

7-1228-CD
TAMMY. L. KAWA -vs- PRAXDIO H. TAGALA, M.D. et al.

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

TAMMY L. KAWA

-vs-

PRAXIDIO H. TAGALA, M.D.
615 Thompson Street
Clearfield, PA 16830 and
CLEARFIELD HOSPITAL
809 Turnpike Avenue
Clearfield, PA 16830

*
*
*
*
*
*
*
*

No. 2002-1228-C0

Type of Pleading:

Praecept for Writ of Summons

Filed on Behalf of:

Tammy Kawa

Counsel of Record for this
Party:

SAMUEL COHEN, ESQUIRE
Supreme Court I.D. 27544

Katz, Cohen & Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103
(215) 636-0400

FILED
AUG 07 2002
0/3:00 (u)
William A. Shaw
Prothonotary, *PD* *PS*
3 Writs issued *PD*
TO *PS*

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

TAMMY L. KAWA

-vs-

PRAXIDIO H. TAGALA, M.D.
615 Thompson Street
Clearfield, PA 16830 and
CLEARFIELD HOSPITAL
809 Turnpike Avenue
Clearfield, PA 16830

*

*

No. 92-1228-CJ

*

*

*

*

*

*

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons upon the above-captioned Defendants, Praxidio H. Tagala, M.D. and Clearfield Hospital. A jury trial is demanded.

KATZ, COHEN & PRICE, P.C.


SAMUEL COHEN

Dated: 8/17/02

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

SUMMONS

Tammy L. Kawa

Vs.

NO.: 2002-01228-CD

**Praxidio H. Tagala, M.D.
Clearfield Hospital**

TO: PRAXIDIO H. TAGALA, M.D.
CLEARFIELD HOSPITAL

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

Date: 08/07/2002

William A. Shaw
Prothonotary

Issuing Attorney: Samuel Cohen, Esq.
Katz, Cohen & Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103
215-636-0400

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

TAMMY L. KAWA,

: No. 2002 - 1228 CD

Plaintiff

: ISSUE:
PRAECIPE FOR APPEARANCE

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

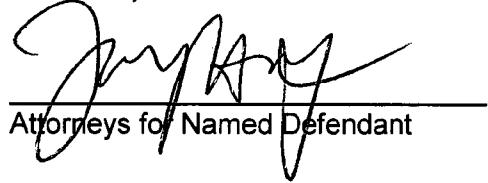
: Filed on behalf of Defendant,
CLEARFIELD HOSPITAL

Defendants

: Counsel of Record:

: Frank J. Hartye, Esquire
PA I.D. #25568
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 16th DAY OF
AUGUST, 2002.


Atorneys for Named Defendant

FILED

AUG 19 2002

m19291 no cc
William A. Shaw
Prothonotary

Copy A

EO
RJD

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

TAMMY L. KAWA, : No. 2002 - 1228 CD

Plaintiff

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

Defendants

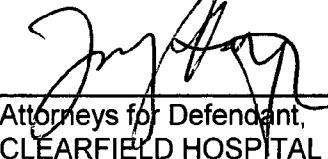
JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my appearance as counsel of record for the Defendant,
CLEARFIELD HOSPITAL, in the above-captioned action.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendant,
CLEARFIELD HOSPITAL

Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648-0533
PH: (814) 696-3581
FAX: (814) 696-9399

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

TAMMY L. KAWA,

: No. 2002 - 1228 CD

Plaintiff

: ISSUE:
PRAECIPE FOR RULE TO FILE
COMPLAINT

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

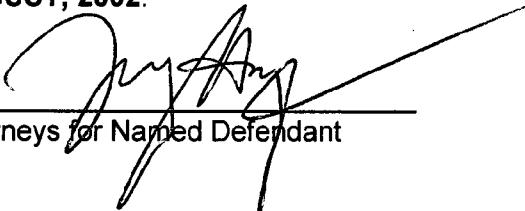
: Filed on behalf of Defendant,
CLEARFIELD HOSPITAL

Defendants

: Counsel of Record:

: Frank J. Hartye, Esquire
PA I.D. #25568
MCINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 16TH DAY OF
AUGUST, 2002.



Atorneys for Named Defendant

FILED

AUG 19 2002

m9461 mcc rule

William A. Shaw
Prothonotary

to atty
EWS

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

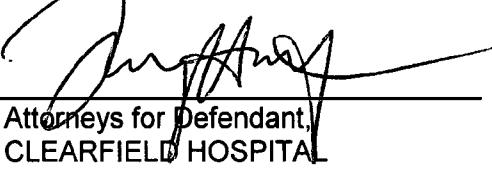
TAMMY L. KAWA,	:	No. 2002 – 1228 CD
Plaintiff	:	
vs.	:	
PRAXIDIO H. TAGALA M.D. and	:	
CLEARFIELD HOSPITAL,	:	
Defendants	:	JURY TRIAL DEMANDED

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: PROTHONOTARY

Please enter a Rule upon the Plaintiff, TAMMY L. KAWA, to file a Complaint in
the above-captioned matter within twenty (20) days from service of said Rule.

McINTYRE, DUGAS, HARTYE & SCHMITT

By 

Attorneys for Defendant,
CLEARFIELD HOSPITAL

Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

COPY

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

Tammy L. Kawa

Vs.
Praxidio H. Tagala, M.D. and
Clearfield Hospital

Case No. #2002-01228-CD

RULE TO FILE COMPLAINT

TO: Tammy L. Kawa

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



William A. Shaw, Prothonotary

Dated: August 19, 2002

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

TAMMY L. KAWA,

: No. 2002 - 1228 CD

Plaintiff

ISSUE:
CERTIFICATE OF SERVICE OF RULE
TO FILE COMPLAINT

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

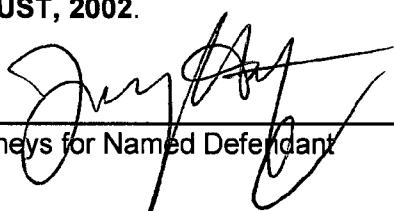
Filed on behalf of Defendant,
CLEARFIELD HOSPITAL

Defendants

Counsel of Record:

Frank J. Hartye, Esquire
PA I.D. #25568
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 20th DAY OF
AUGUST, 2002.


Atorneys for Named Defendant

FILED

AUG 21 2002

m 11:00 AM C

William A. Shaw *EJES*
Prothonotary

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

TAMMY L. KAWA, : No. 2002 - 1228 CD

Plaintiff

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

Defendants

JURY TRIAL DEMANDED

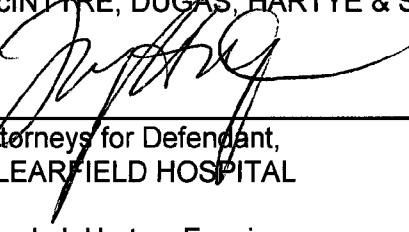
CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT

TO: PROTHONOTARY

You are hereby notified that on the 20TH day of AUGUST, 2002, Defendant,
CLEARFIELD HOSPITAL, served a RULE upon the Plaintiff, by mailing the original of
same via First Class Mail, postage prepaid, addressed to the Plaintiff's counsel:

Samuel Cohen, Esquire
Katz, Cohen & Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendant,
CLEARFIELD HOSPITAL

Frank J. Hartye, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

TAMMY L. KAWA)
)
 Plaintiff,)) No: 2002-01228 CD
)
 vs.)) Type of Case: Civil Action
)
 PRAXIDIO H. TAGALA, M.D.))
 CLEARFIELD HOSPITAL,)) JURY TRIAL DEMANDED
)
 Defendants.))
)) Type of Pleading:
)) PRAECIPE FOR ENTRY OF APPEARANCE
)
)
)
)) Filed on Behalf of Defendant:
)) PRAXIDIO H. TAGALA, M.D.
)
)) Counsel of Record for this
)) Party: JOHN W. BLASKO
)) Court I.D. No.: 6787
)
)) McQUAIDE, BLASKO, SCHWARTZ,
)) FLEMING & FAULKNER, INC.
)
)) 811 University Drive
)) State College, PA 16801
)) (814) 238-4926
)
)
)) Counsel of Record for
)) Adverse Party:
)) Samuel Cohen, Esquire

Dated: 8/27/02

FILED

AUG 28 2002
m/2:10pm
William A. Shaw
Prothonotary

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

TAMMY L KAWA,)
vs.)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.)
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228
JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, Praxidio H. Tagala, M.D., in the above-captioned matter.

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

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Praxidio H. Tagala, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: 8/27/82

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

TAMMY L KAWA,)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe for Entry of Appearance, in
the above-referenced matter was mailed by regular mail, first class, at the Post Office, State
College, Pennsylvania, postage prepaid, this 27th day of August, 2002, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Praxidio H. Tagala, M.D.

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

TAMMY L. KAWA

Plaintiff,

vs.

PRAXIDIO H. TAGALA, M.D.
CLEARFIELD HOSPITAL,

Defendants.

) No: 2002-01228 CD

) Type of Case: Civil Action

) JURY TRIAL DEMANDED

) Type of Pleading:

) PRAECIPE FOR RULE TO FILE A
COMPLAINT

) Filed on Behalf of Defendant:
PRAXIDIO H. TAGALA, M.D.

) Counsel of Record for this
Party: JOHN W. BLASKO
Court I.D. No.: 6787

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

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

) Counsel of Record for
Adverse Party:
Samuel Cohen, Esquire

Dated: 8/27/02

FILED

AUG 28 2002

WILLIAM A. SHAW
PROTHONOTARY

Rule to Army

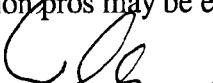
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

TAMMY L KAWA,)
Plaintiff,)
vs.) No. 2002-01228
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)

RULE

TO: Tammy L. Kawa, Plaintiff
c/o Samuel Cohen, Esquire
Katz, Cohen & Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

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



PROTHONOTARY

Dated: August 29, 2007

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

TAMMY L. KAWA,)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.)
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Tagala's Interrogatories and Request for Production (Set One), in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 30th day of August, 2002, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.
By: John W. Blasko (CT)
JOHN W. BLASKO
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED

SFP 032002

William A. Shaw
Prothonotary

FILED
M 12 44 2002
SEP 03 2002

William A. Shaw
Prothonotary

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Tagala's Request for Production (Set Two), in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 30th day of August, 2002, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: John W. Blasko/cj
JOHN W. BLASKO
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED

SEP 03 2002

William A. Shaw
Prothonotary

FILED NO
M 12 4 16 2002
SEP 03 2002

William A. Shaw
Prothonotary

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Tagala's Expert Interrogatories,
in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State
College, Pennsylvania, postage prepaid, this 30th day of August, 2002, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: John W. Blasko, Jr.
JOHN W. BLASKO
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED

SEP 03 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

TAMMY L. KAWA)
Plaintiff,)
vs.) No: 2002-01228 CD
PRAXIDIO H. TAGALA, M.D.) Type of Case: Civil Action
CLEARFIELD HOSPITAL,)
Defendants.) JURY TRIAL DEMANDED
)
) Type of Pleading:
) RULE TO FILE A COMPLAINT
) AND CERTIFICATE OF SERVICE
)
)
) Filed on Behalf of Defendant:
) PRAXIDIO H. TAGALA, M.D.
)
) Counsel of Record for this
) Party: JOHN W. BLASKO
) Court I.D. No.: 6787
)
) ALLEN P. NEELY
) Court I.D. No.: 65302
) MCQUAIDE, BLASKO, SCHWARTZ,
) FLEMING & FAULKNER, INC.
)
) 811 University Drive
) State College, PA 16801
) (814) 238-4926
)
)
) Counsel of Record for
) Adverse Party:
) Samuel Cohen, Esquire

Dated: 8-30-02

FILED

SEP 03 2002

William A. Shaw
Prothonotary

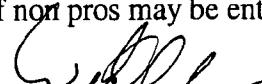
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

TAMMY L KAWA,)
Plaintiff,)
vs.) No. 2002-01228
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)

RULE

TO: Tammy L. Kawa, Plaintiff
c/o Samuel Cohen, Esquire
Katz, Cohen & Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

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



PROTHONOTARY

Dated: August 28, 2002

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

Sheriff Docket # 12904

KAWA, TAMMY L.

02-1228-CD

VS.

TAGALA, PRAXIDIO H. , MD. & CLEARFIELD HOSPITAL

SUMMONS

SHERIFF RETURNS

NOW AUGUST 14, 2002 AT 12:51 PM DST SERVED THE WITHIN SUMMONS
ON CLEARFIELD HOSPITAL, DEFENDANT AT EMPLOYMENT, 809 TURNPIKE
AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
KENT C. HESS, C.E.O. A TRUE AND ATTESTED COPY OF THE ORIGINAL
SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: NEVLING.

NOW AUGUST 14, 2002 AT 1:05 PM DST SERVED THE WITHIN SUMMONS
ON PRAXIDIO H. TAGALA, M.D., DEFENDANT AT EMPLOYMENT, 615 THOMPSON
ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
FRAZIDIO H. TAGALA, M.D. DEFENDANT AND MADE KNOWN TO HIM THE
CONTENTS THEREOF.
SERVED BY: NEVLING.

Return Costs

Cost	Description
26.37	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY; ATTY.

Sworn to Before Me This

20 Day Of Sept 2002


So Answers,


Chester A. Hawkins
Sheriff

FILED

SEP 20 2002

2:40


William A. Shaw
Prothonotary

THIS IS NOT AN ARBITRATION MATTER.
JURY TRIAL DEMANDED ASSESSMENT OF
DAMAGES HEARING WILL BE NECESSARY.
RULE 238 DELAY DAMAGES REQUIRED

KATZ, COHEN & PRICE, P.C.
By: SAMUEL COHEN
ATTORNEY I.D. NO.: 27544
117 SOUTH 17th STREET
SUITE 2010
PHILADELPHIA, PA 19103
(215) 636-0400

ATTORNEY FOR PLAINTIFF

TAMMY L. KAWA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

NO.: 2002-01228-CD

PRAXIDIO H. TAGALA, M.D.
and CLEARFIELD HOSPITAL

CIVIL ACTION COMPLAINT

COMES NOW, Plaintiff Tammy L. Kawa, by her Counsel, Katz, Cohen & Price, P.C., by Samuel Cohen, Esquire and desiring to recover compensation for the injuries, losses and damages sustained by her as the result of the conduct of Defendants avers in support thereof the following:

1. Plaintiff Tammy L Kawa is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania residing therein at 615 Thompson Street, Clearfield, PA 16830.

FILED

OCT 08 2002

William A. Shaw
Prothonotary

2. Defendant Praxidio Tagala, M.D. at the time of the occurrence was a licensed practitioner providing medical care and purporting to specialize in the field of obstetrics and gynecology and in Clearfield County Pennsylvania.

3. Upon information and belief, Defendant Tagala was an agent, servant or employee of Defendant Clearfield Hospital or, in the alternative, was a practitioner utilizing the facilities of said hospital. In the latter case, Defendant Tagala was an apparent agent of Defendant Clearfield Hospital, held out as agent, servant or employee to the public, such as Plaintiff, therefore creating vicarious liability.

4. Defendant Clearfield Hospital is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and is engaged in the business of providing health care and services to the general public, maintaining its place of business at 809 Turnpike Avenue Clearfield, PA 16830, in Clearfield County, Pennsylvania.

5. On August 16, 2000 Plaintiff Tammy L. Kawa was taken to the operating room on the premises of Defendant of Clearfield Hospital where Defendant Tagala, upon information and belief, performed a laparoscopy with lysis of adhesions and aspiration of ovarian cyst with biopsy.

6. On or about August 17, 2000, Plaintiff Tammy L. Kawa returned to the premises of Clearfield Hospital through the emergency room complaining of abdominal pain.

7. After being seen in the emergency room, Plaintiff was re-admitted to the Clearfield Hospital.

8. At the time of her admission to Defendant Clearfield Hospital on August 18, 2000. Plaintiff was suffering from acute abdominal pain and dehydration secondary to persistent nausea and vomiting.

9. After her admission to the Clearfield Hospital on August 18, 2000 Plaintiff again came under the care of Defendant Tagala.

10. Plaintiff Tammy L. Kawa remained a patient at the Clearfield Hospital under the care of Defendant Tagala from August 18, 2000 through August 23, 2000.

11. At the time of her discharge from Defendant Clearfield Hospital on August 23, 2000 her diagnoses were post-operative ileus, post-operative atelectasis, pre-renal azotemia secondary to severe dehydration, and status post laparoscopy and adhesiolysis.

12. On or about August 24, 2000, Plaintiff Tammy L. Kawa returned to the Clearfield Hospital suffering from repeated episodes of nausea, vomiting, and abdominal pain.

13. Upon re-admission of Plaintiff Tammy L. Kawa on August 24, 2000. she came under the care of Douglas B. Yingling, M.D..

14. On August 26, 2000, Plaintiff Tammy L. Kawa had a CT Scan of the abdomen which suggested a large pelvic abscess, right subhepatic versus hepatic abscess, right plural effusion and atelectasis and also free air.

15. On or about August 26, 2000, Plaintiff Tammy L. Kawa was returned to the operating room at the Clearfield Hospital by Dr. Yingling at which time an exploratory laparotomy was performed and a perforative sigmoid colon with pelvic abscess, intrabdominal abscess, subhepatic and perihepatic abscesses were found.

16. During the operation of August 26, 2000, Dr. Yingling performed an exploratory laparotomy , sigmoid resection, Hartmann's pouch, end-sigmoid colostomy, drainage of pelvic and subhepatic abscesses and the placement of a central line.

17. On September 8, 2000, Plaintiff Tammy L. Kawa was discharged from the Clearfield Hospital.

COUNT I- PLAINTIFF TAMMY L. KAWA VS. PRAXIDIO TAGALA, M.D.

NEGLIGENCE

18. Plaintiff, Tammy L. Kawa incorporates herein by reference each and every averment contained in paragraphs 1 through 17 as though same were fully set forth herein at length.

19. Defendant Praxidio Tagala holds himself out to be a health care provider who possesses skill and knowledge in a specialty,obstetrics and gynecology and holds himself out to the public as so qualified.

20. Defendant Praxidio Tagala failed to provide reasonable health care under these circumstances as follows:

- a) Failure to adequately evaluate Plaintiff's condition and problem;
- b) In perforating Plaintiff's sigmoid colon during the initial hospitalization;
- c) In failing to discover that he had perforated Plaintiff's sigmoid colon;
- d) In failing to obtain a second opinion;

- e) In delaying the Plaintiff's treatment for the perforation of her sigmoid colon by failing to discover same;
- f) In failing to recognize the perforated sigmoid colon and immediately taking corrective measures;
- g) In failing to timely diagnose the perforated sigmoid colon;
- h) In discharging the Plaintiff when it was improper to do so;
- i) In discharging the patient on two (2) occasions without discovering the perforated sigmoid colon
- j) In failing to exercise reasonable care and diligence in the application of knowledge and skill to the Plaintiff 's case
- h) By holding out expertise which induced Plaintiff that adequate and proper care would be provided when, in fact, adequate, proper and reasonable care were not provided;
- i) By failing to posses the degree of professional learning, skill and ability which others similarly situated ordinarily posessed.

21. As a direct and proximate result of the conducts set forth, Plaintiff has suffered as follows:

- a) Extended pain and suffering due to the failure to diagnose and treat Plaintiff's condition;
- b) Additional surgery;

- c) More extensive surgery than would have been necessary had the perforation of the sigmoid colon been promptly discovered;
- d) Additional medical expenses;
- e) Mental anguish and upset;
- f) Loss of wages and future lost wages;
- g) Humiliation, embarrassment and such other damages as permitted by law.

WHEREFORE, Plaintiff claims damages of Defendant Tagala in excess of the limits of arbitration.

COUNT II-PLAINTIFF VS CLEARFIELD HOSPITAL

- 22. Plaintiff, Tammy L. Kawa incorporates herein by reference each and every averment contained in paragraphs 1 through 21 as though same were fully set forth herein at length.
- 23. Defendant physician is an agent, employee, servant, officer or director of Clearfield Hospital, or is in an apparent agent held out as such.
- 24. At all relevant times, Defendant physician was acting in the scope of his employment as an agent, servant, or employee of the said Defendant hospital.

25. Defendant hospital is vicariously liable for the actions and commissions or omissions of Defendant physician fully as though the afore mentioned hospital performs the acts or omissions itself.

26. As a direct and proximate result of the conduct set forth, Plaintiff has suffered as follows:

- a) Extended pain and suffering due to the failure to diagnose and treat Plaintiff's condition;
- b) Additional surgery;
- c) More extensive surgery than would have been necessary had the perforation of the sigmoid colon been promptly discovered;
- d) Additional medical expenses;
- e) Mental anguish and upset;
- f) Loss of wages and future lost wages;
- g) Humiliation, embarrassment and such other damages as permitted by law.

WHEREFORE, Plaintiff claims damages of Defendant Clearfield Hospital in excess of the limits of arbitration.

COUNT III- PLAINTIFF VS CLEARFIELD HOSPITAL CORPORATE LIABILITY

27. Plaintiff, Tammy L. Kawa incorporates herein by reference each and every averment contained in paragraphs 1 through 26 as though same were fully set forth herein at length.

28. Defendant has a duty and responsibility to its patients and to the public to furnish appropriate and competent medical care.

29. As part of its duties and responsibilities, Defendant has an obligation to establish policies and procedures and have competent medical people who will provide the appropriate quality of medical care as conducted within the institution

30. Acting through its administrators, various boards, committees, and individuals, Defendant is responsible of professional practice by members of its staff in the manner set forth.

31. Defendant has an obligation to establish proper treatment on individuals having problems such as those presented by Plaintiff as previously set forth herein.

32. Defendant failed to exercise the judgement of a reasonable health care provider under the circumstances as follows:

a) Failing to comply with the needs of Plaintiff with regard to necessary intervention by qualified medical care practitioners and physicians;

b) By having in its employee, individuals inadequate to deal with the signs and symptoms exhibited by Plaintiff and to act upon them in a manner calculated to preserve the health and safety of the Plaintiff.

- c) Failure to establish proper protocols to provide proper care, treatment and safety of individuals such as Plaintiff,
- d) Failure to identify Plaintiff's problem, respond to it in a timely fashion, and competently to medically care for Plaintiff in providing critical care.

33. As a direct and proximate result of the conduct set forth, Plaintiff has suffered as follows:

- a) Extended pain and suffering due to the failure to diagnose and treat Plaintiff's condition;
- b) Additional surgery;
- c) More extensive surgery than would have been necessary had the perforation of the sigmoid colon been promptly discovered;
- d) Additional medical expenses;
- e) Mental anguish and upset;
- f) Loss of wages and future lost wages;
- g) Humiliation, embarrassment and such other damages as permitted by law.

WHEREFORE, Plaintiff claims damages of Defendant Clearfield Hospital in excess of the limits

of arbitration.

KATZ, COHEN & PRICE, P.C.

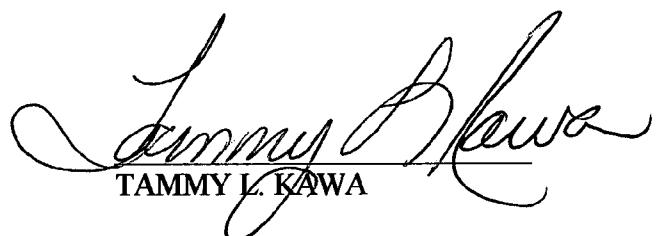
A handwritten signature in black ink, appearing to read "Sam Cohen", is written over a horizontal line.

BY: SAMUEL COHEN, ESQUIRE

DATED: 10/7/02

VERIFICATION

I, Tammy L. Kawa, verify that I am the Plaintiff in this matter and that the averments of fact set forth in the foregoing Civil Action Complaint is true and correct to the best of my personal knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Tammy L. Kawa
TAMMY L. KAWA

Dated: 10-3-02

FILED
APR 11 2002
OCT 08 2002
ice
Atty

William A. Shaw
Prothonotary

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

TAMMY L. KAWA,

: No. 2002 - 1228 CD

Plaintiff

: ISSUE:

: NOTICE OF SERVICE OF
: INTERROGATORIES AND REQUEST FOR
: PRODUCTION OF DOCUMENTS DIRECTED
: TO PLAINTIFF DATED 11/1/02

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

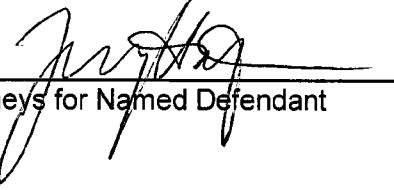
: Filed on behalf of Defendant,
: CLEARFIELD HOSPITAL

Defendants

: Counsel of Record:

: Frank J. Hartye, Esquire
: PA I.D. #25568
: McINTYRE, DUGAS, HARTYE &
: & SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 1st DAY OF NOVEMBER, 2002.


Attnorneys for Named Defendant

FILED

NOV 05 2002

William A. Shantz
Prothonotary

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

TAMMY L. KAWA, : No. 2002 - 1228 CD

Plaintiff

vs.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

Defendants : JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF DATED 11/1/02**

TO: PROTHONOTARY

You are hereby notified that on the **1st** day of **NOVEMBER, 2002**, Defendant, Clearfield Hospital served Interrogatories and Request for Production of Documents Directed to Plaintiff Dated 11/1/2002 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Samuel Cohen, Esquire
Suite 2010
117 S. 17th Street
Philadelphia, PA 19103

McINTYRE, DUGAS, HARTYE & SCHMITT


Attorneys for Defendant
Clearfield Hospital
John L. McIntyre Esquire
PA I.D. #: 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - Fax

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

TAMMY L. KAWA, : No. 2002 - 1228 CD

: No. 2002 - 1228 CD

**ISSUE:
ANSWER AND NEW MATTER TO
PLAINTIFF'S COMPLAINT**

Plaintiff

vs.

PRAKIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL.

Filed on behalf of Defendant,
CLEARFIELD HOSPITAL

Defendants

Counsel of Record:

Frank J. Hartve, Esquire

PA I.D. #25568
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 12th DAY OF
NOVEMBER, 2002.

Attorneys for Named Defendant

FILED

NOV 13 2002

William A. Shaw
Prothonotary

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

TAMMY L. KAWA, : No. 2002 - 1228 CD
Plaintiff :
vs. :
PRAXIDIO H. TAGALA M.D. and :
CLEARFIELD HOSPITAL, :
Defendants : JURY TRIAL DEMANDED

ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT

AND NOW, comes the defendant, CLEARFIELD HOSPITAL, by and through its attorneys, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Answer and New Matter to Plaintiff's Complaint.

1. It is admitted that Tammy Kawa is an individual residing in the Commonwealth of Pennsylvania. Her current address is unknown to this defendant.
2. The allegations contained in Paragraph 2 are true to the best of defendant's knowledge.
3. Denied. It is denied that Dr. Tagala was an actual or apparent agent, servant employee of Clearfield Hospital and therefore all of the allegations contained in Paragraph 3 are denied.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.

8. Admitted to the extent that the same is reflected in the discharge summary dictated by Dr. Tagala.

9. Admitted.

10. Admitted.

11. Admitted to the extent that the same is reflected in the discharge summary dictated by Dr. Tagala.

12. It is admitted that on August 24, 2000 that Tammy Kawa was readmitted to Clearfield Hospital by Dr. Tagala.

13. It is admitted that during her admission Ms. Kawa came under the care of Douglas B. Yingling, M.D.

14. Admitted to the extent that the same is reflected in the patient's hospital chart.

15. Admitted to the extent that the same is reflected in the operative report of Dr. Yingling.

16. Admitted to the extent that the same is recorded in the operative report of Dr. Yingling.

17. Admitted.

COUNT I – PLAINTIFF TAMMY L. KAWA VS. PRAXIDIO TAGALA, M.D.

NEGLIGENCE

18. – 21. The allegations contained in Paragraphs 18 through 21 are not directed to answering defendant and no further response is required. Insofar as a response may be deemed to be necessary it is denied that Clearfield Hospital or any of its actual or ostensible agents, servants or employees were negligent or careless in any manner and therefore all of the allegations contained in Paragraphs 18 through 21 are denied.

COUNT II – PLAINTIFF VS. CLEARFIELD HOSPITAL

22. Defendant incorporates by reference the previous the paragraphs of the within Answer and New Matter as though the same were set forth herein and at length.

23. Denied. It is denied that Dr. Tagala was an actual or ostensible agent, servant, officer or director of Clearfield Hospital and therefore all of the allegations in this paragraph are denied.

24. It is denied that Dr. Tagala was an actual or ostensible, agent, servant or employee and therefore it is denied that he was acting in the course or scope of such employment.

25. The allegations contained in Paragraph 25 are conclusions of law and no further response is required. Insofar as a response may be deemed to be necessary it is denied that Dr. Tagala was an agent of Clearfield Hospital and therefore vicarious liability is denied.

26. It is denied that Clearfield Hospital or any of its actual or ostensible agents, servants or employees were negligent or careless in any manner. It is denied that any action or inaction on the part of Clearfield Hospital or any of its actual or ostensible agents, servants or employees either caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in Paragraph 26 and the subparagraphs thereof are denied.

WHEREFORE, Clearfield Hospital demands judgment in its favor with cost of suit awarded to defendant.

COUNT III – PLAINTIFF VS. CLEARFIELD HOSPITAL CORPORATE LIABILITY

27. Defendant incorporates by reference the previous the paragraphs of the within Answer and New Matter as though the same were set forth herein and at length.

28. – 31. The allegations contained in Paragraphs 28 through 31 are conclusions of law and no further response is required.

32. Denied. It is denied that Clearfield Hospital failed to exercise the judgment of a reasonable healthcare provider. To the contrary Clearfield Hospital, its actual and ostensible agents, servants or employees exercise reasonable judgment and met the standard of care applicable to them and therefore all the allegations contained in Paragraph 32 and the subparagraphs thereof are denied.

33. It is denied that Clearfield Hospital or any of its actual or ostensible agents, servants or employees were negligent or careless in any manner. It is further denied that any action or inaction on the part of Clearfield Hospital or any of its actual or ostensible agents, servants or employees either caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in Paragraph 33 and the subparagraphs thereof are denied and strict proof thereof is demanded.

WHEREFORE, Clearfield Hospital demands judgment in its favor with cost of suit awarded to defendant.

NEW MATTER

By way of further and more complete Answer defendant avers the following New Matter.

34. Plaintiff's Complaint fails to allege a cause of action against Clearfield Hospital and therefore plaintiff's Complaint against Clearfield Hospital should be dismissed with prejudice.

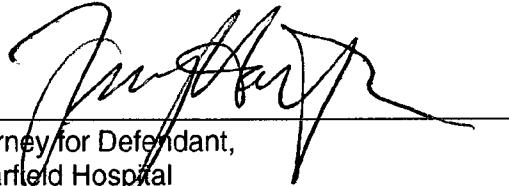
35. If the plaintiff's suffered injuries and damages as a result of actions or inaction of individuals, as alleged in plaintiff's Complaint, such actions or inactions were of individuals or entities other than Clearfield Hospital, its agents servants or employees, and over whom

Clearfield Hospital neither exercised nor had the right or duty to exercise control, and for whose actions or inactions Clearfield Hospital is not responsible or otherwise legally liable.

WHEREFORE, Clearfield Hospital demands judgment in its favor with cost of suit awarded to defendant.

Respectfully submitted,

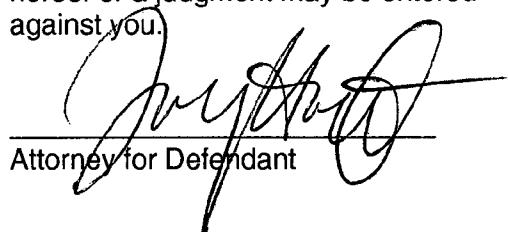
McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant,
Clearfield Hospital
Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 – Fax

To: Tammy L. Kawa, Plaintiff

You are hereby notified to file a written response to the enclosed **New Matter** within **twenty (20) days** from service hereof or a judgment may be entered against you.



Attorney for Defendant

VERIFICATION

I, Kent C. Hess, of **CLEARFIELD HOSPITAL**

do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

CLEARFIELD HOSPITAL



Date: 11/1/02

FILED

NOV 19 2002

William A. Shaw
Prothonotary

THIS IS NOT AN ARBITRATION MATTER.
JURY TRIAL DEMANDED ASSESSMENT OF
DAMAGES HEARING WILL BE NECESSARY.
RULE 238 DELAY DAMAGES REQUIRED

KATZ, COHEN & PRICE, P.C.
By: SAMUEL COHEN
ATTORNEY I.D. NO.: 27544
117 SOUTH 17th STREET
SUITE 2010
PHILADELPHIA, PA 19103
(215) 636-0400

ATTORNEY FOR PLAINTIFF

TAMMY L. KAWA	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
vs.	:	
	:	NO.: 2002-01228-CD
PRAXIDIO H. TAGALA, M.D.	:	
and CLEARFIELD HOSPITAL	:	

AMENDED CIVIL ACTION COMPLAINT

COMES NOW, Plaintiff Tammy L. Kawa, by her Counsel, Katz, Cohen & Price, P.C., by Samuel Cohen, Esquire and desiring to recover compensation for the injuries, losses and damages sustained by her as the result of the conduct of Defendants avers in support thereof the following:

1. Plaintiff Tammy L Kawa is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania residing therein at 615 Thompson Street, Clearfield, PA 16830.

2. Defendant Praxidio Tagala, M.D. at the time of the occurrence was a licensed practitioner providing medical care and purporting to specialize in the field of obstetrics and gynecology and in Clearfield County Pennsylvania.

3. Upon information and belief, Defendant Tagala was an agent, servant or employee of Defendant Clearfield Hospital or, in the alternative, was a practitioner utilizing the facilities of said hospital. In the latter case, Defendant Tagala was an apparent agent of Defendant Clearfield Hospital, held out as agent, servant or employee to the public, such as Plaintiff, therefore creating vicarious liability.

4. Defendant Clearfield Hospital is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and is engaged in the business of providing health care and services to the general public, maintaining its place of business at 809 Turnpike Avenue Clearfield, PA 16830, in Clearfield County, Pennsylvania.

5. On August 16, 2000 Plaintiff Tammy L. Kawa was taken to the operating room on the premises of Defendant of Clearfield Hospital where Defendant Tagala, upon information and belief, performed a laparoscopy with lysis of adhesions and aspiration of ovarian cyst with biopsy.

6. On or about August 17, 2000, Plaintiff Tammy L. Kawa returned to the premises of Clearfield Hospital through the emergency room complaining of abdominal pain.

7. After being seen in the emergency room, Plaintiff was re-admitted to the Clearfield Hospital.

8. At the time of her admission to Defendant Clearfield Hospital on August 18, 2000.

Plaintiff was suffering from acute abdominal pain and dehydration secondary to persistent nausea and vomiting.

9. After her admission to the Clearfield Hospital on August 18, 2000 Plaintiff again came under the care of Defendant Tagala.

10. Plaintiff Tammy L. Kawa remained a patient at the Clearfield Hospital under the care of Defendant Tagala from August 18, 2000 through August 23, 2000.

11. At the time of her discharge from Defendant Clearfield Hospital on August 23, 2000 her diagnoses were post-operative ileus, post-operative atelectasis, pre-renal azotemia secondary to severe dehydration, and status post laparoscopy and adhesiolysis.

12. On or about August 24, 2000, Plaintiff Tammy L. Kawa returned to the Clearfield Hospital suffering from repeated episodes of nausea, vomiting, and abdominal pain.

13. Upon re-admission of Plaintiff Tammy L. Kawa on August 24, 2000. she came under the care of Douglas B. Yingling, M.D..

14. On August 26, 2000, Plaintiff Tammy L. Kawa had a CT Scan of the abdomen which suggested a large pelvic abscess, right subhepatic versus hepatic abscess, right plural effusion and atelectasis and also free air.

15. On or about August 26, 2000, Plaintiff Tammy L. Kawa was returned to the operating room at the Clearfield Hospital by Dr. Yingling at which time an exploratory laparotomy was performed and a perforative sigmoid colon with pelvic abscess, intrabdominal abscess, subhepatic and perihepatic abscesses were found.

16. During the operation of August 26, 2000, Dr. Yingling performed an exploratory laparotomy , sigmoid resection, Hartmann's pouch, end-sigmoid colostomy, drainage of pelvic and subhepatic abscesses and the placement of a central line.

17. On September 8, 2000, Plaintiff Tammy L. Kawa was discharged from the Clearfield Hospital.

COUNT I- PLAINTIFF TAMMY L. KAWA VS. PRAXIDIO TAGALA, M.D.

NEGLIGENCE

18. Plaintiff, Tammy L. Kawa incorporates herein by reference each and every averment contained in paragraphs 1 through 17 as though same were fully set forth herein at length.

19. Defendant Praxidio Tagala holds himself out to be a health care provider who possesses skill and knowledge in a specialty,obstetrics and gynecology and holds himself out to the public as so qualified.

20. Defendant Praxidio Tagala failed to provide reasonable health care under these circumstances as follows:

- a) Failure to adequately evaluate Plaintiff's condition and problem;
- b) In perforating Plaintiff's sigmoid colon during the initial hospitalization;
- c) In failing to discover that he had perforated Plaintiff's sigmoid colon;
- d) In failing to obtain a second opinion;

- e) In delaying the Plaintiff's treatment for the perforation of her sigmoid colon by failing to discover same;
- f) In failing to recognize the perforated sigmoid colon and immediately taking corrective measures;
- g) In failing to timely diagnose the perforated sigmoid colon;
- h) In discharging the Plaintiff when it was improper to do so;
- i) In discharging the patient on two (2) occasions without discovering the perforated sigmoid colon

21. As a direct and proximate result of the conducts set forth, Plaintiff has suffered as follows:

- a) Extended pain and suffering due to the failure to diagnose and treat Plaintiff's condition;
- b) Additional surgery;
- c) More extensive surgery than would have been necessary had the perforation of the sigmoid colon been promptly discovered;
- d) Additional medical expenses;
- e) Mental anguish and upset;
- f) Loss of wages and future lost wages;

g) Humiliation, embarrassment and such other damages as permitted by law.

WHEREFORE, Plaintiff claims damages of Defendant Tagala in excess of the limits of arbitration.

COUNT II-PLAINTIFF VS CLEARFIELD HOSPITAL

22. Plaintiff, Tammy L. Kawa incorporates herein by reference each and every averment contained in paragraphs 1 through 21 as though same were fully set forth herein at length.

23. Defendant physician is an agent, employee, servant, officer or director of Clearfield Hospital, or is in an apparent agent held out as such.

24. At all relevant times, Defendant physician was acting in the scope of his employment as an agent, servant, or employee of the said Defendant hospital.

25. Defendant hospital is vicariously liable for the actions and commissions or omissions of Defendant physician fully as though the afore mentioned hospital performs the acts or omissions itself.

26. As a direct and proximate result of the conduct set forth, Plaintiff has suffered as follows:

- a) Extended pain and suffering due to the failure to diagnose and treat Plaintiff's condition;
- b) Additional surgery;
- c) More extensive surgery than would have been necessary had the perforation of the sigmoid colon been promptly discovered;
- d) Additional medical expenses;
- e) Mental anguish and upset;
- f) Loss of wages and future lost wages;
- g) Humiliation, embarrassment and such other damages as permitted by law.

WHEREFORE, Plaintiff claims damages of Defendant Clearfield Hospital in excess of the limits of arbitration.

COUNT III- PLAINTIFF VS CLEARFIELD HOSPITAL CORPORATE LIABILITY

27. Plaintiff, Tammy L. Kawa incorporates herein by reference each and every averment contained in paragraphs 1 through 26 as though same were fully set forth herein at length.

28. Defendant has a duty and responsibility to its patients and to the public to furnish appropriate and competent medical care.

29. As part of its duties and responsibilities, Defendant has an obligation to establish policies and procedures and have competent medical people who will provide the appropriate quality of medical care as conducted within the institution

30. Acting through its administrators, various boards, committees, and individuals, Defendant is responsible of professional practice by members of its staff in the manner set forth.

31. Defendant has an obligation to establish proper treatment on individuals having problems such as those presented by Plaintiff as previously set forth herein.

32. Defendant failed to exercise the judgement of a reasonable health care provider under the circumstances as follows:

a) Failing to comply with the needs of Plaintiff with regard to necessary intervention by qualified medical care practitioners and physicians;

b) By having in its employee, individuals inadequate to deal with the signs and symptoms exhibited by Plaintiff and to act upon them in a manner calculated to preserve the health and safety of the Plaintiff.

c) Failure to establish proper protocols to provide proper care, treatment and safety of individuals such as Plaintiff,

d) Failure to identify Plaintiff's problem, respond to it in a timely fashion, and competently to medically care for Plaintiff in providing critical care.

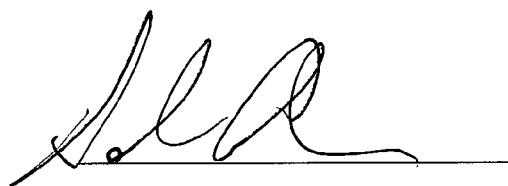
33. As a direct and proximate result of the conduct set forth, Plaintiff has suffered as follows:

- a) Extended pain and suffering due to the failure to diagnose and treat Plaintiff's condition;
- b) Additional surgery;
- c) More extensive surgery than would have been necessary had the perforation of the sigmoid colon been promptly discovered;
- d) Additional medical expenses;
- e) Mental anguish and upset;
- f) Loss of wages and future lost wages;
- g) Humiliation, embarrassment and such other damages as permitted by law.

WHEREFORE, Plaintiff claims damages of Defendant Clearfield Hospital in excess of the limits

of arbitration.

KATZ, COHEN & PRICE, P.C.

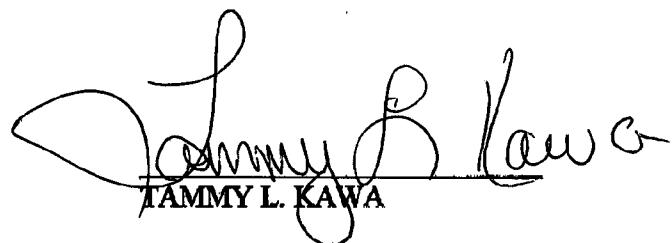
A handwritten signature in black ink, appearing to read "Samuel Cohen", is written over a horizontal line.

BY: SAMUEL COHEN, ESQUIRE

DATED: 11/13/02

VERIFICATION

I, Tammy L. Kawa, verify that I am the Plaintiff in this matter and that the averments of fact set forth in the foregoing Amended Civil Action Complaint are true and correct to the best of my personal knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Tammy L. Kawa
TAMMY L. KAWA

Dated: 11/13/02

KATZ, COHEN & PRICE, P.C.
By: SAMUEL COHEN
ATTORNEY I.D. NO.: 27544
117 SOUTH 17th STREET
SUITE 2010
PHILADELPHIA, PA 19103
(215) 636-0400

ATTORNEY FOR PLAINTIFF

TAMMY L. KAWA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

vs.

NO.: 2002-01228-CD

PRAXIDIO H. TAGALA, M.D.
and CLEARFIELD HOSPITAL

:

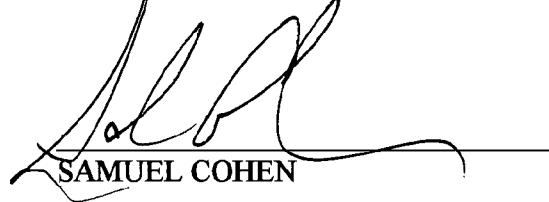
CERTIFICATION OF SERVICE

I, Samuel Cohen, certify that a true and correct copy of the within Plaintiff's Amended Civil Action Complaint, was forwarded via regular mail through the United States Postal Service on November 15, 2002 to:

Allen P. Neely, Esquire
McQuaide Blasko
811 University Drive
State College, Pennsylvania 16801-6699

Frank J. Hartyre, Esquire
McIntyre, Dugas, Hartyre & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648-0533

KATZ, COHEN & PRICE, P.C.



A handwritten signature in black ink, appearing to read "KATZ, COHEN & PRICE, P.C." above a stylized, flowing signature of the name "SAMUEL COHEN".

Dated: 11/13/02

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

TAMMY L. KAWA,

: No. 2002 - 1228 CD

Plaintiff

: ISSUE:
: ANSWER AND NEW MATTER TO
: PLAINTIFF'S AMENDED COMPLAINT

VS.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

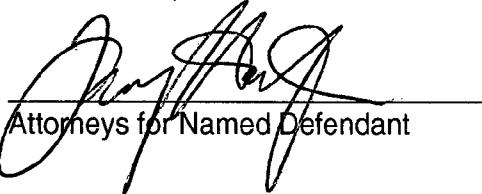
Defendants

: Filed on behalf of Defendant,
: CLEARFIELD HOSPITAL

: Counsel of Record:

: Frank J. Hartye, Esquire
: PA I.D. #25568
: McINTYRE, DUGAS, HARTYE &
: & SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 21st DAY OF
NOVEMBER, 2002.


Attorneys for Named Defendant

FILED

NOV 20 2002

William A. Shaw
Prothonotary

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

TAMMY L. KAWA, : No. 2002 – 1228 CD
Plaintiff :
vs. :
PRAXIDIO H. TAGALA M.D. and :
CLEARFIELD HOSPITAL, :
Defendants : JURY TRIAL DEMANDED

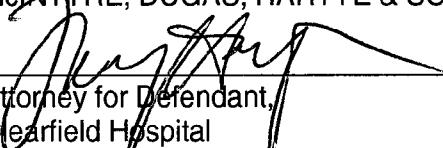
ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT

AND NOW, comes the defendant, CLEARFIELD HOSPITAL, by and through its attorneys, McINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Answer and New Matter to Plaintiff's Amended Complaint. Defendant incorporates by reference in its entirety the Answer and New Matter previously filed to Plaintiff's Complaint as though the same were set forth herein at length.

WHEREFORE, Clearfield Hospital demands judgment in its favor with cost of suit awarded to defendant.

Respectfully submitted,

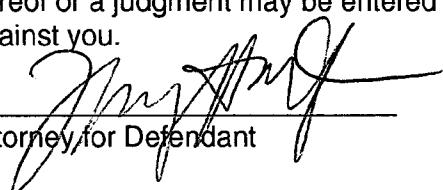
McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant,
Clearfield Hospital
Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 – Fax

To: Tammy L. Kawa, Plaintiff

You are hereby notified to file a written response to the enclosed **New Matter** within **twenty (20) days** from service hereof or a judgment may be entered against you.



Attorney for Defendant

VERIFICATION

I, **FRANK J. HARTYE, ESQUIRE**, being the attorney of record for **Defendants, PRAXIDIO H. TAGALA, M.D. and CLEARFIELD HOSPITAL**, verify that I am authorized to make this verification on behalf of Defendants in the within action, and that the statements made in the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT** are true and correct to the best of my knowledge, information, and belief.



FRANK J. HARTYE, ESQUIRE

Date: NOVEMBER 21, 2002

FILED
NOV 20 2002
FBI
cc
m/n:30

William A. Shaw
Prothonotary

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

TAMMY L. KAWA)
Plaintiff,)
vs.) No: 2002-01228 CD
PRAXIDIO H. TAGALA, M.D.)
CLEARFIELD HOSPITAL,)
Defendants.) JURY TRIAL DEMANDED
)
) Type of Pleading:
) ANSWER WITH NEW MATTER TO
) AMENDED COMPLAINT, FILED BY THE
) DEFENDANT, PRAXIDIO H. TAGALA, M.D.
) Filed on Behalf of Defendant:
) PRAXIDIO H. TAGALA, M.D.
) Counsel of Record for this
) Party: JOHN W. BLASKO
) Court I.D. No.: 6787
) ALLEN P. NEELY
) Court I.D. No.: 65302
) McQUAIDE, BLASKO, SCHWARTZ,
) FLEMING & FAULKNER, INC.
) 811 University Drive
) State College, PA 16801
) (814) 238-4926
)
) Counsel of Record for
) Adverse Party:
) Samuel Cohen, Esquire

FILED

DEC 05 2002

William A. Shaw
Fiscal Notary

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

NOTICE TO PLEAD

TO: TAMMY L. KAWA
c/o Samuel Cohen, Esquire

CLEARFIELD HOSPITAL
c/o Frank Hartye, Esq.

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

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

By: Allen P. Neely
Allen P. Neely
Attorney for Defendant
PRAXIDIO H. TAGALA, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Dated: 12-4-02

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

TAMMY L KAWA,)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228

**ANSWER WITH NEW MATTER TO AMENDED COMPLAINT, FILED BY
THE DEFENDANT, PRAXIDIO H. TAGALA, M.D.**

AND NOW comes the Defendant, Plaxidio H. Tagala, M.D., by and through his attorneys, McQUAIDE, BLASKO, SCHWARTZ, FLEMING & FAULKNER, INC., and file the within Answer to Amended Complaint, with New Matter, as follows:

1. Denied. The address listed is, in fact, Dr. Tagala's office address.
2. Admitted.
3. Denied. The averments of Paragraph 3 constitute conclusions of law, to which no response is required by this Defendant. Insofar as a response would be deemed necessary, it is denied that this Defendant was an employee of Clearfield Hospital. To the contrary, it is averred that this Defendant was, during the relevant time period, a licensed physician with privileges to practice at the Clearfield Hospital.
4. The averments of Paragraph 4 are directed to another entity and/or party and therefore, no response is required of this Defendant.

5. Admitted, with clarification. The procedure performed on the date in question was identified as a laparoscopy with aspiration of right ovarian cyst, and adhesiolysis. By way of a further and more complete response, the relevant medical records are incorporated by reference.

6. Admitted. By way of a further and more complete response, the relevant medical records are incorporated by reference.

7. Admitted.

8. The averments of Paragraph 8 are responded to as follows. It is admitted that on the date in question, the Plaintiff reported abdominal, nausea and vomiting. It is further admitted that she was found to be dehydrated. By way of a further and more complete response, the relevant medical records are incorporated by reference.

9. Admitted.

10. Admitted, with clarification. The relevant medical records are incorporated by reference. Therein, other the other persons involved in the Plaintiff's care are set forth.

11. Admitted.

12. It is admitted that the relevant medical records indicate that upon re-admission to Clearfield Hospital on August 24, 2000, she reported that she was suffering from nausea, vomiting and abdominal pain.

13. Denied. To the contrary, it is averred that, according to the relevant medical records, Dr. Yingling first examined the Plaintiff on August 26, 2000.

14. Admitted.

15. The averments of Paragraph 15 are responded to as follows. The pertinent medical record, i.e. the CT report dated August 26, 2000, is hereby incorporated by reference. Therefore, the averments set forth at Paragraph 15 are admitted to the extent that said averments

are reflected in and/or by the said medical record, but only to the extent that said medical record is true and accurate. To the extent said averments differ from that set forth in and/or by the said true, accurate and pertinent medical record, the same are denied, and/or denied for after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to their truth.

16. The averments of Paragraph 16 are responded to as follows. The pertinent medical record, i.e. the operative report dated August 26, 2000, is hereby incorporated by reference. Therefore, the averments set forth at Paragraph 16 are admitted to the extent that said averments are reflected in and/or by the said medical record, but only to the extent that said medical record is true and accurate. To the extent said averments differ from that set forth in and/or by the said true, accurate and pertinent medical record, the same are denied, and/or denied for after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to their truth.

17. Admitted.

COUNT I - PLAINTIFF TAMMY L. KAWA VS. PRAXIDIO TAGALA, M.D.
NEGLIGENCE

18. Admitted or denied as hereinbefore set forth.

19. Admitted.

20. 20 (a) - (i). The averments of Paragraph 20, and the subparagraphs thereunder, constitute conclusions of law, to which no response is required. Said averments are therefore denied and/or are denied per Pa.C.R.P. 1029(e). Insofar as a more complete response would be deemed necessary, it is specifically denied that Dr. Tagala failed to provide reasonable health

care. By way of a further response, it is specifically averred that all care and treatment rendered by Dr. Tagala was reasonable and appropriate and within applicable standards of care.

21 (a) - (g). The averments of Paragraph 21, and the subparagraphs thereunder, constitute conclusions of law, to which no response is required. Said averments are therefore denied and/or are denied per Pa.C.R.P. 1029(e). It is specifically denied that Dr. Tagala failed to provide reasonable health care. By way of a further response, it is specifically averred that all care and treatment rendered by Dr. Tagala was reasonable and appropriate and within applicable standards of care. With regard to those allegations regarding injuries and/or damages and/or medical treatment occurring after the event in question, this Answering Defendant denies same on the basis that after reasonable investigation, Answering Defendant lacks sufficient knowledge or information upon which to form a belief as to the truth of said averments.

WHEREFORE, Answering Defendant demands that Plaintiff's Amended Complaint be dismissed, with prejudice.

COUNT II - PLAINTIFF VS. CLEARFIELD HOSPITAL

22 - 26. The averments of Paragraphs 22 - 26 are directed to another entity and/or party and therefore, no response is required of this Defendant.

WHEREFORE, Answering Defendant demands that Plaintiff's Amended Complaint be dismissed, with prejudice.

COUNT III - PLAINTIFF VS. CLEARFIELD HOSPITAL - CORPORATE LIABILITY

27 - 33. The averments of Paragraphs 27 - 33 are directed to another entity and/or party and therefore, no response is required of this Defendant.

WHEREFORE, Answering Defendant demands that Plaintiff's Amended Complaint be dismissed, with prejudice.

NEW MATTER

34. Answering Defendant raises all affirmative defenses of the Healthcare Services Malpractice Act, 40 P.S. §1301 et. seq. Insofar as the Answering Defendant is considered to be a healthcare provider, he is neither a guarantor nor warrantor of care.

35. The Plaintiff fails to state a cause of action upon which relief can be granted.

36. There was no negligence or other actionable conduct committed by or on behalf of the Answering Defendant and therefore, this action should be dismissed.

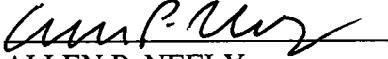
37. Any alleged actions or omissions of the Answering Defendant which are alleged to constitute negligence were not a substantial cause or factor of any harm resulting to or sustained by the Plaintiff.

38. The investigation into this case is ongoing and discovery is continuing; therefore, in order to avoid waiver of any potentially applicable affirmative defenses, the Defendant hereby pleads the defenses of estoppel, release, res judicata, and statute of limitations, and comparative/contributory negligence, insofar as same may be applicable.

WHEREFORE, Answering Defendant demands that Plaintiff's Amended Complaint be dismissed, with prejudice.

Respectfully Submitted,

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

By: 
ALLEN P. NEELY
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Defendant,
Plaxidio H. Tagala, M.D.

Kawa vs. Tagala

VERIFICATION

The undersigned verifies that as a Defendant, he is authorized to make this verification in the within action; and that the statements made in the foregoing Answer and New Matter to Plaintiff's Amended Complaint are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. §4904, related to unsworn falsification to authority.



PRAXIDIO H. TAGALA, M.D.

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

TAMMY L KAWA,)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Answer with New Matter to Amended Complaint filed by the Defendant, Praxidio H. Tagala, M.D., in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 4th day of December, 2002, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: Allen P. Neely
JOHN W. BLASKO
ALLEN P. NEELY
Attorneys for Defendant
Praxidio H. Tagala, M.D.

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

TAMMY L. KAWA)
Plaintiff,)
vs.) No: 2002-01228 CD
PRAXIDIO H. TAGALA, M.D.)
CLEARFIELD HOSPITAL,)
Defendants.) JURY TRIAL DEMANDED
)
) Type of Pleading:
)
) DEFENDANT'S PRELIMINARY
) OBJECTIONS TO PLAINTIFF'S
) COMPLAINT/MOTION TO STRIKE/
) MOTION FOR A MORE SPECIFIC
) PLEADING; CERTIFICATE OF
) SERVICE
)
) Filed on Behalf of Defendant:
) PRAXIDIO H. TAGALA, M.D.
)
) Counsel of Record for this
) Party: JOHN W. BLASKO
) Court I.D. No.: 6787
)
) ALLEN P. NEELY
) Court I.D. No.: 65302
) McQUAIDE, BLASKO, SCHWARTZ,
) FLEMING & FAULKNER, INC.
)
) 811 University Drive
) State College, PA 16801
) (814) 238-4926
)
) Counsel of Record for
) Adverse Party:
) Samuel Cohen, Esquire

FILED

OCT 30 2002

William A. Shaw
Prothonotary

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

DEFENDANT'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW comes the Defendant, by and through their attorneys, McQUAIDE, BLASKO, SCHWARTZ, FLEMING & FAULKNER, INC., and file the within Preliminary Objections to the Complaint, as follows:

1. Plaintiff commenced this action by filing a Praeclipe for Writ of Summons on or about August 7, 2002. Following the filing of a Rule to File Complaint, a Complaint was filed on or about October 8, 2002.

2. This case sounds in medical malpractice. The Defendant, Dr. Tagala, is a specialist in the field of obstetrics and gynecology. This action is based upon a surgical procedure which Dr. Tagala performed on Mrs. Kawa on August 16, 2000. The object of the surgery was to aspirate an ovarian cyst and eliminate adhesions which were causing the patient pain.

3. Plaintiff avers that Dr. Tagala was negligent in the manner in which surgery was performed, and also with respect to post-operative care. Plaintiff contends that Dr. Tagala perforated the bowel and failed to detect the complication.

4. The Defendant hereby raises a Motion to Strike / Motion for a More Specific pleading based upon several vague and open-ended allegations in the Complaint.

MOTION TO STRIKE / MOTION FOR A MORE SPECIFIC PLEADING

5. Pennsylvania remains a fact pleading jurisdiction. Pennsylvania Rule of Civil Procedure No. 1019(a), provides that the material facts upon which a cause of action is based shall be stated in a concise and summary form. In various respects, Plaintiff's Complaint does not comply with this rule.

6. The following reproduced paragraphs are vague, open-ended and ambiguous and violate Pa.R.C.P. 1019(a) and applicable caselaw (the objectionable portions are emphasized in **bold**):

20. Defendant Praxidio Tagala failed to provide reasonable health care under these circumstances as follows:

(note: Paragraph 20 is not objected to, but is reproduced for purposes of context)

j) In failing to exercise reasonable care and diligence in the application of knowledge and skill to the Plaintiff's case

h) By holding out expertise which induced Plaintiff that adequate and proper care would be provided when, in fact, adequate, proper and reasonable care were not provided;

(note: Plaintiff's Complaint contains two paragraphs numbered "20 h)" - this objection relates to the second one)

i) By failing to possess the degree of professional learning, skill and ability which others similarly situated ordinarily possessed.

(note: Plaintiff's Complaint contains two paragraphs numbered "20 i)" - this objection relates to the second one)

7. In various respects, these allegations fail to comply with Pennsylvania rules of pleading.

8. Subparagraph (j) is the very definition of negligence. Plaintiffs aver that Dr. Tagala failed to provide reasonable health care by failing to exercise reasonable care and diligence. This is essentially the definition of negligence.

9. This allegation does nothing to limit the issues in this case. Rather, this allegation could serve as the foundation for expansion of Plaintiff's case to include nearly any imaginable theory.

10. Subparagraph (h) is nearly non-sensical, but appears to be an averment that Dr. Tagala somehow held himself out as having certain expertise, but that he did not render "adequate, proper and reasonable care."

11. Again, this subparagraph does not in any way define what Dr. Tagala allegedly should have done, nor how surgery should have been performed. This is nothing more than a bald averment that the surgery was performed negligently. This is insufficient under Pennsylvania rules of pleading.

12. Finally, subparagraph (j) is an averment that Dr. Tagala failed to possess the degree of professional learning, skill and ability which others similarly situated ordinarily possessed. The meaning of this allegation is unclear. This is apparently a broad swipe at Dr. Tagala's qualifications. The rules of pleading require more specific allegations concerning the medical facts of this case.

13. Plaintiffs in malpractice actions are required to plead precisely and specifically what a physician should have done or, what a physician did which was in some manner a breach of the standard of care. In the above-referenced respects, Plaintiff has failed to do so.

14. The objected-to allegations fail to conform to Pa.R.C.P. 1019(a), as well as the principle enunciated in Connor v. Allegheny General Hospital, 501 Pa. 306, 461 A.2d 600 (1983).

15. The Plaintiff will no doubt contend that the Complaint, when read as a whole, is sufficient to inform the defense of what this case is about. However, the Connor case and it's progeny directs that the defense must look not only to the entirety of the complaint, but to the specific meaning of each allegation. One open-ended allegation may later be utilized to permit a plaintiff to materially expand upon his theories of recovery.

16. Because the challenged paragraphs fail to sufficiently apprise the Defendant of the tortious conduct with which Plaintiff asserts, the Defendants are unable to appropriately respond or adequately prepare a defense to such allegations.

17. The foregoing factual deficiencies of the challenged allegations are prejudicial to the Defendants inasmuch as their inability to prepare a defense to these allegations may result in waiver of various defenses and objections pursuant to Pa.R.C.P. 1032.

WHEREFORE, it is respectfully requested that the following paragraphs and subparagraphs be stricken, or in the alternative, that Plaintiff be required to re-plead same in order to set forth sufficiently specific allegations: 20 (j), 20 (h), 20 (i).

Respectfully submitted,

McQUAIDE, BLASKO

BY Allen P. Neely
ALLEN P. NEELY
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Defendant,
Plaxidio H. Tagala, M.D.

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

TAMMY L. KAWA,)
vs.)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.)
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Preliminary Objections to Plaintiff's Complaint/Motion to Strike/Motion for a More Specific Pleading in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 29th day of October, 2002, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: Allen P. Neely
Allen P. Neely
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED NO
10/11/321846
OCT 30 2002
FBI

William A. Shaw
Prothonotary

THIS IS NOT AN ARBITRATION MATTER.
JURY TRIAL DEMANDED ASSESSMENT OF
DAMAGES HEARING WILL BE NECESSARY.
RULE 238 DELAY DAMAGES REQUIRED

KATZ, COHEN & PRICE, P.C.
By: SAMUEL COHEN
ATTORNEY I.D. NO.: 27544
117 SOUTH 17th STREET
SUITE 2010
PHILADELPHIA, PA 19103
(215) 636-0400

ATTORNEY FOR PLAINTIFF

TAMMY L. KAWA	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
VS.	:	
	:	NO.: 2002-01228-CD
PRAXIDIO H. TAGALA, M.D.	:	
and CLEARFIELD HOSPITAL	:	

PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT

PRAXIDIO H. TAGALA, M.D.

34 -37. Denied. The averments contained in these paragraphs constitute conclusions of law for which no response is required under and pursuant to the Pennsylvania Rules of Civil Procedure.

FILED

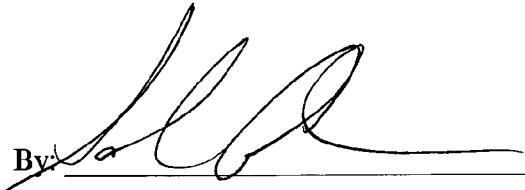
JAN 31 2003

William A. Shaw
Prothonotary

38. Denied. It has been agreed between counsel that presently answering Defendant does not have any evidence to substantiate the existence of any of the affirmative defenses set forth in this paragraph. In the event that evidence supporting said affirmative defenses is proven. Defendant will take appropriate steps to amend this New Matter and plead the appropriate facts.

WHEREFORE, Plaintiff prays this Honorable Court deny the New Matter of Defendant, Praxidio H. Tagala, M. D., and enter judgement in her favor and against Defendants.

KATZ, COHEN & PRICE, P.C.

By 

SAMUEL COHEN

DATED: 1/24/03

VERIFICATION

I, SAMUEL COHEN, verify that I am the attorney for Plaintiff, Tammy L. Kawa, herein, and that the averments of fact set forth in the foregoing Plaintiff's Reply to New Matter of Defendant , Praxidio H. Tagala, M.D., are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. section 4904, relating to unsworn falsification to authorities.



SAMUEL COHEN

Dated: 7/28/03

CERTIFICATION OF SERVICE

I, Samuel Cohen, certify that a true and correct copy of the within Plaintiff's Reply to New Matter of Defendant, Praxidio H. Tagala, M.D., of Plaintiff Tammy L. Kawa, was forwarded via regular mail through the United States Postal Service on January 28, 2003:

To: ALLEN P. NEEDY, ESQUIRE
Mc Quaide, Blasko, Schwartz, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

FRANK J. HARTYE, ESQUIRE
McIntyre, Dugas, Hartye & Schmitt
P. O. Box 533
Holidaysburg, PA 16648-0533

KATZ, COHEN & PRICE, P.C.



SAMUEL COHEN, ESQUIRE

DATED: 1/28/03

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

TAMMY L. KAWA,

: No. 2002 - 1228 CD

Plaintiff

: ISSUE:
: NOTICE OF SERVICE OF ANSWERS TO
: INTERROGATORIES AND REQUEST FOR
: THE PRODUCTION OF DOCUMENTS

VS.

PRAXIDIO H. TAGALA M.D. and
CLEARFIELD HOSPITAL,

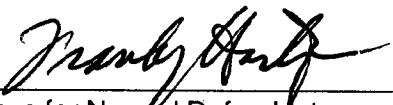
: Filed on behalf of Defendant,
: CLEARFIELD HOSPITAL

Defendants

: Counsel of Record:

: Frank J. Hartye, Esquire
: PA I.D. #25568
: McINTYRE, DUGAS, HARTYE &
: & SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 20TH DAY OF FEBRUARY, 2003.



Attorneys for Named Defendant

FILED

FEB 21 2003

William A. Shaw
Prothonotary

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

TAMMY L. KAWA, : No. 2002 - 1228 CD
Plaintiff :
VS. :
PRAXIDIO H. TAGALA M.D. and :
CLEARFIELD HOSPITAL, :
Defendants : JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFF'S
INTERROGATORIES AND REQUEST FOR THE PRODUCTION OF DOCUMENTS**

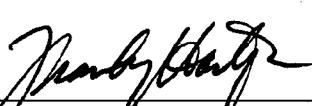
TO: PROTHONOTARY

You are hereby notified that on the **20th** day of **FEBRUARY, 2003**, Defendant,
CLEARFIELD HOSPITAL, served Answers to Plaintiff's Interrogatories and Request for the
Production of Documents on the Plaintiff by mailing the original of same via First Class U.S.
Mail, postage prepaid, addressed to the following:

Samuel Cohen, Esquire
KATZ, COHEN & PRICE, P.C.
117 South 17th Street, Suite 2010
Philadelphia, PA 19103

McINTYRE, DUGAS, HARTYE & SCHMITT

By


Attorneys for Defendant, Clearfield Hospital
Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - Fax

FILED

NO
cc

10:27 AM
FEB 21 2003

William A. Shaw
Prothonotary

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

TAMMY L KAWA,)
Plaintiff,)
vs.) No. 2002-01228
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that the Answers and Objections to Plaintiff's Interrogatories and Request for Production of Documents Addressed to Defendant, Praxidio H. Tagala, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 6th day of March, 2003, to:

Original:
Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Copy:
Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED

MAR 07 2003
11:15 AM
William A. Shaw
Prothonotary
w/c/c

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

TAMMY L KAWA,)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228-CD

CERTIFICATE OF SERVICE

I hereby certify that the Notice of Taking Oral Deposition of Plaintiff, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 28th day of January, 2004, to:

Original:
Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Copy:
Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, Pa 16648

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

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED

JAN 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

TAMMY L KAWA,)
Plaintiff,)
vs.)
PRAXIDIO H. TAGALA, M.D.)
and CLEARFIELD HOSPITAL,)
Defendants.)
No. 2002-01228
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that the Amended Notice of Taking Oral Deposition of Plaintiff, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 3rd day of May, 2004, to:

Original:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Copy:

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
Praxidio H. Tagala, M.D.

FILED

MAY 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CERTIFICATE OF SERVICE

I hereby certify that the Second Amended Notice of Taking Oral Deposition of Plaintiff, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 2nd day of September, 2004, to:

Original:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Copy:

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
Praxidio H. Tagala, M.D.

102 **FILED** NO
m/12:54 AM
SEP 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

TAMMY L. KAWA,

 : No. 2002 - 1228 CD

 : Plaintiff

 : ISSUE:

 : NOTICE OF SERVICE OF REQUEST TO
 : PLAINTIFF FOR PRODUCTION OF
 : EXPERT REPORTS DATED 2/03/05

 : VS.

 : PRAXIDIO H. TAGALA M.D. and
 : CLEARFIELD HOSPITAL,

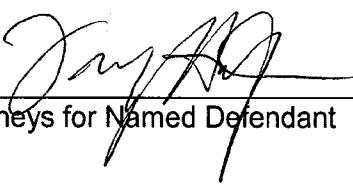
 : Filed on behalf of Defendant,
 : CLEARFIELD HOSPITAL

 : Defendants

 : Counsel of Record:

 : Frank J. Hartye, Esquire
 : PA I.D. #25568
 : McINTYRE, DUGAS, HARTYE &
 : & SCHMITT
 : P.O. Box 533
 : Hollidaysburg, PA 16648
 : (814) 696-3581

I HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE WITHIN
WAS MAILED TO ALL COUNSEL OF
RECORD THIS 3rd DAY OF FEBRUARY, 2005.



Attorneys for Named Defendant

FILED ⁴⁴
MTO: 5464 NO
FEB 04 2005 cc

William A. Shaw
Prothonotary/Clerk of Courts

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

TAMMY L. KAWA, : No. 2002 - 1228 CD
Plaintiff :
vs :
PRAXIDIO H. TAGALA M.D. and :
CLEARFIELD HOSPITAL, :
Defendants : JURY TRIAL DEMANDED

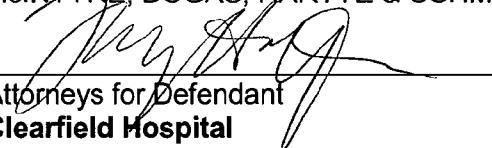
**NOTICE OF SERVICE OF REQUEST TO PLAINTIFFS FOR
PRODUCTION OF EXPERT REPORTS DATED 2/03/05**

TO: PROTHONOTARY

You are hereby notified that on the **3rd** day of **FEBRUARY, 2005**, Defendant, Clearfield Hospital served Request to Plaintiff for Production of Expert Reports dated 2/03/05 by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Samuel Cohen, Esquire
Katz, Cohen & Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendant
Clearfield Hospital

Frank J. Hartye, Esquire
PA I.D. #: 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - Fax

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

TAMMY L. KAWA)

Plaintiff,)

vs.)

PRAXIDIO H. TAGALA, M.D.
CLEARFIELD HOSPITAL,)

Defendants.)

No: 2002-01228 CD

Type of Case: Civil Action

JURY TRIAL DEMANDED

Type of Pleading:

PRAECIPE FOR DISCONTINUANCE

Filed on Behalf of Defendant:
PRAXIDIO H. TAGALA, M.D.

Counsel of Record for this
Party: ALLEN P. NEELY
Court I.D. No: 65302

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

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

Counsel of Record for
Adverse Party:
Samuel Cohen, Esquire

FILED

APR 15 2005

ml 1245/a
William A. Shaw
Prothonotary

Open or Disc. to

Attic + C/A

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

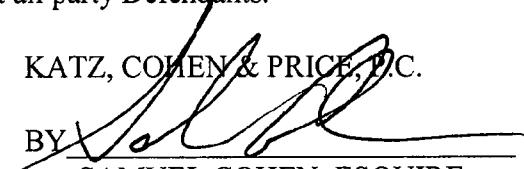
TAMMY L KAWA,)
Plaintiff,)
vs.) No. 2002-01228
PRAXIDIO H. TAGALA, M.D.) JURY TRIAL DEMANDED
and CLEARFIELD HOSPITAL,)
Defendants.)

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY

Please mark all claims in the above entitled matter as WITHDRAWN, ENDED, and
DISCONTINUED, WITH PREJUDICE, as against all party Defendants.

KATZ, COHEN & PRICE, P.C.

BY 

SAMUEL COHEN, ESQUIRE
Counsel for Plaintiff
117 South 17th Street
Suite 2010
Philadelphia, PA 19103
(215) 636-0400

Dated: 4/10/05

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe for Discontinuance, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 14th day of April, 2005, to:

Samuel Cohen, Esquire
Katz, Cohen Price, P.C.
117 South 17th Street
Suite 2010
Philadelphia, PA 19103

Frank J. Hartye, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

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

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
Praxidio H. Tagala, M.D.

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

CIVIL DIVISION

Tammy L. Kawa

Vs. **No. 2002-01228-CD**
Praxidio H. Tagala, M.D.
Clearfield Hospital

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 15, 2005, marked:

Withdrawn, Ended, and Discontinued, with Prejudice

Record costs in the sum of \$126.37 have been paid in full by Atty. Cohen.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of April A.D. 2005.

William A. Shaw, Prothonotary