, like in a straight  
19 line or ---

20 Q. Yes.

21 A. --- in the direction that I  
22 would take to get there?

23 Q. However best you can describe  
24 it. Was it a straight line would be  
25 better?

1                    ATTORNEY ACHILLE:

2                    She went in the back of  
3                    the house.

4                    BY ATTORNEY STOFKO:

5                    Q.            Did I say the front door, I  
6                    apologize.    The back door.

7                    A.            Oh, I don't know in feet.  
8                    Maybe 35, I guess, my best estimation  
9                    on that is.

10                   Q.            I know that's your estimate.  
11                   I'm not going to hold you to that.

12                   A.            I never took a yard stick and  
13                   measured it.    I have no idea.

14                   Q.            When you got out of the car,  
15                   how did you --- describe for me the  
16                   demeanor in which you got into the  
17                   house.    Did you just walk into the  
18                   house, walk towards the back door?  
19                   Did you run towards the back door?  
20                   Can you describe for me your pace or  
21                   your walk?

22                   A.            I got out of my car and walked  
23                   up the steps, certainly walked up  
24                   half way up the steps.

25                   Q.            It was raining steady out?

1 A. Uh-huh (yes).

2 Q. Were you walking faster than  
3 you normally would because of the  
4 rain?

5 A. I don't think so.

6 Q. Did you have a rain hat on or  
7 anything?

8 A. No.

9 Q. Because you were getting wet  
10 because you are outside?

11 A. Yeah, but my hair was probably  
12 still wet anyway from taking a  
13 shower. I didn't blow dry it.

14 Q. So, if I understand you were  
15 walking. Can you describe for me,  
16 was it a slow ---?

17 A. Not slow but I wasn't running,  
18 I wasn't walking overly fast.

19 Q. When you got to the bottom of  
20 the steps as shown in both of these  
21 exhibits, tell me how you walked up  
22 those steps?

23 A. I put my foot forward and  
24 forward again.

25 Q. And what did you see?

1 A. Steps and sidewalk, grass.

2 Q. Did you see water on the  
3 steps?

4 A. Where there were big crevices,  
5 yes.

6 Q. I'm sorry.

7 A. Where there's bigger crevices  
8 at, I would say I probably did.

9 Q. Well, I'm not asking you ---  
10 I'm not asking what you probably saw,  
11 can you describe for me what you did  
12 see? Did you look forwards?

13 A. I don't remember. I mean, I  
14 can't tell you exactly what I seen  
15 that day. I mean, I seen steps, and  
16 grass and tress and ---.

17 Q. When you began walking up the  
18 steps, did you begin walking up the  
19 center of the stairway, to the right  
20 or to the left, do you remember?

21 A. I don't remember.

22 Q. When you began walking up the  
23 steps did you take one step at a time  
24 or did you take two or three steps at  
25 a time?

1 A. You mean, did I try to walk on  
2 more than one step? No.

3 Q. Did you skip a step?

4 A. No.

5 Q. So, how did you walk up the  
6 steps?

7 A. One step at a time.

8 Q. Did the accident happen as you  
9 were walking up the steps?

10 A. Did I what?

11 Q. Did the accident happen as you  
12 were walking up the steps?

13 A. Yes.

14 Q. How far did you get up the  
15 steps, and you can use any of these  
16 pictures as best as you can to  
17 describe for me where it was that you  
18 had your accident?

19 A. I'm going to say either the  
20 fourth or the fifth step.

21 Q. From the bottom?

22 A. Counting, this is step number  
23 one, two, three, four, five.

24 Q. And just for clarification,  
25 I'm going to mark these exhibits with

1 numbers here. This would be  
2 plaintiff's number one.

3 ATTORNEY ACHILLE:

4 To what?

5 ATTORNEY STOFKO:

6 To the deposition.

7 OFF RECORD DISCUSSION

8 BY ATTORNEY STOFKO:

9 Q. Looking at Plaintiff's Exhibit  
10 Number One, the three photographs,  
11 you pointed to photograph C which for  
12 purposes of identification and so  
13 that I'm clear, looking at Photo C on  
14 Plaintiff's Deposition on Plaintiff's  
15 Exhibit Number One you indicate that  
16 you believe it was approximately four  
17 of the fifth step from the bottom  
18 where you had your accident?

19 A. Uh-huh (yes).

20 Q. Can you tell me what happened?

21 A. I walked up --- was walking up  
22 the steps, I slipped and my ankle  
23 twisted outward and I fell.

24 Q. As you were walking up the  
25 steps, could you determine whether or



1 not the steps were wet?

2 A. Yes.

3 Q. Did you take any extra  
4 precautions because of the steps  
5 being wet as you walked up the steps?

6 A. I don't know what extra  
7 precaution I could have taken in  
8 walking up those steps. There is  
9 nothing to hold on to, so I guess I  
10 just came up.

11 Q. Do I understand by your answer  
12 that you just walked as you did, you  
13 did nothing differently than you  
14 would on that morning as if the steps  
15 would have been dry when walking up  
16 the steps?

17 A. Not that I recollect, no.

18 Q. You said when you got to that  
19 fourth or fifth step that your foot  
20 slipped; is that what you said?

21 A. My whole body slipped.

22 Q. Okay. Well, what caused that  
23 if you know?

24 A. I believe the step was sloped  
25 downwards.

1 Q. When you say downwards, in  
2 what direction, toward the driveway  
3 or - - - ?

4 A. Toward the driveway.

5 Q. Do you recall what foot would  
6 have been on the step at the time  
7 that you slipped?

8 A. I think actually I had both  
9 feet on and I started to slid and I  
10 put both feet on the steps and then I  
11 slid and that my recollection on that  
12 both my feet were on the same step.

13 Q. Okay, I just want to make sure  
14 I understand. On the fourth or fifth  
15 step you had both feet on the step?

16 ATTORNEY ACHILLE

17 She didn't say on the  
18 step, she said on the steps.

19 ATTORNEY STOFKO:

20 No, she said on this  
21 step, I believe is what she  
22 just said. That's what I'm  
23 trying to clarify.

24 BY ATTORNEY STOFKO:

25 Q. Isn't that what you just told

1 me?

2 A. I don't --- I don't know if I  
3 had it there. I know I was going to  
4 put it there but I started to slide.  
5 But, I mean, whether I had it there  
6 or not, I don't know. Because I was  
7 trying to keep myself from falling  
8 and just trying to gain my balance I  
9 figure it would be, you know, easier  
10 to balance with two feet in the same  
11 place.

12 Q. I'm just asking, if you know  
13 how it was that your accident  
14 happened and if you don't know, you  
15 can tell me that. I'm not trying to  
16 trick you in any way, I'm just trying  
17 to get a better understanding. You  
18 said that, if I understand what you  
19 said, that when you put your foot on  
20 the fourth or fifth step, you began  
21 to feel like you were going to slip?

22 A. Yes.

23 Q. And then did you try to put  
24 your other foot on the same step?

25 A. Yes, well, because it was like

1 already going up anyway so I just  
2 like try to put it down and ---.

3 Q. If you know, what foot was on  
4 the step when you began to feel  
5 yourself slip?

6 A. I would have to say my right  
7 foot.

8 Q. Is that what you believe it  
9 was, your right foot?

10 A. Yes.

11 Q. These sneakers that you had on  
12 and I don't presume they were high  
13 tops. I'll have to ask you that  
14 though. Were they high top sneakers  
15 of any kind?

16 A. No.

17 Q. Just the regular sneaker that  
18 comes up just below your ankle?

19 A. Yes. And they were Addias  
20 running shoes.

21 Q. When you felt yourself slip,  
22 what happened then?

23 A. My ankle gave out and I fell.

24 Q. Do you know which way your  
25 ankle turned, did it turn in towards

1 your body or out?

2 A. No, out.

3 Q. It turned out. And this was  
4 your right ankle?

5 A. Yes.

6 Q. And when you fell, what  
7 direction did you fall?

8 A. Like back right side.

9 Q. And did you fall against the  
10 right side of the wall?

11 A. I think that's where I hit my  
12 knee, I don't know.

13 Q. And then what happened?

14 A. After I fell?

15 Q. After your right knee hit the  
16 wall, what happened next?

17 A. I fell the rest of the way  
18 down the steps.

19 Q. Did you fall straight back or  
20 did you fall face forward down the  
21 steps?

22 A. No, not face forward,  
23 backwards. I don't --- it wasn't  
24 straight back, it was kind of at an  
25 angle to my right and back.

1 Q. Okay. When your ankle buckled  
2 in the manner that you described, did  
3 you instantly feel pain in your  
4 ankle?

5 A. Yes.

6 Q. Did you feel the pain even  
7 before your right knee hit the wall?

8 A. It's something that happened  
9 really fast. Yeah, it hurt. Yes, it  
10 hurt but, I mean, there was like  
11 shock and surprise, too. I mean, so  
12 ---.

13 Q. Okay. If you're not sure,  
14 that's fine.

15 A. Right.

16 Q. After your ankle buckled and  
17 you felt the instant pain, do you  
18 recall striking your ankle on  
19 anything else, either during the fall  
20 or when you came to a rest, when you  
21 stopped falling? Do you remember  
22 striking your ankle on anything?

23 A. Sure. It landed on the ground  
24 with me.

25 Q. When you were laying on the

1 ground, how did you land, on your  
2 rear end, on your side, on your  
3 front, how was it?

4 A. I twisted. Like, I don't  
5 know, kind of like this.

6 Q. Well, you describe for me  
7 which I understand to be on your  
8 right side, landed on your right side  
9 or is that what you're saying?

10 A. Not totally on my right side,  
11 just I guess my shoulder was --- I  
12 was just --- I don't know. I mean,  
13 backwards, on my back but kind of  
14 twisted towards my right.

15 Q. Okay.

16 A. And ---.

17 Q. You were completely on the  
18 ground though?

19 A. Yes. Well, --- yes.

20 Q. Is that right?

21 A. Yes.

22 Q. Now, what happened after you  
23 fell down? What did you do at that  
24 point?

25 A. I laid there for probably 30

1 seconds and got up and I mean, I  
2 could not --- I mean I could put a  
3 moderate --- I mean I limped so I  
4 could put enough weight on my ankle  
5 to walk on it. But I mean, I was  
6 definitely limping and instantly it  
7 was swollen. Not too long --- it  
8 didn't take very long after that for  
9 it to instantly turn black and blue  
10 either.

11 Q. What did you do after you ---  
12 I guess you got yourself up?

13 A. Yes.

14 Q. Then what did you do?

15 A. Went up and let myself in her  
16 house.

17 Q. Did you go up the same steps  
18 that you had just fallen down from?

19 A. Kind of crawled up them.

20 Q. Well, did you crawl up them or  
21 did you walk up them. You say kind  
22 of, I don't know what that means.

23 A. Well, I wasn't trying to take  
24 the chance of not having anything to  
25 grab a hold of again so until I got



1 to the top it was pretty much my  
2 hands went with my feet. And it  
3 wasn't one foot after another at that  
4 point, it was one foot and then down  
5 and then one foot then down. Do you  
6 know what I mean? I couldn't put  
7 enough weight on my right foot to  
8 walk step by step by step.

9 Q. When you got to the top of the  
10 steps, how did you walk from the top  
11 of the steps to the back door then?  
12 Did you walk upright or did you  
13 continue to ---?

14 A. No, I walked upright but I  
15 walked in the grass because I didn't  
16 think that the grass would be as  
17 slippery as the sidewalk.

18 Q. Now, before this day, June 26,  
19 2000, had you been to the Bloom  
20 residence on other occasions, I think  
21 you mentioned 12 or 15 times you had  
22 been there before, when it had  
23 rained?

24 A. I don't believe so.

25 Q. Did you ever complain to Mr.

1 or Mrs. Bloom about the conditions of  
2 their steps and their sidewalk before  
3 the day of this accident?

4 A. No.

5 Q. Did you ever complain to  
6 anyone, be it Interim Health Care or  
7 anyone about the condition of the  
8 steps or the sidewalk before the date  
9 of your accident?

10 A. I asked why we had to go up  
11 the back way.

12 Q. And who did you ask that?

13 A. Ruth.

14 Q. Ruth Bloom?

15 A. Uh-huh (yes).

16 Q. And when did you ask her that?

17 A. I don't know. Maybe the  
18 second or third day I worked there.

19 Q. And what was Mrs. Bloom's  
20 response when you asked her that?

21 A. That she's the only that goes  
22 out the front door. I believe that  
23 was exactly what she said.

24 Q. So, you got there yourself to  
25 the rear door of the Bloom residence

1 and you let yourself in?

2 A. Yes. I had to walk up a  
3 couple steps that go into her back  
4 door, and yeah, I let myself in.

5 Q. When you got into the house,  
6 did you have any discussion with  
7 anyone?

8 A. Well, she was right there  
9 waiting for me. She was always right  
10 there waiting.

11 Q. And what did you say to her,  
12 if anything about what happened?

13 A. I told her I told her I fell  
14 down. I mean, she could see, I had  
15 white scrubs on and they were filthy  
16 down my --- well, my top was white  
17 but my pants were ripped. And they  
18 were terribly filthy. I told her  
19 that I fell, I sprained my ankle and  
20 I needed to call work.

21 Q. Did she ever indicate to you  
22 that she say you fall?

23 A. No.

24 Q. Do you know of any eye  
25 witnesses to your fall?

1 A. No.

2 Q. Did you contact your employer  
3 that day concerning this incident?

4 A. I contacted my employer as  
5 soon as I told her what happened,  
6 from her house.

7 Q. You're talking about Mrs.  
8 Bloom?

9 A. Right.

10 Q. Did you contact anyone at  
11 Interim Health Care?

12 A. That's what I'm saying, I  
13 called Interim Health Care.

14 Q. Okay. Who did you talk to?

15 A. Eric.

16 Q. Eric. What's his last name?

17 A. I don't know.

18 Q. What's his position at Interim  
19 Health Care?

20 A. He resigned.

21 Q. Approximately what time did  
22 you call Eric?

23 A. Probably, wasn't even eight  
24 o'clock yet.

25 Q. Did you have to fill out a

1 form, an accident report of any kind  
2 concerning this incident?

3 A. I believe so. I know Eric  
4 said --- because Eric told me to go  
5 to where I went to, up to McVey and  
6 then I had to go take papers back for  
7 them. I wasn't allowed to walk up  
8 steps. So they had to bring papers  
9 downstairs for me and I know he gave  
10 me papers of some kind.

11 Q. When was that, was that the  
12 same day?

13 A. Immediately after I went to  
14 the doctor's, yes.

15 Q. How long did you remain at the  
16 Bloom residence before you left that  
17 day?

18 A. How long what?

19 Q. Did you stay at the Bloom  
20 residence before you left that day?

21 A. From the time I got there  
22 until the time I left?

23 Q. What time did you leave?

24 A. I would say maybe no later  
25 than ten after 8:00.

1 Q. And you drove yourself to  
2 where?

3 A. Right across from the DuBois  
4 Hospital, Occupational Therapy.

5 Q. And is that where the Interim  
6 Care office is or is that where you  
7 were told to go?

8 A. That's where I was told to go,  
9 to Occupational Health.

10 Q. At DuBois Regional Medical  
11 Center?

12 A. At the building across ---  
13 yes.

14 Q. What was the treatment that  
15 you initially had concerning your  
16 right ankle?

17 A. You mean what did he do?

18 Q. Yes.

19 A. He looked at it, pushed it  
20 around a little bit, wrapped me in an  
21 Ace wrap and he gave me pain medicine  
22 that day.

23 Q. I'm sorry, pain medicine?

24 A. Uh-huh (yes).

25 Q. And who is he?

1 A. Whoever Doctor McVey's  
2 physician assistant was.

3 Q. And what was the next medical  
4 treatment that you had concerning  
5 your right ankle?

6 A. I believe the next day or the  
7 day after and then they gave me  
8 crutches.

9 Q. Were you requested to undergo  
10 a course of physical or occupational  
11 therapy?

12 A. Yes, I had to go to physical  
13 therapy.

14 Q. And how long were you in  
15 physical therapy?

16 A. Not very long at all.

17 Q. And where was that at?

18 A. Punxsy Hospital.

19 Q. And you say not long at all.  
20 Was there a reason for that?

21 A. Because he released me to go  
22 back to work.

23 Q. And that was in July?

24 A. Yes.

25 Q. Did physical therapy seem to

1 help your right ankle?

2 A. Not really.

3 Q. Up until this point in time  
4 when you were released to go back to  
5 work, had you ever had an MRI done on  
6 your right ankle?

7 A. No.

8 Q. And then you worked in the  
9 manner you described up until October  
10 of 2000; is that correct?

11 A. As a nurses aide, yes.

12 Q. As a nurses aide.

13 A. Yeah, the only thing with her  
14 was I sat in a chair and watched TV  
15 all day and took her out to lunch.

16 Q. And who did you see in October  
17 or November for your right ankle  
18 problems?

19 A. Actually, I didn't see anybody  
20 that is why I quit Interim. I called  
21 them and told them I needed to go  
22 back to see a doctor and I don't know  
23 workers' comp laws, I don't --- I  
24 never been hurt to be off work  
25 before. Oh, wait a minute. Whenever



1     you asked me that question about ---  
2     that question was, had I ever been  
3     hurt after that, right, because I did  
4     get hurt with my husband. What was  
5     that question about being hurt, was  
6     it after?

7     Q.         Prior.

8     A.         Or was it ever?

9     Q.         I asked you questions about  
10    whether you had received any injuries  
11    before this accident to the same area  
12    that you had injured in this  
13    accident.

14   A.         Okay. Then it would be a  
15   concern then.

16   Q.         Okay. Then I also asked you  
17   about after the accident, have you  
18   sustained any injuries at all?

19   A.         It was before. I hurt my back  
20   but that was before.

21   Q.         So then in October you quit  
22   because ---?

23   A.         I told them I needed to go  
24   back to the doctors and the girl, her  
25   name was Michelle, she told me to

1 either go to work or quit. So I  
2 quit.

3 Q. Who is Michelle?

4 A. She was the person who was in  
5 charge of Workers' Comp and payroll.

6 Q. At Interim Health Care?

7 A. Uh-huh (yes).

8 Q. So, she told you to either go  
9 back to work or quit; is that  
10 correct?

11 A. Yes.

12 Q. And you decided at that point  
13 to quit?

14 A. I couldn't work, my ankle was  
15 going out constantly.

16 Q. All right. So then what  
17 happened next by way of medical  
18 treatment?

19 A. I don't know how long it was  
20 until I seen Doctor Furigay but it  
21 was only a week before that I had  
22 talked to a nurse that I worked with  
23 at Mulbury Square and she told me  
24 that they couldn't stop me from going  
25 to ---. We had a conversation about

1 my ankle. She told me they couldn't  
2 stop me from going to the doctors.  
3 So, Doctor Furigay sent me to Doctor  
4 Miller.

5 Q. Was that the year of 2000 that  
6 you saw Doctor Furigay, if you know?

7 A. I don't think so, I think it  
8 was in 2001.

9 Q. Is it fair to say that there  
10 were several months then, a few  
11 months that you didn't treat with  
12 anyone after you quit in October of  
13 2000 until you say Doctor Furigay?

14 A. Yes.

15 Q. Were you working anywhere else  
16 during this period of time, after  
17 June 26 of 2000? Were you working as  
18 a personal care giver or ---

19 A. No.

20 Q. --- anywhere?

21 A. No. That's why I moved in  
22 with my mom and dad because I  
23 couldn't do a lot of things. I mean,  
24 I couldn't take care --- couldn't  
25 kneel down to bath --- you know, put

1 my kids in the bathtub and give them  
2 a bath, I couldn't stand long enough  
3 to cook for a long period of time. I  
4 couldn't drive, I couldn't clean.

5 Q. When you say Doctor Furigay,  
6 whenever it was, you said sometime in  
7 2001, what recommendations did he  
8 make for you at that time?

9 A. To see Doctor Miller for  
10 orthotics to put in my shoe.

11 Q. And I know Doctor Miller did  
12 at least one procedure and did he do  
13 the first one?

14 A. He did the first one and the  
15 second one.

16 Q. And do you have an  
17 understanding of what he did in those  
18 two procedures to your ankle?

19 A. I know I had --- the first one  
20 I had torn ligaments and there was  
21 cartilage in there, it's really messy  
22 repair metal screws or something and  
23 the second one it was just a scope  
24 and he took out scar tissue and more  
25 broken pieces of cartilage.

1 Q. Did you ever stretch or tear  
2 ligaments before this incident on  
3 June 26<sup>th</sup>?

4 A. No.

5 Q. And you had a third procedure  
6 done; correct?

7 A. Correct.

8 Q. And that by another doctor.  
9 Who was that?

10 A. Doctor Nigro.

11 Q. And what was your  
12 understanding of your need for that  
13 procedure?

14 A. My ankle was too tight after  
15 Doctor Miller did it and Doctor Nigro  
16 loosened it some --- and I don't know  
17 --- I mean, he said he did something  
18 else. And I mean, he pretty much  
19 told me that I couldn't --- I was  
20 very athletic before and he told ---  
21 pretty much told me I wouldn't be  
22 able to do much of that stuff any  
23 more.

24 Q. And besides working for  
25 Interim Health Care and also this

1 A. Yes.

2 Q. Have you tried to do any of  
3 these, running, aerobics, racquet  
4 ball, tennis since --- at any time  
5 since the June 26<sup>th</sup> of 2000?

6 A. Aerobics. Doctor Miller let  
7 me go to low impact aerobics one time  
8 and then I lasted about two minutes.

9 Q. As you were walking up the  
10 steps, just to change gears a little  
11 bit, did you notice any pools of  
12 water on the steps?

13 A. You mean right outside here?

14 Q. I'm sorry?

15 A. Do you mean the ones right  
16 outside here?

17 Q. No, the day of the accident.

18 A. Oh. Well, there was large  
19 crevices there in the rocks, yeah.

20 Q. When you say rock crevice, do  
21 you mean a crack?

22 A. No, there's holes in the  
23 rocks, in some of the rocks. In the  
24 sidewalk, I mean --- I don't know.  
25 Have you ever been on the sidewalk or

1 if you ever been on the driveway. I  
2 mean, yes, I know I have seen a  
3 puddle of water here and there.

4 Q. Let me be more specific. The  
5 morning of the accident as you were  
6 walking up the steps, did you see  
7 water actually laying on the steps?

8 A. You mean laying across the  
9 whole step. Is that what you mean?

10 Q. However. Do you know what  
11 pooling is, where water gathers,  
12 those little pools of water. Did you  
13 see anything like that?

14 A. About pooling in the rocks?

15 Q. Yes.

16 A. I don't think so.

17 Q. Did your ankle ever give out  
18 on you for any reason before the date  
19 of this incident?

20 A. No, that I can't remember.

21 Q. On the date of this accident  
22 your right ankle was in good of shape  
23 as it ever had been?

24 A. Yep.

25 Q. Is that fair to say?

1 A. Yep. Because I played racquet  
2 ball probably four days before that.

3 It doesn't get much better than that  
4 if you can play racquet ball.

5 Q. Just give me another minute  
6 here. I might be finished. You  
7 listed a William Wright as someone  
8 having knowledge about this.

9 A. Uh-huh (yes).

10 Q. And what would Mr. Wright know  
11 about this incident?

12 A. When Mrs. Bloom couldn't get a  
13 hold of me she had his number since I  
14 also worked there. And she had  
15 called there for me quite a bit  
16 actually. She called there for me on  
17 occasions whenever Interim couldn't  
18 get people to work for her. She  
19 would call me and ask me to come to  
20 work for her on my own, not through  
21 Interim.

22 Q. Was this after the accident?

23 A. No.

24 Q. Oh, before the accident?

25 A. You just asked me what



1 knowledge he had of her.

2 Q. Well, what knowledge of the  
3 events?

4 A. Oh, Okay, well, it was  
5 probably a day or the day after or  
6 two days after I had fallen, she  
7 called him to ask him how I was or  
8 she wanted to know if I was there. I  
9 wasn't there and she asked him how I  
10 was.

11 ATTORNEY STOFKO:

12 Okay. Ms. Wolf, I  
13 think I've completed my deposition  
14 with you. Thank you very much.

15 \* \* \* \* \*

16 DEPOSITION CONCLUDED AT 11:55 A.M.

17 \* \* \* \* \*

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1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF CLEARFIELD )

3 C E R T I F I C A T E

4 I, Rhonda K. Lingle, Notary Public in and for  
5 the Commonwealth of Pennsylvania, do hereby certify:

6 That the witness was hereby first duly sworn to  
7 testify to the truth, the whole truth, and nothing  
8 but the truth; that the foregoing deposition was  
9 taken at the time and place stated herein; and that  
10 the said deposition was taken in Stenotype by me and  
11 reduced to typewriting, and constitutes a true and  
12 correct record of the testimony given by the witness.

13 I further certify that the reading and signing  
14 of said depositions were (not) waived by counsel for  
15 the respective parties and by the witness.

16 I further certify that I am not a relative,  
17 employee or attorney of any of the parties, nor a  
18 relative or employee of counsel, and that I am in no  
19 way interested directly or indirectly in this action.

20 IN WITNESS WHEREOF, I have hereunto set my hand  
21 and stamp this 24<sup>th</sup> day of Feb 2003.

23 *Rhonda K. Lingle*

24  
25  
NOTARIAL SEAL  
RHONDA K. LINGLE, Notary Public  
Clearfield, Clearfield County, PA  
My Commission Expires July 11, 2005

• PITTSBURGH, PA

• CLEARFIELD, PA

• STATE COLLEGE, PA

• HOLLIDAYSBURG, PA

• ERIE, PA

• OIL CITY, PA

• HARRISBURG, PA

SARGENT'S  
COURT REPORTING  
SERVICE, INC.

210 Main Street  
Johnstown, PA 15901

• INDIANA, PA

• GREENSBURG, PA

• PHILADELPHIA, PA

• SOMERSET, PA

• WILKES-BARRE, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

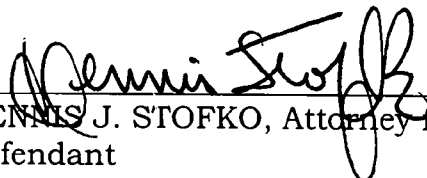
No. 2002-1000 CD

RUTH BLOOM,

Defendant

PRAECIPE

Please enter judgment on the Order dated April 22, 2004 granting  
Defendant's Motion for Summary Judgment.

  
DENNIS J. STOFKO, Attorney for  
Defendant

May 27, 2004

FILED

JUN 01 2004

William A. Shaw  
Prothonotary

FILED

M 1:38 PM pd 20.00  
Notice to Def. Stmt to Atty.  
JUN 01 2004

William A. Shaw  
Prothonotary

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

COPY

Rita Wolfe

Vs.

No. 2002-01000-CD

Ruth Bloom

To: PLAINTIFF

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you on the June 1, 2004

William A. Shaw  
Prothonotary

---

William A. Shaw

**WILLIAM A. SHAW**  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

**FILED**  
m/8:4661  
JUN 07 2004

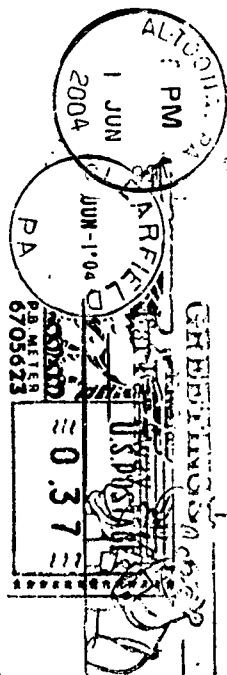
William A. Shaw  
Prothonotary/Clerk of Courts

Rita Wolfe  
Box 34A  
Punxsutawney, PA 15767

☐ A ☐ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN  
☐ S ☐ NO SUCH NUMBER/STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
- UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER

16830/0743



NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Rita Wolfe

Vs.

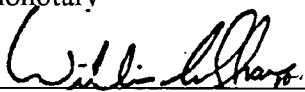
No. 2002-01000-CD

Ruth Bloom

To: PLAINTIFF

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you on the June 1, 2004.

William A. Shaw  
Prothonotary

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RITA WOLFE a/k/a RITA  
BERRINGER,

Plaintiff

Vs.

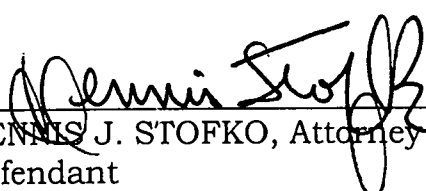
No. 2002-1000 CD

RUTH BLOOM,

Defendant

PRAECIPE

Please enter judgment on the Order dated April 22, 2004 granting  
Defendant's Motion for Summary Judgment.

  
\_\_\_\_\_  
DENNIS J. STOFKO, Attorney for  
Defendant

May 27, 2004

Wl.  
Pr