

02-1202-CD
LEO GARRITY & NILA GARRITY -vs- DONALD MCKEE

Civil Other

Date	Judge
08/02/2002	✓ Filing: Civil Complaint Paid by: Richard Gilardi, Esquire Receipt number: No Judge 1846362 Dated: 08/02/2002 Amount: \$80.00 (Check) 1 Cert. to Sheriff
09/04/2002	✓ Sheriff Return, Now, Sept. 3, 2002, after diligent search in my Bailiwick I No Judge return the within complaint "Not Served, Time Expired" as to DONALD MC KEE, Defendant. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm
09/05/2002	✓ Filing: Reissue Writ/Complaint Paid by: Gilardi, Richard P. (attorney for No Judge Garrity, Nila) Receipt number: 1848046 Dated: 09/05/2002 Amount: \$7.00 (Check) Praecipe to Reinstate Complaint filed on behalf of Plaintiffs. \$7.00 Paid by No Judge Atty. Gilardi. One copy of Complaint Reissue to Sheriff.
09/24/2002	✓ Praecipe for Entry of Appearance filed by Richard Gray, Esq. No cc. No Judge
10/02/2002	✓ ANSWER. filed by s/Richard A. Gray, Esq. Verification s/Donald McKee No Judge Certificate of Service no cc Certificate of Service, Defendant's Interrogatories and Requests for No Judge Production of Documents Directed to Plaintiffs upon RICHARD P. GILARDI, ESQ. s/Richard A. Gray, Esq. no cc
11/13/2002	✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. No Judge Hawkins, Sheriff by s/Marilyn Hamm
01/06/2003	✓ Notice of Service of Plaintiffs' Interrogatories and Request for Production No Judge of Documents directed to Defendant, filed by s/Richard P. Gilardi, Esq. No CC ✓ Notice of Service of Plaintiffs' Answers to Defendant's Interrogatories and No Judge Request for Production of Documents, filed by s/Richard P. Gilardi, Esq. No CC
01/14/2003	✓ Certificate of Service of Response of Defendant to Plaintiffs Request for No Judge ✓ Production of Documents upon RICHARD P. GILARDI, ESQ. s/Richard A. Gray, Esq. no cc
07/24/2003	✓ Certificate of Service, Defendant's Answers to Plaintiffs' Interrogatories No Judge Directed to Defendant upon: Clearfield County Prothonotary and Richard P. Gilardi, Esquire Verification s/Donald McKee filed by s/Richard A. Gray, Esquire no cc
11/20/2003	✓ Praecipe For Withdrawal Of Appearance On Behalf of the Defendant, No Judge Donald McKee. filed by, s/Richard A. Gray, Esquire Praecipe For Entry Of Appearance on Behalf of Defendant, Donald McKee. filed by, s/Darryl R. Wishard, Esquire no cc
09/09/2005	✓ Motion To Compel Plaintiffs' Deposition, filed by s/ Darryl R. Wishard. No No Judge CC

Date: 11/10/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 03:32 PM

ROA Report

Page 2 of 2

Case: 2002-01202-CD

Current Judge: No Judge

Leo Garrity, Nila Garrity vs. Donald McKee

Civil Other

Date	Judge
09/28/2005	<p>✓ Order Pursuant to Rule 208.3 (B) AND NOW, this 27th day of September, Fredric Joseph Ammerman 2005, upon consideration of the foregoing Motion, it is hereby ORDERED that:</p> <p>1. a Rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;</p> <p>2. the Respondent shall file an Answer to the Motion within 20 days;</p> <p>3. the Motion shall be decided under PA.R.C.P. 206.7;</p> <p>4. deposition and all other discovery shall be completed within 45 days;</p> <p>5. an evidentiary hearing on disputed issued of material fact shall be held on November 15, 2005 in Courtroom No. 1;</p> <p>6. arguments shall be held on November 15, 2005, in Courtroom No. 1;</p> <p>7. Notice of the Entry of this Order shall be provided to all parties by the moving party. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge.</p> <p>2CC Atty Wishard.</p>
10/18/2005	<p>✓ Plaintiffs' Response to Defendant's Motion to Compel Deposition and to Show Cause Why Certain Relief Shall Not Be Granted. Filed by s/ Richard P. Gilardi, Esquire. No CC</p> <p>No Judge</p>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

CIVIL DIVISION

Plaintiffs,

Case No. 02-1002-CD

vs.

CODE: 001

DONALD McKEE,

Defendant.

COMPLAINT

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
808 Grant Building
Pittsburgh, PA 15219
(412) 391-9770

FILED

AUG 02 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his wife,	CIVIL DIVISION
Plaintiffs,	Case No. 02-1202-CD
vs.	
DONALD McKEE,	
Defendant.	

TO: DEFENDANT

NOTICE

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

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Davis S. Meholic, Court Administrator
Clearfield County Court of Common Pleas
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his wife,	]	CIVIL DIVISION
Plaintiffs,]	
v.	]	Case No. 02-1202-CJ
DONALD McKEE,	]	JURY TRIAL DEMANDED
Defendant.]	

COMPLAINT

AND NOW comes the plaintiffs by and through their attorneys Gilardi, Cooper & Lomupo and Richard P. Gilardi, Esquire and files this complaint based upon the following cause of action:

FIRST: The plaintiffs are adult individuals who reside at 334 James Street, North Versailles, Allegheny County, Pennsylvania.

SECOND: The defendant, is an adult individual who resides at RD 2, Box 38, Mahaffey, Clearfield County, Pennsylvania.

THIRD: On or about August 24, 2000, the plaintiff was operating his vehicle and was lawfully traveling on State Route 255, Clearfield County, Pennsylvania. As plaintiff was stopped on State Route 255 awaiting the vehicle immediately in front him to make a left hand turn, he was suddenly and unexpectedly struck from behind by a vehicle owned and operated by the defendant.

COUNT I
Negligence
Leo Garrity v. Donald McKee

FOURTH: The allegations of paragraphs first through third are hereby incorporated by reference as if the same were set forth at length herein.

FIFTH: The injuries and damages suffered by plaintiffs as hereinafter set forth were the direct and proximate result of the negligence of defendant who was negligent generally and in the following particulars:

- a) In negligently failing to have the vehicle under proper and adequate control;
- b) In negligently failing to apply the brakes in time to avoid the collision;
- c) In negligently failing to drive at a speed which would allow the defendant to stop within the assured clear distance ahead;
- d) In negligently failing to keep a proper look out for objects in the path of his vehicle;
- e) In negligently operating his vehicle so as to create a dangerous situation for other vehicles on the road;
- f) In negligently failing to pay proper attention to the then existing traffic conditions around him;
- g) In negligently failing to keep proper attention to his driving;
- h) In negligently violating the motor vehicle code of the Commonwealth of Pennsylvania.

SIXTH: The plaintiffs have elected the full tort option under the Motor Vehicle

Financial Responsibility Law. 75 Pa. C.S.A. § 1705.

SEVENTH: As a direct and proximate result of the negligence of the defendant as aforesaid the plaintiff sustained the following serious and severe injuries:

- a) Neck injury;
- b) numbness in left arm; and
- c) Other serious and severe injuries.

EIGHTH: As a direct and proximate result of the negligence of the defendant and the plaintiff's injuries as aforesaid the plaintiff has been damaged as follows:

- a) He has in the past and may in the future suffer great physical pain, suffering and inconvenience;
- b) He has in the past and may in the future suffer from nervous and emotional tension and anxiety as the result of his injuries;
- c) He has in the past and may in the future be limited in his normal activities;
- d) He has in the past and may in the future be required to spend large and substantial sums of money for medical treatment and care because of his injuries;
- e) His general health, strength and vitality has been impaired and this impairment is possibly permanent;
- f) All of the foregoing personal injuries and damages are possibly permanent in nature.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

JURY TRIAL DEMANDED

**Count II
Loss of Consortium
Leo Garrity and Nila Garrity v. Donald McKee**

NINTH: Paragraphs First through Eighth are hereby incorporated by reference as if the same were more fully set forth herein.

TENTH: As a result of the negligence of the defendants, and the husband-plaintiff's injuries as aforesaid the wife-plaintiff has suffered a loss of consortium, namely the loss of her husband's services, companionship and society and she will continue to suffer such losses into the future.

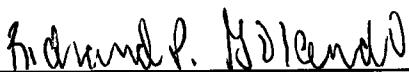
WHEREFORE, the wife-plaintiff demands judgment in her favor and against the defendant in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

JURY TRIAL DEMANDED

Respectfully submitted,

GILARDI, COOPER & LOMUPO, P. A.

BY



Richard P. Gilardi, Esquire
Attorney for Plaintiff

VERIFICATION

LEO GARRY says that HE is the plaintiff in the foregoing action; that the attached Civil Action Complaint is based upon information which HE has furnished to HIS counsel and information which has been gathered by HIS counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information which HE has given to HIS counsel, it is true and correct to the best of HIS Knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, HE has relied upon counsel in making this verification.

I understand that my statements are made subject to 18 Pa. C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.

Leo Garry

Date: 7/31/02

FILED

E

AUG 02 2002

McCaskey, Linda PC
William A. Shaw
Prothonotary
8000

Icc. Shands

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12868

GARRITY, LEO & NILA

02-1202-CD

VS.

MCKEE, DONALD

COMPLAINT

SHERIFF RETURNS

**NOW SEPTEMBER 3, 2002 AFTER DILIGENT SEARCH IN MY BAILIWICK I
RETURN THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO
DONALD MCKEE, DEFENDANT.**

Return Costs

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

FILED

SEP 04 2002
019.18
William A. Shaw
Prothonotary

Sworn to Before Me This

4th Day Of Sept 2002
Will A. Shaw

So Answers,

Chester A. Hawkins
Chester A. Hawkins Joe
Sheriff

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

Plaintiffs,

vs.

DONALD McKEE,

Defendant.

CIVIL DIVISION

Case No. 02-1202-CO

CODE: 001

COMPLAINT

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
808 Grant Building
Pittsburgh, PA 15219
(412) 391-9770

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

AUG 02 2002

Attest.

John A. P.
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his	CIVIL DIVISION
wife,]
Plaintiffs,]
vs.]
DONALD McKEE,]
Defendant.]

TO: DEFENDANT

NOTICE

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

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Davis S. Meholic, Court Administrator
Clearfield County Court of Common Pleas
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his wife,]	CIVIL DIVISION
Plaintiffs,]	Case No.
v.]	
DONALD McKEE,]	JURY TRIAL DEMANDED
Defendant.]	

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Negligence
Leo Garrity v. Donald McKee

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- c) In negligently failing to drive at a speed which would allow the defendant to stop within the assured clear distance ahead;
- d) In negligently failing to keep a proper look out for objects in the path of his vehicle;
- e) In negligently operating his vehicle so as to create a dangerous situation for other vehicles on the road;
- f) In negligently failing to pay proper attention to the then existing traffic conditions around him;
- g) In negligently failing to keep proper attention to his driving;
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- b) He has in the past and may in the future suffer from nervous and emotional tension and anxiety as the result of his injuries;
- c) He has in the past and may in the future be limited in his normal activities;
- d) He has in the past and may in the future be required to spend large and substantial sums of money for medical treatment and care because of his injuries;
- e) His general health, strength and vitality has been impaired and this impairment is possibly permanent;
- f) All of the foregoing personal injuries and damages are possibly permanent in nature.

WHEREFORE, plaintiff demands judgment in his favor and against the defendant in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

JURY TRIAL DEMANDED

**Count II
Loss of Consortium
Leo Garrity and Nila Garrity v. Donald McKee**

NINTH: Paragraphs First through Eighth are hereby incorporated by reference as if the same were more fully set forth herein.

TENTH: As a result of the negligence of the defendants, and the husband-plaintiff's injuries as aforesaid the wife-plaintiff has suffered a loss of consortium, namely the loss of her husband's services, companionship and society and she will continue to suffer such losses into the future.

WHEREFORE, the wife-plaintiff demands judgment in her favor and against the defendant in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

JURY TRIAL DEMANDED

Respectfully submitted,

GILARDI, COOPER & LOMUPO, P. A.

BY Richard P. Gilardi
Richard P. Gilardi, Esquire
Attorney for Plaintiff

VERIFICATION

LEO GARRITY says that HE is the plaintiff in the foregoing action; that the attached Civil Action Complaint is based upon information which HE has furnished to HIS counsel and information which has been gathered by HIS counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information which HE has given to HIS counsel, it is true and correct to the best of HIS Knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, HE has relied upon counsel in making this verification.

I understand that my statements are made subject to 18 Pa. C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.

x Leo Garrity

Date: 7/31/02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

Plaintiffs,

CIVIL DIVISION

Case No. 2002-01202 CD

vs.

CODE: 001

DONALD McKEE,

Defendant.

**PRAECIPE TO REINSTATE
COMPLAINT**

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
808 Grant Building
Pittsburgh, PA 15219
(412) 391-9770

FILED

SEP 05 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

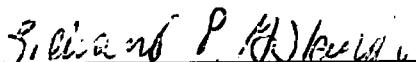
LEO GARRITY AND NILA GARRITY, his wife,	]	CIVIL DIVISION
]	
Plaintiffs,]	
	]	Case No. 2002-01202 CD
vs.]	
DONALD McKEE,]	
Defendant.]	

PRAECIPE TO REINSTATE COMPLAINT

TO: PROTHONOTARY

Kindly re-instate the Complaint in the above-captioned case.

GILARDI, COOPER & LOMUPO, P.A.



Richard P. Gilardi, Esquire
Attorney for Plaintiff

Date: September 3, 2002

FILED

SEP 05 2002

01350107 Island pd 700
William A. Shaw
William A. Shaw

l comp. kuss. to Sherry

9-5-02 Document
Reissued/Ressued to Sheriff's Office
for service.
Willie L. Miller

Deputy Prothonotary

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

**Plaintiff :
v. :
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED**

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our Appearance on behalf of the Defendant, Donald McKee, in the above-captioned matter.

Respectfully submitted,

**MITCHELL MITCHELL GRAY & GALLAGHER
A Professional Corporation**

By: _____

Richard A. Gray - ID #21560
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

FILED

SEP 24 2002

**William A. Shaw
Prothonotary**

CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Praeclipe for Entry of Appearance with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 23 day of September, 2002.

He further certifies that he served a copy of the foregoing Praeclipe for Entry of Appearance on the following, in the following manner, this 23 day of September, 2002:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

A handwritten signature in black ink, appearing to read "Richard A. Gray", is written over a horizontal line. The signature is fluid and cursive, with a distinct "R" and "A" at the beginning.

Richard A. Gray

FILED
M 10:22 AM
SEP 24 2002
NO CC

William A. Shaw
Prothonotary

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

Plaintiff

:

:

v.

:DOCKET NO. 2002-01202 CD

:

:

DONALD McKEE

Defendant

:JURY TRIAL DEMANDED

FILED

OCT 02 2002

ANSWER

William A. Shaw

1. Admitted that plaintiff is an adult, as to his address, denied after reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth to the averments and proof thereof is demanded at trial.

2. Admitted.

3. Admitted.

4. Paragraphs 1-3 of this answer are incorporated herein by reference thereto.

5. Averment 5 and all subparts are denied. As to the nature and extent of plaintiffs injuries and the cause of such injuries, if any, after reasonable investigation defendant is without knowledge or information sufficient to form a belief as to the truth to the averment and proof thereof is demanded at trial. As to the remainder of the averment and all subparts, such are denied pursuant to Pa.R.C.P. 1029(e).

6. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth to the averment and proof thereof is demanded at trial.

7-8. The averments are denied pursuant to Pa.R.C.P. 1029(e).

Wherefore, defendant respectfully requests that plaintiffs complaint be dismissed and that judgment be entered in favor of defendant.

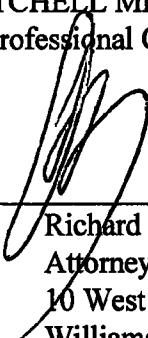
9. Paragraph 1-8 of this answer are incorporated herein by reference thereto.

10. The averment is denied pursuant to Pa.R.C.P. 1029(e).

Wherefore, defendant respectfully requests that plaintiffs complaint be dismissed and that judgment be entered in favor of defendant.

Respectfully submitted,

MITCHELL MITCHELL GRAY & GALLAGHER
A Professional Corporation

By: 

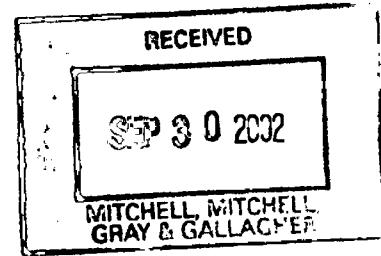
Richard A. Gray - ID #21560
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

VERIFICATION

The undersigned verifies that he is the Defendant named in the within action and that the statements made in the foregoing document are true and correct to the best of his information, knowledge and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa.C.S. Section 4904, related to unsworn falsification to authority.

Donald M. McKee
Donald McKee

DATED: 9-25-2002



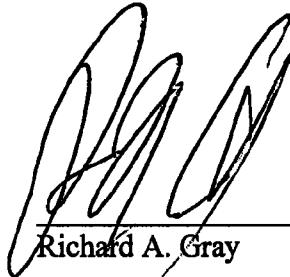
CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Answer with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 1 day of October, 2002.

He further certifies that he served a copy of the foregoing Answer on the following, in the following manner, this 1 day of October, 2002:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Richard A. Gray

FILED

10:37 AM
OCT 02 2002
cc

100

William A. Shaw
Prothonotary

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

**Plaintiff :
v. :DOCKET NO. 2002-01202 CD
:Defendant :
DONALD McKEE :JURY TRIAL DEMANDED**

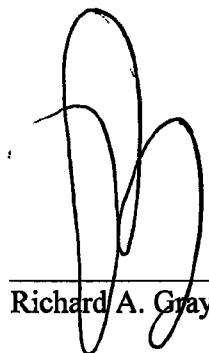
CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Defendant's Interrogatories and Requests for Production of Documents Directed to Plaintiffs with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 1 day of October, 2002.

He further certifies that he served a copy of the foregoing Defendant's Interrogatories and Requests for Production of Documents Directed to Plaintiffs on the following, in the following manner, this 1 day of October, 2002:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Richard A. Gray

FILED

OCT 02 2002

William A. Shaw
Prothonotary

FILED
M 10:37 AM
OCT 02 2002
SHERIFF
William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 12868

GARRITY, LEO & NILA

02-1202-CD

VS.
MCKEE, DONALD

COMPLAINT

SHERIFF RETURNS

**NOW SEPTEMBER 10, 2002 AT 10:28 AM DST SERVED THE WITHIN
COMPLAINT ON DONALD MCKEE, DEFENDANT AT RESIDENCE, RD#2
BOX 38, MAHAFFEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING
TO DONALD MCKEE A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: NEVLING.**

Return Costs

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

013.00 *AM*
10/10/2002 *JKD*

William A. Shaw
Prothonotary

Sworn to Before Me This

13th Day Of November 2002
Will A. Shaw
Deputy Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester Hawkins
by Mailey Harr
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

Plaintiffs,

vs.

DONALD McKEE,

Defendant.

CIVIL DIVISION

Case No. 2002-01202 CD

CODE: 001

**NOTICE OF SERVICE OF
PLAINTIFFS' INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO
DEFENDANT**

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
808 Grant Building
Pittsburgh, PA 15219
(412) 391-9770

FILED

JAN 06 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his wife,	]	CIVIL DIVISION
]	
]	
Plaintiffs,]	
	]	Case No. 2002-01202 CD
vs.]	
]	
DONALD McKEE,]	
]	
Defendant.]	

NOTICE OF SERVICE OF PLAINTIFF'S INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT

I hereby certify that Plaintiff's Interrogatories and Request for Production of Documents Directed to Defendants have been served on the following counsel of record on this 2nd day of January, 2003, via first class mail, postage prepaid:

Richard A. Gray, Esquire
Mitchell Mitchell Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

GILARDI COOPER & LOMUPO

BY: Richard A. Gilardi
Richard P. Gilardi
Attorney for Plaintiff

FILED

Mar 1:24 PM
1981
cc

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

Plaintiffs,

vs.

DONALD McKEE,

Defendant.

CIVIL DIVISION

Case No. 2002-01202 CD

CODE: 001

**NOTICE OF SERVICE OF
PLAINTIFFS' ANSWERS TO
DEFENDANT'S INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
808 Grant Building
Pittsburgh, PA 15219
(412) 391-9770

FILED

JAN 06 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his wife,	]	CIVIL DIVISION
]	
Plaintiffs,]	
	]	Case No. 2002-01202 CD
vs.]	
DONALD McKEE,]	
]	
Defendant.]	

NOTICE OF SERVICE OF PLAINTIFF'S ANSWERS TO DEFENDANT'S
INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO DEFENDANT

I hereby certify that Plaintiff's Answers to Defendant's Interrogatories and Request for Production of Documents have been served on the following counsel of record on this 3rd day of January, 2003, via first class mail, postage prepaid:

Richard A. Gray, Esquire
Mitchell Mitchell Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

GILARDI COOPER & LOMUPO

BY: Richard P. Gilardi
Richard P. Gilardi
Attorney for Plaintiff

FILED
No
cc
JAN 8 2013
William A. Shaw
Prothonotary

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

**Plaintiff :
v. :
:DOCKET NO. 2002-01202 CD
:
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED**

CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Certificate of Service for the Response of Defendant to Plaintiffs Response to Request for Production of Documents with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 13 day of January, 2003.

He further certifies that he served the original of the Response of Defendant to Plaintiffs Request for Production of Documents on the following, in the following manner, this 13 day of January, 2003:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

Richard A. Gray



JAN 14 2003

William A. Shaw
Prothonotary

RECEIVED
MAY 10 2003
JAN 14 2003
KES

William A. Shaw
Prothonotary

LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA

Plaintiff

:

v.

:DOCKET NO. 2002-01202 CD

:

DONALD McKEE

Defendant

:JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Certificate of Service for the Defendant's Answers to Plaintiffs' Interrogatories Directed to Defendant with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 23 day of July, 2003.

He further certifies that he served the original of the Defendant's Answers to Plaintiffs' Interrogatories Directed to Defendant on the following, in the following manner, this 23 day of July, 2003:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Richard A. Gray

JUL 2 4 2003

William A. Shaw
Prothonotary

VERIFICATION

The undersigned verifies that he is the Defendant named in the within action and that the statements made in the foregoing document are true and correct to the best of his information, knowledge and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa.C.S. Section 4904, related to unsworn falsification to authority.

Donald McKee
Donald McKee

DATED: 7-19-003

10/20/2011
No. 2
Mr. M. A. Khan
Ministry of Education
Islamabad

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

Plaintiff

v.

DONALD McKEE

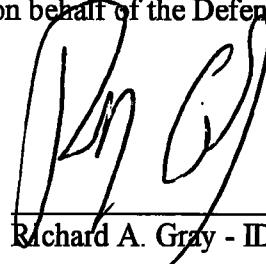
Defendant

**:
:DOCKET NO. 2002-01202 CD
:
:JURY TRIAL DEMANDED**

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Kindly withdrawal my Appearance on behalf of the Defendant in the above captioned matter.



Richard A. Gray - ID #: 21560

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my Appearance on behalf of the Defendant in the above-captioned matter.

Respectfully submitted,

MITCHELL MITCHELL GRAY & GALLAGHER
A Professional Corporation

By: 

Darryl R. Wishard - ID #56862
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

FILED

NOV 20 2003

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

RICHARD A. GRAY hereby certifies that he filed the original of the foregoing Praeclipe for
Withdrawal of Appearance and Praeclipe for Entry of Appearance with the Clearfield County
Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 19th day of November, 2003.

He further certifies that he served a copy of the foregoing Praeclipe for Withdrawal of Appearance and Praeclipe for Entry of Appearance on the following, in the following manner, this 19th day of November, 2003:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

Bill
Richard A. Gray

FILED NO
10-2387 Cc
NOV 20 2003 EKB

William A. Shaw
Prothonotary/Clerk of Courts

LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA

Plaintiff

:

v. :DOCKET NO. 2002-01202 CD

:

:

DONALD McKEE

Defendant

:JURY TRIAL DEMANDED

FILED NO. 6
M 10:50 AM
SEP 09 2005
GK

William A. Shaw

Prothonotary/Clerk of Courts

MOTION TO COMPEL PLAINTIFFS' DEPOSITIONS

1. This action was filed in 2002 pertaining to a motor vehicle accident that occurred between the parties on August 24, 2000.
2. Counsel for Defendant has attempted for over a year to complete the deposition of Plaintiffs. See correspondence from Defendant's counsel to Plaintiffs' counsel, dated September 7, 2004, October 5, 2004, November 22, 2004, December 2, 2004, March 1, 2005, July 15, 2005, July 28, 2005, and August 22, 2005, attached to this Motion as Exhibit "A" and incorporated herein by reference.
3. Pennsylvania Rule of Civil Procedure 4007.1 sets forth the procedure for a party desiring to take the deposition of any other party or person upon oral examination.
4. At this juncture, Defendant requests an Order from the Court compelling Plaintiffs to submit to a deposition in Clearfield County within the next 90 days, to be scheduled within 30 days of the date of the Order, or face further sanctions pursuant to Pennsylvania Rule of Civil Procedure 4019.
5. If counsel for Defendant is required to present this Motion to the Court in person, then Defendant respectfully requests that the Court require Plaintiffs to pay attorneys fees and travel expenses to present this Motion to the Court.
6. The undersigned counsel for Defendant believes that there are good grounds

to support this Motion and it is not filed merely for delay.

WHEREFORE, Defendant respectfully requests that this Motion to Compel be granted.

Respectfully submitted,

**MITCHELL MITCHELL GALLAGHER
WEBER SOUTHARD & WISHARD, P.C.**

By: 

Darryl R. Wishard-ID#56862
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

17485

Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

September 7, 2004

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

Via Fax (412) 391-9780

**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

My office has attempted to schedule the depositions of the Plaintiffs Leo Garrity and Nila Garrity with regard to the above-captioned case.

Kindly fax me your available dates in November and December in order to schedule this deposition.

Thank you.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



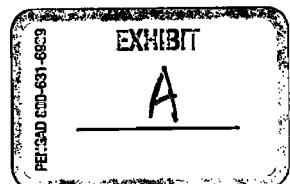
Darryl R. Wishard

DRW:bgh

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585



 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0337
DESTINATION TEL #	914123919780
DESTINATION ID	
ST. TIME	09/07 14:52
TIME USE	00'25
PAGES SENT	1
RESULT	OK

*Mitchell
 Gallagher*
 Attorneys at Law

J. Neagle Mitchell (1919-1996)

C. Edward S. Mitchell
 Robert A. Gallagher
 Gary L. Weber
 Bret J. Southard
 Darryl R. Wishard

Email: drw@mmgws.com

September 7, 2004

Richard P. Gilardi, Esquire
 Gilardi, Cooper & Lomupo, P.A.
 Firm #157
 808 Grant Building
 Pittsburgh, PA 15219

Via Fax (412) 391-9780

**Re: Garrity v. McKee
 Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

My office has attempted to schedule the depositions of the Plaintiffs Leo Garrity and Nila Garrity with regard to the above-captioned case.

Kindly fax me your available dates in November and December in order to schedule this deposition.

Thank you.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
 SOUTHARD & WISHARD, P.C.**



Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

October 5, 2004

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

Re: **Garrity v. McKee**
Docket No.: 2002-01202 CD

Dear Mr. Gilardi:

I have previously written to you regarding scheduling the Plaintiffs' depositions in the above-captioned case. I would now like to get this matter on track and without consulting you I have arbitrarily scheduled the depositions.

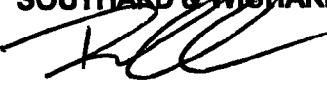
Enclosed please find a Notice of Deposition scheduling the Plaintiffs Leo Garrity and Nila Garrity's depositions for Friday, December 10, 2004 at 10:00 a.m. at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, Pennsylvania.

Your cooperation is greatly appreciated as I will be doing two days of depositions in Clearfield.

Thank you.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Darryl R. Wishard

DRW:bgh
Enclosure

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

November 22, 2004

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

Via Fax 412-391-9780

**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

Kindly let this letter confirm that the depositions of the Plaintiffs Leo Garrity and Nila Garrity are scheduled for Friday, December 10, 2004 at 10:00 a.m. at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, Pennsylvania.

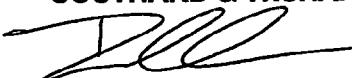
In addition, I wanted to confirm that we will not be taking the deposition of the Defendant at this time.

Your cooperation is greatly appreciated as I will be doing two days of depositions in Clearfield.

Thank you.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Darryl R. Wishard

DRW:bgh

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0791
DESTINATION TEL # 914123919780
DESTINATION ID
ST. TIME 11/22 14:43
TIME USE 00'27
PAGES SENT 1
RESULT OK

*Mitchell
Gallagher*
Attorneys at Law

J. Neagie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmsgsw.com

November 22, 2004

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

Via Fax 412-391-9780

**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

Kindly let this letter confirm that the depositions of the Plaintiffs Leo Garrity and Nila Garrity are scheduled for Friday, December 10, 2004 at 10:00 a.m. at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, Pennsylvania.

In addition, I wanted to confirm that we will not be taking the deposition of the Defendant at this time.

Your cooperation is greatly appreciated as I will be doing two days of depositions in Clearfield.

Thank you.

Very truly yours,

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.



Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

December 2, 2004

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

Enclosed please find a Notice of Deposition rescheduling the depositions of the Plaintiffs Leo Garrity and Nila Garrity for Friday, January 7, 2005 at 1:00 p.m. at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, Pennsylvania.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Darryl R. Wishard

DRW:bgh

Enclosure

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgws.com

March 1, 2005

Richard P. Gilardi **Via Fax 412-391-9780**
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

Re: Garrity v. McKee
Docket No.: 2002-01202 CD

Dear Mr. Gilardi:

I would like to reschedule the depositions of your clients. Kindly provide me your availability for May 2005.

Thank you.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Darryl R. Wishard

DRW:bgh

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgws.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1342
DESTINATION TEL #	914123919780
DESTINATION ID	
ST. TIME	03/01 11:28
TIME USE	00'33
PAGES SENT	1
RESULT	OK

*Mitchell
Gallagher*
Attorneys at Law

J. Negus Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgws.com

March 1, 2005

Richard P. Gilardi Via Fax 412-391-9780
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

Re: **Garrity v. McKee**
 Docket No.: 2002-01202 CD

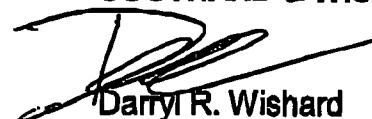
Dear Mr. Gilardi:

I would like to reschedule the depositions of your clients. Kindly provide me your availability for May 2005.

Thank you.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Darryl R. Wishard

DRW:bgh

Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

July 15, 2005

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

Please contact me within the next 15 days to schedule a date and time to complete Plaintiffs' depositions in Clearfield County. If I do not hear from you within 15 days, I will proceed to schedule the depositions at my convenience.

On plan on listing this case for trial immediately after the depositions of Plaintiffs.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Darryl R. Wishard

DRW:bgh

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

Mitchell
Gallagher
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

July 28, 2005

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

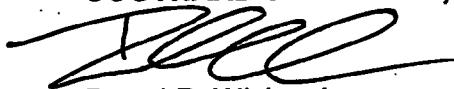
**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

After repeated letters and contacts with you, you have not returned my telephone calls or responded. We need to move this case from center. You have not indicated any preference for dates for depositions of your clients. Therefore, enclosed please find the notice scheduling your clients' depositions for Tuesday, August 23, 2005 at 10:00 a.m. at Sargent's Court Reporting, 106 North Second Street, Clearfield, PA 16830.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**


Darryl R. Wishard

DRW:bgh

Enclosure

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

*Mitchell
Gallagher*
Attorneys at Law

J. Neafie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Darryl R. Wishard

Email: drw@mmgsw.com

August 22, 2005

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

Via Fax 412-391-9780

**Re: Garrity v. McKee
Docket No.: 2002-01202 CD**

Dear Mr. Gilardi:

I understand that you will not be producing Plaintiff for a Deposition on Tuesday, August 23, 2005. I enclose a copy of the Deposition Notice previously forwarded to your office on July 28, 2005. I also sent letters to your office on July 15, 2005 and March 1, 2005, asking for dates for Depositions of your client.

Please contact my office and provide available date within the next fifteen (15) days. Otherwise, I will file a Motion to Compel a deposition date from the Court, and will seek costs and fees for the Motion, to include travel costs to and from Clearfield to attend Argument on the Motion.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**


Darryl R. Wishard

DRW:sac
enclosures
(dictated, not read)

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

www.mmgsw.com

10 West Third Street, Williamsport, Pa. 17701-6513
(570) 323-8404 Fax (570) 323-8585

LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff :
v. :DOCKET NO. 2002-01202 CD
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Leo Garrity and Nila Garrity
c/o Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that on Tuesday August 23, 2005 at 1:00 p.m., Darryl R. Wishard will take the depositions of Leo Garrity and Nila Garrity at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, PA 16830.

The depositions will be conducted in the presence of a certified court reporter pursuant to the Pennsylvania Rules of Civil Procedure and shall continue until completed.

MITCHELL, MITCHELL, GALLAGHER, WEBER
SOUTHARD & WISHARD, P.C.

BY:


Darryl R. Wishard
Attorneys for Defendant

ID #56862

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

pc: Sargent's Court Reporting

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2239
DESTINATION TEL # 914122323084
DESTINATION ID
ST. TIME 08/23 13:58
TIME USE 01'05
PAGES SENT 6
RESULT OK

*Mitchell
Gallagher*
Attorneys at Law

J. Neglie Mitchell (1919-1996)

C. Edward S. Mitchell
Robert A. Gallagher
Gary L. Weber
Bret J. Southard
Daryl R. Wishard

Email: drw@mngsw.com

August 22, 2005

Richard P. Gilardi
Gilardi Cooper & Lomupo
The Bendum Trees Building - 10th Floor
223 Fourth Avenue
Pittsburgh PA 15222

Via Fax 412-391-9780

Re: **Garrity v. McKee**
Docket No.: 2002-01202 CD

Dear Mr. Gilardi:

I understand that you will not be producing Plaintiff for a Deposition on Tuesday, August 23, 2005. I enclose a copy of the Deposition Notice previously forwarded to your office on July 28, 2005. I also sent letters to your office on July 15, 2005 and March 1, 2005, asking for dates for Depositions of your client.

Please contact my office and provide available date within the next fifteen (15) days. Otherwise, I will file a Motion to Compel a deposition date from the Court, and will seek costs and fees for the Motion, to include travel costs to and from Clearfield to attend Argument on the Motion.

Very truly yours,

**MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD & WISHARD, P.C.**



Daryl R. Wishard

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

Plaintiff	:
	:
v.	:DOCKET NO. 2002-01202 CD
	:
DONALD McKEE	:
Defendant	:JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that he filed the original of the foregoing Certificate of Service for the Motion to Compel Plaintiffs' Deposition with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 7th day of September, 2005.

He further certifies that he served the original of the Motion to Compel Plaintiffs' Deposition on the following, in the following manner, this 7th day of September, 2005:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Darryl R. Wishard

**LEO GARRITY AND NILA GARRITY,
his wife** :**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**
Plaintiff :
:
v. :**DOCKET NO. 2002-01202 CD**
:
DONALD McKEE :
Defendant :**JURY TRIAL DEMANDED**

ORDER

AND NOW, this _____ day of _____, 200____, the
Defendant's Motion to Compel is hereby GRANTED. Plaintiffs are hereby compelled to
be available for a deposition in this case within the next 90 days to be conducted in
Clearfield County, Pennsylvania. The scheduling of this deposition shall be completed
within 30 days. Plaintiffs failure to comply with this Order shall be subject to sanctions
pursuant to Pennsylvania Rule of Civil Procedure 4019. Plaintiffs shall pay Defendant's
attorneys fees and travel costs for the presentation and/or argument of this Motion to
the court.

BY THE COURT:

J.

24

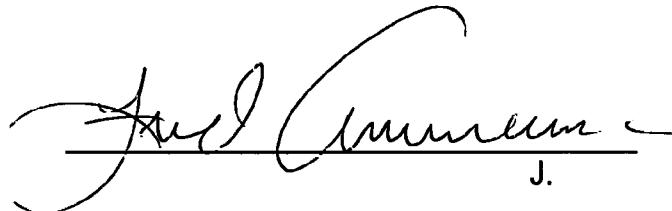
LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff :
:
v. :DOCKET NO. 2002-01202 CD
:
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED

ORDER PURSUANT TO RULE 208.3(B)

AND NOW, this 27 day of Sept, 2005, upon
consideration of the foregoing Motion, it is hereby ORDERED that:

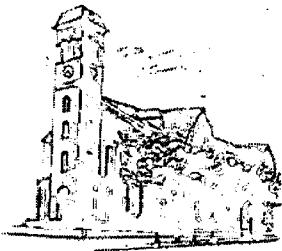
- (1) a Rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;
- (2) the Respondent shall file an Answer to the Motion within 20 days;
- (3) the Motion shall be decided under Pa. R.C.P. 206.7;
- (4) depositions and all other discovery shall be completed within 45 days;
- (5) an evidentiary hearing on disputed issues of material fact shall be held on November 15, 2005 in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. 1;
- (6) arguments shall be held on November 15, 2005 in Courtroom No. 1 of the Clearfield County Courthouse; and
- (7) Notice of the Entry of this Order shall be provided to all parties by the moving party.

BY THE COURT:



J. L. Garrity

2cc
01/10/27/05 Atty Wishard
SEP 28 2005
J. L. Garrity
A. Shaw
Prothonotary Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw

Prothonotary/Clerk of Courts

David S. Ammerman

Solicitor

Jacki Kendrick

Deputy Prothonotary

Bonnie Hudson

Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

Plaintiffs,

vs.

DONALD McKEE,

Defendant.

CIVIL DIVISION

Case No. 2002-01202 CD

CODE: 001

PLEADING: PLAINTIFFS' RESPONSE
TO DEFENDANT'S MOTION TO
COMPEL DEPOSITION AND TO SHOW
CAUSE WHY CERTAIN RELIEF SHALL
NOT BE GRANTED

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
The Benedum Trees Building, 10th Floor
223 Fourth Avenue
Pittsburgh, PA 15222
(412) 391-9770

FILED 10/18/05
M 10:41 AM
OCT 18 2005
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his	]	CIVIL DIVISION
wife,]	
]	
Plaintiffs,]	
	]	Case No. 2002-01202 CD
vs.]	
]	
DONALD McKEE,]	
]	
Defendant.]	

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO COMPEL DEPOSITION
AND TO SHOW CAUSE WHY CERTAIN RELIEF SHALL NOT BE GRANTED

1. Paragraph 1 of Defendant's Motion to Compel is admitted. By way of further reply, Plaintiff, a resident of Pittsburgh, Allegheny County, Pennsylvania, suffered a low back injury in the accident which is the subject of this lawsuit.
2. Paragraph 2 of Defendant's Motion to Compel is admitted. It is admitted that Plaintiff's deposition was scheduled on one prior occasion.
3. Admitted.
4. Paragraph 4 of Defendant's Motion to Compel states a conclusion of law to which no response is required. By way of further reply, Plaintiff has never refused to submit to a deposition. Plaintiff is currently recovering from back surgery, which he underwent on September 27, 2005. He is presently unable to drive, as a result of narcotics prescribed by his surgeon. See Exhibit "A" attached hereto. Plaintiff is scheduled to see his surgeon on

November 9, 2005, at which time his physician will re-evaluate the Plaintiff's condition and the need for narcotic pain management. Plaintiff is completely willing to submit to a deposition, as soon as he is medically cleared to safely operate his vehicle, and able to testify without being under the influence of prescription narcotics.

5. Paragraph 5 of Defendant's Motion to Compel is hereby denied. Plaintiff believes and therefore avers that his deposition can go forward as soon as a determination is made in regard to his ability to drive, and therefore, no further court proceedings concerning this issue are necessary, and upon scheduling of plaintiff's deposition, will, in fact, be moot.

6. Paragraph 6 of Defendant's Motion to Compel is hereby denied. Plaintiff and his counsel have cooperated with efforts to complete the plaintiff's deposition.

WHEREFORE, Plaintiff respectfully requests that this Motion to Compel be denied and that plaintiff's deposition shall be scheduled as soon as he is physically able to attend and testify.

Respectfully submitted,

GILARDI, COOPER & LOMUPO



Richard P. Gilardi, Esquire
Attorney for Plaintiff

PLAINTIFF'S
EXHIBIT

 **HUMAN MOTION CENTER**
Allegheny Orthopaedic Associates
Official Medical Provider of the Pittsburgh Pirates
1307 Federal Street, Second Floor
Pittsburgh, PA 15212
1-877-660-6777 • Fax: 412-359-8140

Mark A. Fye, M.D. - MD-062469-L
Dran Campbell, C.R.N.P. - SP-006135-W

Date 10/14/05

Patient Name Leo Garrity

Address _____

DEA# _____

Mr. Garrity is unable to drive at present time. He is taking prescription narcotics for post-operative pain management.

Refills 0 Substitution Permissible Not Allowed, M.D.
IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED, THE PRESCRIBER MUST HANDWRITE "BRAND NECESSARY" OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his	]	CIVIL DIVISION
wife,]	
]	
Plaintiffs,]	
]	
vs.	]	Case No. 2002-01202 CD
]	
DONALD McKEE,]	
]	
Defendant.]	

ORDER

AND NOW, to wit this _____ day of _____, 2005, in consideration of the foregoing motion, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff's deposition shall be scheduled at a time and place mutually convenient for all concerned parties as soon as plaintiff's doctor releases him to drive. Accordingly, Plaintiff has shown cause, and Defendant's Motion to Compel Plaintiff's Deposition is hereby denied.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Response to Defendant's Motion to Compel Deposition and to Show Cause Why Certain Relief Shall Not Be Granted was served upon the following via facsimile transmission and first class mail, postage prepaid on this 17th day of October, 2005:

TO: Darryl R. Wishard, Esquire
Mitchell Mitchell Gray & Gallagher
10 West Third Street
Williamsport, PA 17701

Richard P. Gilardi
Richard P. Gilardi, Esquire
Attorney for Plaintiffs

FILED

OCT 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

CA

LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff :
:
v. :DOCKET NO. 2002-01202 CD
:
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED

PRAECIPE

To the Prothonotary:

Kindly withdraw Defendant's Motion to Compel the Deposition of Plaintiff from consideration in this action, as the parties have agreed to terms and conditions for Plaintiff's deposition.

Respectfully submitted,

**MITCHELL MITCHELL GALLAGHER
WEBER SOUTHARD & WISHARD, P.C.**

By: 
Darryl R. Wishard-ID#56862
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

FILED NOCC
m 10:49 AM
NOV 14 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

Plaintiff	:
	:
	:
v.	:DOCKET NO. 2002-01202 CD
	:
	:
DONALD McKEE	:JURY TRIAL DEMANDED
Defendant	

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that he filed the original of the foregoing Certificate of Service for the Praecipe with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 9th day of November, 2005.

He further certifies that he served the original of the Praecipe on the following, in the following manner, this 9th day of November, 2005:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Darryl R. Wishard

FILED

NOV 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff :
:
v. :DOCKET NO. 2002-01202 CD
:
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Leo Garrity and Nila Garrity
c/o Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that on Monday December 19, 2005 at 12:30 p.m.,
Darryl R. Wishard will take the depositions of Leo Garrity and Nila Garrity at the offices
of Sargent's Court Reporting, 106 North Second Street, Clearfield, PA 16830.

The depositions will be conducted in the presence of a certified court reporter
pursuant to the Pennsylvania Rules of Civil Procedure and shall continue until
completed.

MITCHELL, MITCHELL, GALLAGHER, WEBER
SOUTHARD & WISHARD, P.C.

BY:


Darryl R. Wishard ID #56862
Attorneys for Defendant

10 West Third Street
Williamsport, PA 17701

(570) 323-8404

pc: Sargent's Court Reporting

FILED *mc*
M 18:57:40
NOV 14 2005
William A. Shaw
Prothonotary/Clerk of Courts

**LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA**

Plaintiff	:
	:
v.	:DOCKET NO. 2002-01202 CD
	:
DONALD McKEE	:
Defendant	:JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

DARRYL R. WISHARD hereby certifies that he filed the original of the foregoing Certificate of Service for the Deposition Notice with the Clearfield County Prothonotary, 230 East Market Street, Clearfield, PA 16830, this 10th day of November, 2005.

He further certifies that he served the original of the Deposition Notice on the following, in the following manner, this 10th day of November, 2005:

U.S. MAIL - POSTAGE PREPAID

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Darryl R. Wishard

FILED

NOV 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

Official

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

FILED

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

DEC 21 2005 (GC)
M 11:00 AM
William A. Shaw
Prothonotary/Clerk of Courts

(1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,

(2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,

(3) No objection to the subpoena has been received, and

(4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 12/19/2005

Darryl R. Wishard, Esq.
MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

ALLEGHENY GENERAL HOSPITAL MEDICAL RECORDS
MARK FYE, M.D. MEDICAL RECORDS

TO: RICHARD P. GILARDI, ESQUIRE, PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 11/29/2005

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**ALLEGHENY GENERAL HOSPITAL
320 E. NORTH AVENUE**

PITTSBURGH, PA 15212

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

ANY AND ALL MEDICAL RECORDS FROM 1/1/2000 TO PRESENT.

Subject : LEO GARRITY

Date of Birth: 07-15-1937

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

IN THE MATTER OF:

LEO GARRITY AND NILA GARRITY, HIS WIFE

COURT OF COMMON PLEAS

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 12/19/2005

Darryl R. Wishard, Esq.
MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

ALLEGHENY GENERAL HOSPITAL MEDICAL RECORDS
MARK FYE, M.D. MEDICAL RECORDS

TO: RICHARD P. GILARDI, ESQUIRE, PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 11/29/2005

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Leo Garrity

*

Nila Garrity, his wife

Plaintiff(s)

Vs.

*

No. 2002-01202-CD

Donald McKee

*

Defendant(s)

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

TO: CUSTODIAN OF RECORDS FOR: MARK FYE, M.D.

(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET

WILLIAMSPORT, PA 17701

TELEPHONE: (215) 246-0900

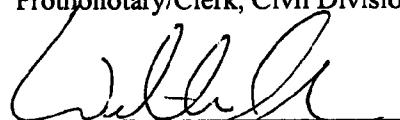
SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

12/19/2005

DATE: Monday, November 21, 2005

Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**MARK FYE, M.D.
490 EAST NORTH AVE.
STE 500**

PITTSBURGH, PA 15212

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

Entire medical file, including but not limited to any and all records, correspondence to and from the consulting and treating physicians, files, memoranda, handwritten notes, history and physical reports, medication/prescription records, including any and all such items as may be stored in a computer database or otherwise in electronic form, relating to any examination, diagnosis or treatment pertaining to:

**Dates Requested: up to and including the present.
Subject : LEO GARRITY**

Date of Birth: 07-15-1937

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

George J. Garry

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 01/24/2006

Darryl R. Wishard, Esq.
MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

FILED NO CC-
JAN 26 2006
11:34 AM
cm

William A. Shaw
Prothonotary/Clerk of Courts

DE11-605435 08959-L03

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

LEO GARRITY AND NILA GARRITY, HIS WIFE

COURT OF COMMON PLEAS

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

[Note: see enclosed list of locations]

TO: RICHARD P. GILARDI, ESQ., PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 01/04/2006

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

LOCATION NAME

RECORDS REQUESTED

DR. FRANK FLIT	MEDICAL RECORDS
EAST SUBURBAN SPORTS MED. CTR.	MEDICAL RECORDS
BUCK MEDICAL ASSOCIATION	OTHER
MEDICAL REHABILITATION, INC.	MEDICAL RECORDS
COMMUNITY MRI	OTHER
MONROEVILLE IMAGING CENTER	OTHER

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Leo Garrity

Nila Garrity

Plaintiff(s)

*

*

No. 2002-01202-CD

Vs.

*

Donald McKee

Defendant(s)

*

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

TO: CUSTODIAN OF RECORDS FOR: DR. FRANK FLIT
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

TELEPHONE: (215) 246-0900

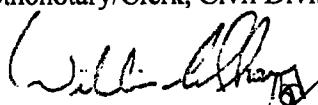
SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires
1st M^o day in Jan. 2006
Clearfield Co., Clearfield, PA

01/24/2006

DATE: Thursday, December 29, 2005

Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DR. FRANK FLIT
1500 FIFTH AVE.

MCKEESPORT, PA 15132

RE: 8959
LEO GARRITY

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

Entire medical file, including but not limited to any and all records, correspondence to and from the consulting and treating physicians, files, memoranda, handwritten notes, history and physical reports, medication/prescription records, including any and all such items as may be stored in a computer database or otherwise in electronic form, relating to any examination, diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LEO GARRITY

334 JAMES ST., NORTH VERSAILLES, PA 15137

Social Security #: 193-30-5927

Date of Birth: 07-15-1937

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

01/24/06
GARRITY

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-vs-

CASE NO: 2002-01202 CD

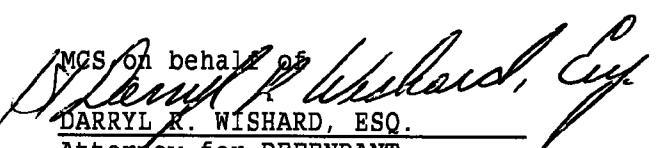
DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 01/24/2006


MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

[Note: see enclosed list of locations]

TO: RICHARD P. GILARDI, ESQ., PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena
identical to the one that is attached to this notice. You have twenty (20)
days from the date listed below in which to file of record and serve upon the
undersigned an objection to the subpoena. If the twenty day notice period is
waived or if no objection is made, then the subpoena may be served. Complete
copies of any reproduced records may be ordered at your expense by completing
the attached counsel card and returning same to MCS or by contacting our local
MCS office.

DATE: 01/04/2006

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

LOCATION NAME

RECORDS REQUESTED

DR. FRANK FLIT	MEDICAL RECORDS
EAST SUBURBAN SPORTS MED. CTR.	MEDICAL RECORDS
BUCK MEDICAL ASSOCIATION	OTHER
MEDICAL REHABILITATION, INC.	MEDICAL RECORDS
COMMUNITY MRI	OTHER
MONROEVILLE IMAGING CENTER	OTHER

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Leo Garrity

Nila Garrity

Plaintiff(s)

Vs.

*

No. 2002-01202-CD

Donald McKee

Defendant(s)

*

*

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

TO: CUSTODIAN OF RECORDS FOR: EAST SUBURBAN SPORTS MED. CTR.
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESO.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

TELEPHONE: (215) 246-0900

SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

01/24/2006
DATE: Thursday, December 29, 2005

Seal of the Court

Deputy

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**EAST SUBURBAN SPORTS MED. CTR.
2735 MOSSIDE BLVD.
SUITE 201
MONROEVILLE, PA 15143**

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

Entire medical file, including but not limited to any and all records, correspondence to and from the consulting and treating physicians, files, memoranda, handwritten notes, history and physical reports, medication/prescription records, including any and all such items as may be stored in a computer database or otherwise in electronic form, relating to any examination, diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

Subject : LEO GARRITY

334 JAMES ST., NORTH VERSAILLES, PA 15137

Social Security #: 193-30-5927

Date of Birth: 07-15-1937

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22



IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

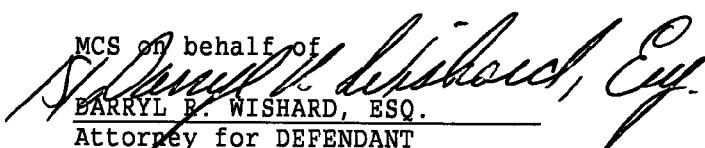
DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 01/24/2006



MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

[Note: see enclosed list of locations]

TO: RICHARD P. GILARDI, ESQ., PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 01/04/2006

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

LOCATION NAME

RECORDS REQUESTED

DR. FRANK FLIT	MEDICAL RECORDS
EAST SUBURBAN SPORTS MED. CTR.	MEDICAL RECORDS
BUCK MEDICAL ASSOCIATION	OTHER
MEDICAL REHABILITATION, INC.	MEDICAL RECORDS
COMMUNITY MRI	OTHER
MONROEVILLE IMAGING CENTER	OTHER

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

**Leo Garrity
Nila Garrity
Plaintiff(s)**

Ys.

*

No. 2002-01202-CD

Donald McKee
Defendant(s)

*

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

TO: CUSTODIAN OF RECORDS FOR: BUCK MEDICAL ASSOCIATION DEPT. OF RADIOLOGY
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

WILLIAM A. SHAW

ELIAN R. JHA
Prothontary

Humanity
My Commission Expires

My Commission Expires
1st Monday in Jan. 2006

1st Monday in Jan. 2006
Clearfield Co. Clearfield, PA

BUCKFIELD, ME., BUCKFIELD, MA

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**BUCK MEDICAL ASSOCIATION
DEPT. OF RADIOLOGY
1433 FAWCETT ST.**

MCKEESPORT, PA 15131

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

ANY AND ALL MEDICAL RECORDS, AND X-RAYS, FROM 6/28/2000 TO PRESENT. INCLUDING COPIES OF X-RAYS TAKEN OF THE CERVICAL SPINE, #00-3952, ORDERED BY R. CURTIS WALIGURA, M.D., AND INTERPRETED BY CHARLES M. DONLEY, JR., M.D.

**Subject : LEO GARRITY
334 JAMES ST., NORTH VERSAILLES, PA 15137
Social Security #: 193-30-5927
Date of Birth: 07-15-1937**

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

6/20/06
MCS

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

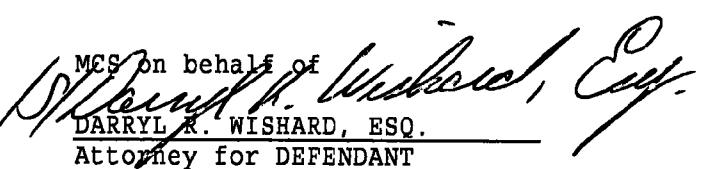
DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 01/24/2006


MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

[Note: see enclosed list of locations]

TO: RICHARD P. GILARDI, ESQ., PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena
identical to the one that is attached to this notice. You have twenty (20)
days from the date listed below in which to file of record and serve upon the
undersigned an objection to the subpoena. If the twenty day notice period is
waived or if no objection is made, then the subpoena may be served. Complete
copies of any reproduced records may be ordered at your expense by completing
the attached counsel card and returning same to MCS or by contacting our local
MCS office.

DATE: 01/04/2006

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

Any questions regarding this matter, contact

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

<u>LOCATION NAME</u>	<u>RECORDS REQUESTED</u>
DR. FRANK FLIT	MEDICAL RECORDS
EAST SUBURBAN SPORTS MED. CTR.	MEDICAL RECORDS
BUCK MEDICAL ASSOCIATION	OTHER
MEDICAL REHABILITATION, INC.	MEDICAL RECORDS
COMMUNITY MRI	OTHER
MONROEVILLE IMAGING CENTER	OTHER

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Leo Garrity

Nila Garrity

Plaintiff(s)

*

Vs.

*

No. 2002-01202-CD

Donald McKee

*

Defendant(s)

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

TO: CUSTODIAN OF RECORDS FOR: MEDICAL REHABILITATION, INC.
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

TELEPHONE: (215) 246-0900

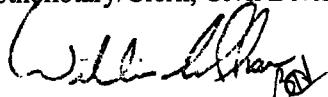
SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

01/24/2006

DATE: Thursday, December 29, 2005

Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**MEDICAL REHABILITATION, INC.
1350 LOCUST ST.
SUITE 409**

PITTSBURGH, PA 15219

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

Entire medical file, including but not limited to any and all records, correspondence to and from the consulting and treating physicians, files, memoranda, handwritten notes, history and physical reports, medication/prescription records, including any and all such items as may be stored in a computer database or otherwise in electronic form, relating to any examination, diagnosis or treatment pertaining to:

Dates Requested: up to and including the present.

**Subject : LEO GARRITY
334 JAMES ST., NORTH VERSAILLES, PA 15137**

Social Security #: 193-30-5927

Date of Birth: 07-15-1937

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

Chas. B. W. Jr.

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 01/24/2006

Chas. B. W. Jr.
MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

[Note: see enclosed list of locations]

TO: RICHARD P. GILARDI, ESQ., PLAINTIFF COUNSEL

MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 01/04/2006

MCS on behalf of

DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

Any questions regarding this matter, contact

<u>LOCATION NAME</u>	<u>RECORDS REQUESTED</u>
----------------------	--------------------------

DR. FRANK FLIT	MEDICAL RECORDS
EAST SUBURBAN SPORTS MED. CTR.	MEDICAL RECORDS
BUCK MEDICAL ASSOCIATION	OTHER
MEDICAL REHABILITATION, INC.	MEDICAL RECORDS
COMMUNITY MRI	OTHER
MONROEVILLE IMAGING CENTER	OTHER

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

Leo Garrity

Nila Garrity

Plaintiff(s)

vs.

2

No. 2002-01202-CD

Donald McKee

4

Defendant(s)

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

TO: CUSTODIAN OF RECORDS FOR: COMMUNITY MRI
(Name of Person or Entity)

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

SEE ATTACHED.

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.
ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

TELEPHONE: (215) 246-0900

SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT.

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**COMMUNITY MRI
4304 WALNUT DRIVE
MCKEESPORT, PA 15132**

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

ANY AND ALL MRI FILMS FROM 6/17/02 TO PRESENT, INCLUDING COPIES OF THE FILMS OF THE CERVICAL MRI DATED 6/17/02 ORDERED BY R. CURTIS WALIGURA, M.D., AND INTERPRETED BY DAVID S. BUCK, M.D.

**Subject : LEO GARRITY
334 JAMES ST., NORTH VERSAILLES, PA 15137
Social Security #: 193-30-5927
Date of Birth: 07-15-1937**

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

*Office of the
Court Clerk*

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,
CLEARFIELD

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of DARRYL R. WISHARD, ESQ.
certifies that

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) A copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) No objection to the subpoena has been received, and
- (4) The subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

DATE: 01/24/2006

Darryl R. Wishard, Esq.
MCS on behalf of
DARRYL R. WISHARD, ESQ.
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

LEO GARRITY AND NILA GARRITY, HIS WIFE

TERM,

-VS-

CASE NO: 2002-01202 CD

DONALD MCKEE

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

[Note: see enclosed list of locations]

TO: RICHARD P. GILARDI, ESQ., PLAINTIFF COUNSEL
MCS on behalf of DARRYL R. WISHARD, ESQ. intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 01/04/2006

MCS on behalf of

DARRYL R. WISHARD, ESQ.

Attorney for DEFENDANT

CC: DARRYL R. WISHARD, ESQ. - 17485

THE MCS GROUP INC.
1601 MARKET STREET
#800
PHILADELPHIA, PA 19103
(215) 246-0900

Any questions regarding this matter, contact

LOCATION NAME

RECORDS REQUESTED

DR. FRANK FLIT	MEDICAL RECORDS
EAST SUBURBAN SPORTS MED. CTR.	MEDICAL RECORDS
BUCK MEDICAL ASSOCIATION	OTHER
MEDICAL REHABILITATION, INC.	MEDICAL RECORDS
COMMUNITY MRI	OTHER
MONROEVILLE IMAGING CENTER	OTHER

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Leo Garrity

Nila Garrity

Plaintiff(s)

Vs.

*

No. 2002-01202-CD

Donald McKee

Defendant(s)

*

*

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

TO: CUSTODIAN OF RECORDS FOR: MONROEVILLE IMAGING CENTER
(Name of Person or Entity)

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

SEE ATTACHED

MCS GROUP INC, 1601 MARKET ST, STE 800, PHILA PA 19103

(Address)

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

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

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

NAME: DARRYL R. WISHARD, ESQ.

ADDRESS: 10 WEST THIRD STREET
WILLIAMSPORT, PA 17701

TELEPHONE: (215) 246-0900

SUPREME COURT ID #

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

01/24/2006

DATE: Thursday, December 29, 2005

Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**MONROEVILLE IMAGING CENTER
655 RODI ROAD
PLAZA BLDG.**

PITTSBURGH, PA 15235

**RE: 8959
LEO GARRITY**

Prior approval is required for fees in excess of \$100.00 for hospitals, \$50.00 for all other providers.

ANY AND ALL MRI FILMS FROM 1/28/2003 TO PRESENT; INCLUDING COPIES OF THE MRI FILMS OF THE CERVICAL SPINE DATED 1/28/03, MR NUMBER 37630, ORDERED BY STUART L. SILVERMAN, M.D., AND INTERPRETED BY DR. SILVERMAN

**Subject : LEO GARRITY
334 JAMES ST., NORTH VERSAILLES, PA 15137
Social Security #: 193-30-5927
Date of Birth: 07-15-1937**

CA

LEO GARRITY AND NILA GARRITY, :IN THE COURT OF COMMON PLEAS OF
his wife :CLEARFIELD COUNTY, PENNSYLVANIA

Plaintiff :
:
:
v. :DOCKET NO. 2002-01202 CD
:
:
DONALD McKEE :
Defendant :JURY TRIAL DEMANDED

PRAECIPE

To the Prothonotary:

Kindly list this case for trial.

Respectfully submitted,

**MITCHELL MITCHELL GALLAGHER
WEBER SOUTHDARD & WISHARD, P.C.**

By: 

Darryl R. Wishard-ID#56862
Attorney for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404 - Telephone
(570) 323-8585 - Fax

1/10/2007 10:11 AM
FEB 07 2007
M/10/2007 Atty
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

DARRYL R. WISHARD, hereby certifies that on this 5th day of February 2007, he filed the foregoing Praeclipe to the Clearfield County Prothonotary.

He also certifies that he served the Praeclipe on the following by U.S. Mail, postage prepaid, first class rates:

Richard P. Gilardi, Esquire
Gilardi, Cooper & Lomupo, P.A.
Firm #157
808 Grant Building
Pittsburgh, PA 15219



Darryl R. Wishard

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LEO GARRITY AND NILA GARRITY,
his wife,

Plaintiffs,

vs.

DONALD McKEE,

Defendant.

CIVIL DIVISION

Case No. 2002-01202 CD

CODE: 001

PLEADING: PRAECIPE FOR
SETTLEMENT AND
DISCONTINUANCE

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS
PARTY:

Richard P. Gilardi, Esquire
PA I.D. #66973

GILARDI, COOPER & LOMUPO, P.A.
FIRM #157
The Benedum Trees Building, 10th Floor
223 Fourth Avenue
Pittsburgh, PA 15222
(412) 391-9770

FILED NO CC

APR 16 2007
Certs of Disc. to Atty
Copy to CJA

William A. Shaw
Prothonotary/Clerk of Courts

6K

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LEO GARRITY AND NILA GARRITY, his wife,	]	CIVIL DIVISION
]	
]	
Plaintiffs,]	
	]	Case No. 2002-01202 CD
vs.]	
]	
DONALD McKEE,]	
]	
Defendant.]	

PRAECIPE FOR SETTLEMENT AND DISCONTINUANCE

TO: PROTHONOTARY

To settle, discontinue or satisfy -- Verdicts, Judgments, Executions, Awards, Decrees, Equity, Liens, Counterclaims or Crossclaims and Plaintiffs' Case or as to Garnishee only D.S.B., M.L. & Claims with regard to the above-named Plaintiffs.

Richard P. Gilardi
Richard P. Gilardi, Attorney for Plaintiff
PA I.D. #66973

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

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

FILED
APR 16 2007

APR 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Leo Garrity and
Nila Garrity**

Vs.

No. 2002-01202-CD

Donald McKee

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 16, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$87.00 have been paid in full by Richard P. Gilardi, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of April A.D. 2007.



William A. Shaw, Prothonotary