

**02-1441-CD**  
**Sean Rockmore vs James Hutton Jr**

**02**

02-1441-CD  
SEAN D. ROCKMORE vs. JAMES T. HUTTON, JR.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION  
No. 02-  
-CD

SEAN D. ROCKMORE, Plaintiff

vs.

JAMES I. HUTTON, JR.,  
Defendant

C O M P L A I N T

NOTICE TO DEFENDANT:

YOU are hereby notified that  
you are required to file an  
Answer to the within Complaint  
within twenty (20) days after  
service upon you or judgment may  
be entered against you.

*John R. Ryan*  
JOHN R. RYAN, ESQUIRE  
ATTORNEY FOR PLAINTIFF

COLAVECCHI  
RYAN & COLAVECCHI  
ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SEAN D. ROCKMORE,

CIVIL ACTION

Plaintiff

No. 02 - 1441 - CD

vs.

COMPLAINT

JAMES I. HUTTON, JR.

Filed on behalf of:

Defendant

Plaintiff, SEAN D. ROCKMORE

Counsel of Record for  
Said Party:

JOHN R. RYAN, ESQUIRE  
PA I.D. 38739

COLAVECCHI RYAN & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

**FILED**

SEP 16 2002

013.451 att Ryan pd

William A. Shaw  
Pretheretary

8.00

3cc att Ryan

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

SEAN D. ROCKMORE, :  
Plaintiff :  
:  
vs. : No. 02 - - CD  
:  
JAMES I. HUTTON, JR. : JURY TRIAL DEMANDED  
Defendant :

N O T I C E

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 defenses 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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
Second and Market Streets  
Clearfield, PA 16830

Phone 814/765-2641 Ex. 5982

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

SEAN D. ROCKMORE, :  
Plaintiff :  
:  
vs. : No. 02 - - CD  
:  
JAMES I. HUTTON, JR. : JURY TRIAL DEMANDED  
Defendant :

C O M P L A I N T

1. Plaintiff is Sean D. Rockmore, an adult individual residing at 1212 Joseph Road, Clearfield, Clearfield County, Pennsylvania, 16830.

2. The Defendant is James I. Hutton, Jr., an adult individual residing at 638 State Street, Curwensville, Clearfield County, Pennsylvania, 16833.

3. On August 17, 2002, at approximately 11:45 a.m., the Plaintiff was operating a motorcycle East on Pennsylvania Route 322 and was nearing the intersection of Route 322 with State Route 879 in Lawrence Township, Clearfield County, Pennsylvania.

4. At that time, a vehicle operated by the Defendant was traveling West on Route 322 and attempted to make a left turn onto Route 879 when the vehicle being operated by Defendant struck the motorcycle operated by Plaintiff.

5. The impact of the Defendant's vehicle with the motorcycle being operated by Plaintiff caused Plaintiff to be thrown from the motorcycle resulting in injuries set forth in more detail herein below.

6. The actions of Defendant as described herein were careless, reckless, and negligent in that:

- a. He made a left turn into on-coming traffic;
- b. He failed to observe the motorcycle operated by Defendant, proceeded through the intersection on Route 322, and turned into the path of said motorcycle being operated by Plaintiff;
- c. He failed to observe the rules of the road; and
- d. He failed to keep a lookout for on-coming vehicles.

7. As a result of the carelessness, recklessness, and negligence of the Defendant as described herein above, the Plaintiff suffered injuries as follows:

- a. A fractured left ankle;
- b. A lacerated left knee;
- c. A lacerated left right ankle;
- d. Severe abrasions to his body, particularly his left arm, back and shoulder;
- e. Severe pain and suffering as a result of the above injuries;
- f. Left shoulder pain; and

g. Limitations on his ability to work and to enjoy the comforts of life, all of which are expected to continue for an indefinite period of time.

8. It is believed and therefore averred that some of the injuries described herein above may be permanent in nature.

WHEREFORE, Plaintiff requests that judgment be entered in his favor and against Defendant in an amount in excess of the jurisdiction of the Board of Arbitrators, together with interest and costs of suit.



---

JOHN R. RYAN, ESQUIRE  
Attorney for Plaintiff

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.



SEAN D. ROCKMORE

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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

SEAN D. ROCKMORE, : No. 02-1441-C.D.  
Plaintiff, :  
: TYPE OF PLEADING:  
: **PRAECIPE FOR ENTRY**  
: **OF APPEARANCE**  
v. :  
: TYPE OF CASE: CIVIL  
JAMES I. HUTTON, JR., : FILED ON BEHALF OF:  
Defendant. : **DEFENDANT**  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

**FILED**

SEP 30 2002

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
:  
v. :  
:  
JAMES I. HUTTON, JR., :  
:  
Defendant. :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, JAMES I. HUTTON, JR., in the  
above-captioned matter.

We are authorized to accept service on his behalf.

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

Dated: September 26, 2002

By: 

James M. Horne, Esquire  
I.D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

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

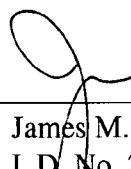
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
:  
v. :  
:  
JAMES I. HUTTON, JR., :  
:  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Praeclipe for Entry of Appearance on behalf the Defendant, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 26<sup>th</sup> day of September, 2002, to the attorney of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
(814) 765-1566

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

By: 

James M. Horne, Esquire  
I. D. No. 26908  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant

1878  
W. A. Shaw  
Prothonotary

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, : No. 02-1441-C.D.  
Plaintiff, :  
: TYPE OF PLEADING:  
: **CERTIFICATE OF SERVICE**  
: **OF DEFENDANT'S**  
v. : **SECOND REQUEST**  
: **FOR PRODUCTION OF**  
JAMES I. HUTTON, JR., : **DOCUMENTS AND TANGIBLE**  
Defendant. : **THINGS DIRECTED TO PLAINTIFF**  
: :  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF  
: **DEFENDANT**  
: :  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

**FILED**

OCT 22 2002

William A. Shaw  
Prothonotary

*WAS*

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

SEAN D. ROCKMORE,	:
Plaintiff,	: No. 02-1441-C.D.
	:
v.	:
	:
	:
JAMES I. HUTTON, JR.,	:
	:
	:
Defendant.	:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiffs in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 21<sup>st</sup> day of October, 2002, to the attorney(s) of record:

James R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
Clearfield, PA 16830

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

By: 

Katherine V. Oliver

I.D. No. 77069

Attorneys for Defendant

SEAN D. ROCKMORE

811 University Drive

State College, PA 16801

(814) 238-4926

Fax: (814) 238-9624

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

SEAN D. ROCKMORE, : No. 02-1441-C.D.  
: Plaintiff, : TYPE OF PLEADING:  
: : CERTIFICATE OF SERVICE  
: : OF DEFENDANT'S  
: v. : INTERROGATORIES AND  
: : REQUEST FOR PRODUCTION OF  
: : DOCUMENTS DIRECTED TO  
: : PLAINTIFF (SET ONE)  
: Defendant. : TYPE OF CASE: CIVIL  
: : FILED ON BEHALF OF  
: : DEFENDANT  
: : COUNSEL OF RECORD FOR  
: : FOR THIS PARTY:  
: : JAMES M. HORNE, ESQ.  
: : I.D. NO. 26908  
: : KATHERINE V. OLIVER, ESQ.  
: : I.D. NO. 77069  
: : McQUAIDE, BLASKO, SCHWARTZ,  
: : FLEMING & FAULKNER, INC.  
: : 811 University Drive  
: : State College, PA 16801  
: : PH# (814) 238-4926  
: : FAX#(814) 238-9624

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

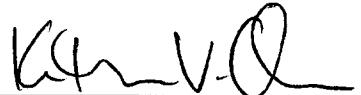
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
:  
v. :  
:  
JAMES I. HUTTON, JR., :  
:  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Defendant's Interrogatories and  
Request for Production of Documents Directed to Plaintiff (Set One) in the above-captioned  
matter was mailed by regular mail, postage prepaid, at the Post Office, State College,  
Pennsylvania, on this 25<sup>th</sup> day of October, 2002 to the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

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

By:   
Katherine V. Oliver  
Attorneys for Defendant  
JAMES I. HUTTON, JR.  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Fax: (814) 238-9624

FILED

11/11/01 NO  
OCT 22 2001 CC  
SFC

*[Signature]*

William A. Shaw  
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13054

ROCKMORE, SEAN D.

02-1441-CD

VS.

HUTTON, JAMES I. JR.

COMPLAINT

**SHERIFF RETURNS**

NOW SEPTEMBER 24, 2002 AT 3:20 PM DST SERVED THE WITHIN COMPLAINT  
ON JAMES I. HUTTON JR., DEFENDANT AT SHERIFF'S OFFICE, MARKET ST.,  
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JAMES I.  
HUTTON JR. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND  
MADE A PART OF THIS RETURN.

SERVED BY: MCCLEARY

---

Return Costs

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

Sworn to Before Me This

24<sup>th</sup> Day Of October 2002  
William A. Shaw

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

So Answers,

*Chester Hawkins  
by Manly Harry*  
Chester A. Hawkins  
Sheriff

**FILED**  
013:54  
OCT 24 2002 *EK*

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, : No. 02-1441-C.D.  
: Plaintiff, : TYPE OF PLEADING:  
: : ANSWER WITH NEW MATTER  
: : TO PLAINTIFF'S COMPLAINT  
v. :  
: :  
JAMES I. HUTTON, JR., : TYPE OF CASE: CIVIL  
: : FILED ON BEHALF OF:  
: Defendant. : DEFENDANT  
: :  
: : COUNSEL OF RECORD FOR  
: : FOR THIS PARTY:  
: : JAMES M. HORNE, ESQ.  
: : I.D. NO. 26908  
: : KATHERINE V. OLIVER, ESQ.  
: : I.D. NO. 77069  
: : McQUAIDE, BLASKO, SCHWARTZ,  
: : FLEMING & FAULKNER, INC.  
: : 811 University Drive  
: : State College, PA 16801  
: : PH# (814) 238-4926  
: : FAX#(814) 238-9624

RECEIVED  
CLERK'S OFFICE

WILLIAM C. BROWN  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

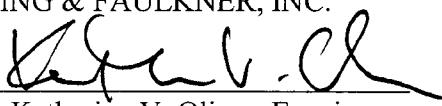
NOTICE TO PLEAD

TO: Sean D. Rockmore  
c/o John R. Ryan, Esquire

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:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: 11-4-02

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

**ANSWER WITH NEW MATTER TO PLAINTIFF'S COMPLAINT**

AND NOW comes Defendant James I. Hutton, by and through his attorneys, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and files the following Answer with New Matter to Plaintiff's Complaint.

1. Denied. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 1. The same are therefore denied and strict proof thereof demanded.
2. Admitted.
3. Admitted on information and belief.
4. Admitted. By way of further response and clarification, Defendant had been stopped at a green light waiting for traffic on Route 322 to clear before beginning his left-hand turn, and only began the left-hand maneuver after first looking for traffic. After doing so and not observing any oncoming traffic, Defendant began his left turn and contact between Plaintiff's and Defendant's vehicles thereafter occurred.

5.         Denied. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 5. The same are therefore denied and strict proof thereof demanded.

6.         Denied. The averments of paragraph 6 are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(c). All allegations of carelessness, recklessness, and negligence are specifically denied.

7.         Denied. All allegations of carelessness, recklessness, and negligence are denied for the reasons as further set forth in this Answer with New Matter. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments regarding Plaintiff's alleged injuries and damages. The same are therefore denied and strict proof thereof demanded.

8.         Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 8. The same are therefore denied and strict proof thereof demanded.

**WHEREFORE**, Defendant respectfully requests that Plaintiff's Complaint be dismissed with prejudice and costs of suit.

**NEW MATTER**

9.         The averments of paragraphs 1-8, inclusive, are incorporated as thought set forth at length herein.

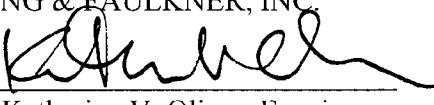
10.         Defendant hereby raises all those defenses and/or limitations on damages available to him under the Pennsylvania Motor Vehicle Financial Responsibility Law.

**WHEREFORE**, Defendant respectfully requests that Plaintiff's Complaint be dismissed with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO, SCHWARTZ,

FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: 11-4-02

*Rockmore v. Hutton*

VERIFICATION

The undersigned verifies that he is authorized to make this verification on his own behalf; and that the statements made in the foregoing **ANSWER WITH NEW MATTER TO PLAINTIFF'S 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.



James I. Hutton, Jr.

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : :  
: :  
JAMES I. HUTTON, JR., : :  
: :  
Defendant. : :

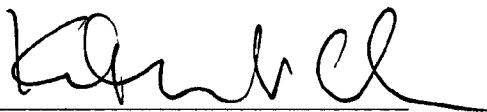
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Answer with New Matter to Plaintiff's Complaint, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 4th day of November, 2002, to the attorney of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
(814) 765-1566

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

By: \_\_\_\_\_



Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

William A. Shaw  
Prothonotary  
W.A.S.  
May 5, 2002

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
CIVIL DIVISION  
No. 02 - 1441 - CD

SEAN D. ROCKMORE, Plaintiff  
vs.

JAMES I. HUTTON, JR., Defendant

REPLY TO NEW MATTER

3cc  
01/31/01  
Atty Ryan  
Fees

COLAVECCHI  
RYAN & COLAVECCHI  
ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

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

SEAN D. ROCKMORE,  
Plaintiff,  
vs.

CIVIL ACTION—LAW  
No. 02-1441-CD

JAMES I. HUTTON, JR.,  
Defendant.

**REPLY TO NEW MATTER**

Filed on Behalf of:

Plaintiff

Counsel of Record For This  
Party:

JOHN R. RYAN, ESQUIRE  
Pa. I. D. #38739

Colavecchi, Ryan & Colavecchi  
221 East Market Street  
P. O. Box 131  
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

10/16/2002

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, :  
: :  
vs. : No. 02-1441-CD  
: :  
JAMES I. HUTTON, JR., :  
Defendant. :  
:

**REPLY TO NEW MATTER**

NOW COMES, Sean D. Rockmore, Plaintiff above named, and by his attorney, John R. Ryan, Esquire, and makes his Reply to New Matter of the Defendant as follows:

1. Paragraphs 1 through and including Paragraph 8 of Plaintiff's Complaint are incorporated herein by reference as set forth at length.

10. No response required.

WHEREFORE, Plaintiff requests the judgment be entered in his favor against the Defendant, together with interest and cost of suit.



---

John R. Ryan, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, Sean D. Rockmore, verify that the statements made in this Reply to New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Sean D. Rockmore

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

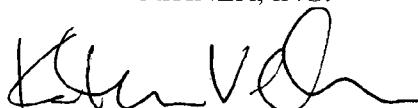
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 4th day of December, 2002, to the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

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

By:



Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

**FILED**  
m 3:14 BA NCC  
DEC 05 2002

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, : No. 02-1441-C.D.  
Plaintiff, :  
v. : TYPE OF PLEADING:  
JAMES I. HUTTON, JR., : CERTIFICATE OF SERVICE  
Defendant. : OF DEFENDANT'S ANSWERS  
: AND OBJECTIONS TO  
: PLAINTIFF'S INTERROGATORIES  
: FOR ANSWER BY DEFENDANT  
: (SET ONE) AND REQUEST FOR  
: PRODUCTION (SET ONE)  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF  
: DEFENDANT  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

FILED

DEC 09 2002  
M 11:50 AM  
William A. BREW  
Prothonotary  
No 4/c  
E24

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

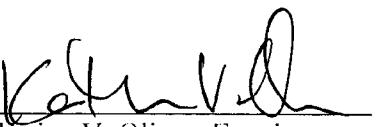
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our **DEFENDANT'S ANSWERS AND OBJECTIONS TO PLAINTIFF'S INTERROGATORIES FOR ANSWER BY DEFENDANT (SET ONE) and REQUEST FOR PRODUCTION (SET ONE)**, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 10<sup>th</sup> day of December, 2002, to the attorney of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830  
(814) 765-1566

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

By: \_\_\_\_\_

  
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

**CERTIFICATE PREREQUISITE TO SERVICE  
OF SUBPOENAS PURSUANT TO RULE 4009.22**

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

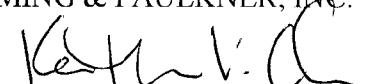
- (1) a Notice of Intent to Serve Subpoenas with copies of the subpoenas attached thereto was mailed or delivered to each party at least 20 days prior to the date on which the subpoena is sought to be served;
- (2) a copy of the Notice of Intent, including the proposed subpoenas, are attached to this Certificate;
- (3) no objection to the subpoenas have been received;  
and,
- (4) the subpoenas which will be served are identical to the subpoenas which is attached to the Notice of Intent to Serve Subpoenas.

**FILED**

JAN 03 2003

William A. Shaw  
Prothonotary

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

By:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: 1-02-03

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

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

Defendant intends to serve subpoenas identical to those that are 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 any objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

By: 

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED:

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Sean D. Rockmore

Plaintiff(s)

Vs.

\*

No. 2002-01441-CD

James I. Hutton Jr

Defendant(s)

\*

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

TO: LARA ALLMAN, D.P.M., ADVANCED FOOT & ANKLE ASSOCIATES  
(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.

KATHERINE V. OLIVER, ESQUIRE, MCQUAIDE BLASKO, 811 UNIVERSITY DRIVE, STATE COLLEGE PA 16801

(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: KATHERINE V. OLIVER, ESQUIRE

ADDRESS: 811 UNIVERSITY DRIVE

STATE COLLEGE PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

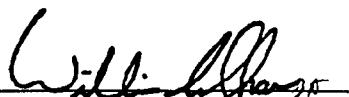
ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Monday, December 02, 2002

Seal of the Court



Deputy

*Lara Allman, D.P.M., Advanced Foot & Ankle Associates*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on Sean Rockmore, (SS# 189-54-5177; DOB: April 17, 1970), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Sean Rockmore's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Sean D. Rockmore  
Plaintiff(s)

Vs.

\*

No. 2002-01441-CD

James I. Hutton Jr  
Defendant(s)

\*

\*

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

TO: CLEARFIELD HOSPITAL

(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.

KATHERINE V. OLIVER, ESQUIRE, MCQUAIDE BLASKO, 811 UNIVERSITY DRIVE, STATE COLLEGE, PA 16801

(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: KATHERINE V. OLIVER, ESQUIRE  
ADDRESS: 811 UNIVERSITY DRIVE  
STATE COLLEGE PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, December 02, 2002  
Seal of the Court

*Clearfield Hospital*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on Sean Rockmore, (SS# 189-54-5177; DOB: April 17, 1970), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Sean Rockmore's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Sean D. Rockmore  
Plaintiff(s)

Vs.

James I. Hutton Jr  
Defendant(s)

\*

No. 2002-01441-CD

\*

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

TO: HOYT PLUMBING & HEATING

(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.

KATHERINE V. OLIVER, MCQUAIDE BLASKO, 811 UNIVERSITY DRIVE, STATE COLLEGE, PA 16801

(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: KATHERINE V. OLIVER, ESQUIRE  
ADDRESS: 811 UNIVERSITY DRIVE  
STATE COLLEGE PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, December 02, 2002  
Seal of the Court

*Hoyt Plumbing & Heating*

DOCUMENTS TO BE PRODUCED

Any and all personnel/employment records on Sean D. Rockmore, including but not limited to, application for employment, pre-employment physical examination, annual evaluations, wage scale, hours worked, absences due to sickness, absences due to vacations, absences for other reasons, sick days accumulated/used, vacation days accumulated/used, any and all correspondence pertaining to Sean D. Rockmore, and any and all Workers' Compensation documents, etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Sean D. Rockmore  
Plaintiff(s)

Vs.

James I. Hutton Jr  
Defendant(s)

\*

\*

No. 2002-01441-CD

\*

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

TO: AMADO B. LUGUE, JR., 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.

KATHERINE V. OLIVER, ESQUIRE, MCQUAIDE BLASKO, 811 UNIVERSITY DRIVE,  
STATE COLLEGE PA 16801

(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: KATHERINE V. OLIVER, ESQUIRE  
ADDRESS: 811 UNIVERSITY DRIVE

STATE COLLEGE PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, December 02, 2002

Seal of the Court

*Amado B. Lague, Jr., M.D.*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on Sean Rockmore, (SS# 189-54-5177; DOB: April 17, 1970), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Sean Rockmore's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Sean D. Rockmore  
Plaintiff(s)

Vs.

James I. Hutton Jr  
Defendant(s)

\*

\*

No. 2002-01441-CD

\*

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

TO: TIMOTHY S. PHILLIPS, 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  
KATHERINE V. OLIVER, ESQUIRE, MCQUAIDE BLASKO, 811 UNIVERSITY DRIVE, STATE COLLEGE, PA 16801

(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: KATHERINE V. OLIVER, ESQUIRE  
ADDRESS: 811 UNIVERSITY DRIVE

STATE COLLEGE PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Monday, December 02, 2002

Seal of the Court



Deputy

*Timothy S. Phillips, M.D.*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on Sean Rockmore, (SS# 189-54-5177; DOB: April 17, 1970), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Sean Rockmore's health status (regardless of source), etc.

FILED  
NOV 24 2003  
JAN 03 2003

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Hoyt Plumbing & Heating, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 2d day of January, 2003 to the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

**FILED**

JAN 03 2003

William A. Shaw  
Prothonotary

DATED: 1-07-03

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

By: Katherine V. Oliver

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

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FBI

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Timothy S. Phillips, M.D., in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 2<sup>nd</sup> day of January, 2003 to the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

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

By: Katherine V. Oliver

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: 1-02-03

12:47 AM  
JAN 03 2013  
SAC

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Amado B. Lague, Jr., M.D., in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 26 day of January, 2003 to the attorney(s) of record:

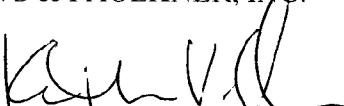
John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

**FILED**

JAN 03 2003

William A. Shaw  
Prothonotary

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

By: 

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: 1-07-03

ED  
11:24:47 AM  
JAN 03 2003  
F  
KCB

William A. Shaw  
Prothonotary

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

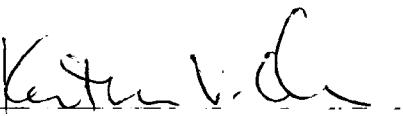
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tegum Directed to  
Clearfield Hospital, in the above-captioned matter was mailed by regular mail, postage prepaid,  
at the Post Office, State College, Pennsylvania, on this 2nd day of January, 2003 to  
the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

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

By:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

**FILED**

JAN 03 2003

William A. Shaw  
Prothonotary

12:47 PM  
JAN 03 2003  
E. H. K.

William A. Shaw  
Prothonotary

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Ducces Tecum Directed to  
Lara Allman, D.P.M. in the above-captioned matter was mailed by regular mail, postage prepaid,  
at the Post Office, State College, Pennsylvania, on this 2d day of January, 2003 to  
the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

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

By: Katherine V. Oliver

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

**FILED**

JAN 03 2003

William A. Shaw  
Prothonotary

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No C

William A. Shaw  
Prothonotary

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

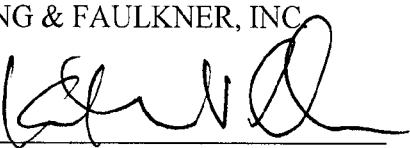
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
:  
v. : **JURY TRIAL DEMANDED**  
:  
JAMES I. HUTTON, JR., :  
:  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Deposition and Request for Production of Documents Directed to Plaintiff Sean D. Rockmore in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 14 day of August, 2003, to the attorney(s) of record:

John R. Ryan, Esquire  
Belin & Kubista  
15 North Front Street  
PO Box 1  
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC

By: 

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

**FILED**

AUG 15 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
:  
v. : **JURY TRIAL DEMANDED**  
:  
JAMES I. HUTTON, JR., :  
:  
Defendant. :  
:

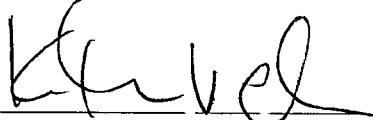
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Intent to Serve a Subpoena to  
Directed to Lara M. Allman, D.P.M. in the above-captioned matter was mailed by regular mail,  
postage prepaid, at the Post Office, State College, Pennsylvania, on this 29<sup>th</sup> day of  
September, 2003, to the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

SEP 30 2003  
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William A. Shad  
Prothonotary/Clerk of Courts  
No C/C

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

By: 

Katherine V. Oliver  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

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

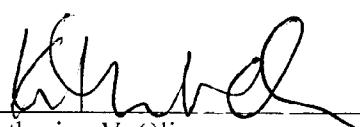
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
Lara Allman, D.P.M. in the above-captioned matter was mailed by regular mail, postage prepaid,  
at the Post Office, State College, Pennsylvania, on this 8<sup>th</sup> day of October, 2003 to  
the attorney(s) of record:

John R. Ryan, Esquire  
Belin & Kubista  
15 North Front Street  
PO Box 1  
Clearfield, PA 16830

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

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State College, PA 16801  
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Attorneys for Defendant  
JAMES I. HUTTON, JR

FILED

OCT 09 2003  
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William A. Shaw  
Prothonotary/Clerk of Courts

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

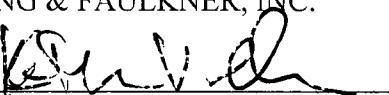
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

**CERTIFICATE PREREQUISITE TO SERVICE  
OF A SUBPOENA PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- (1) a Notice of Intent to Serve A Subpoena with a copy of the subpoenas attached thereto was mailed or delivered to each party at least 20 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) Plaintiff's attorney has waived the 20 day notice period; and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the Notice of Intent to Serve Subpoena.

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

By: 

Katherine V. Oliver  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: \_\_\_\_\_

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

SEAN D. ROCKMORE,

Plaintiff, : No. 02-1441-C.D.

v.

: **JURY TRIAL DEMANDED**

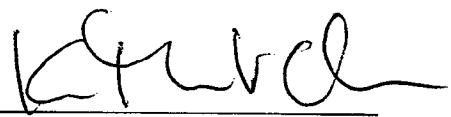
JAMES I. HUTTON, JR.,

Defendant. :

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

Defendant 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 any objection to the subpoena. If no objection is made, the subpoena may be served.

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

By: 

Katherine V. Oliver  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

DATED: 9-29-03

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Sean D. Rockmore

Plaintiff(s)

Vs.

\*

No. 2002-01441-CD

James I. Hutton Jr

Defendant(s)

\*

\*

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

TO: LARA ALLMAN, D.P.M.

(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; TO THE OFFICES OF McQUAIDE BLASKO, 811 UNIVERSITY DRIVE, STATE COLLEGE PA 16801

(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: KATHERINE V. OLIVER, ESQUIRE

ADDRESS: 811 UNIVERSITY DRIVE  
STATE COLLEGE, PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: DEFENDANT

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Thursday, December 05, 2002

Seal of the Court

Deputy



*- Lara Allman, D.P.M., Advanced Foot & Ankle Associates*

#### DOCUMENTS TO BE PRODUCED

Any and all medical records, from December 12, 2002 to the present, regardless of treating physician, on Sean Rockmore, (SS# 189-54-5177; DOB: April 17, 1970), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Sean Rockmore's health status (regardless of source), etc.

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

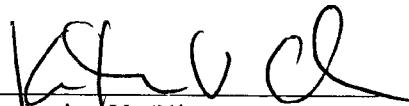
SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Lara Allman, D.P.M., in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 8/7/03 day of October 2003 to the attorney(s) of record:

John R. Ryan, Esquire  
Colavecchi, Ryan and Colavecchi  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

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

By: 

Katherine V. Oliver  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

**PRAECIPE TO DISCONTINUE**

TO: THE PROTHONOTARY

Please mark all claims in the above captioned matter as settled, ended, and discontinued,  
with prejudice.

BELIN & KUBISTA

BY: 

John R. Ryan  
15 North Front Street  
PO Box 1  
Clearfield, PA 16830  
Attorney for Plaintiff  
SEAN D. ROCKMORE

DATED:

JAN 06 2004

WITNESS  
John R. Ryan

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

SEAN D. ROCKMORE, :  
Plaintiff, : No. 02-1441-C.D.  
: :  
v. : **JURY TRIAL DEMANDED**  
: :  
JAMES I. HUTTON, JR., :  
: :  
Defendant. : :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praecipe to Discontinue, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 5<sup>th</sup> day of January, 2004 to the attorney(s) of record:

John R. Ryan, Esquire  
Belin & Kubsita  
15 North Front Street  
Box 1  
Clearfield, PA 16830

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

By: 

Katherine V. Oliver  
I.D. No. 77069  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
JAMES I. HUTTON, JR.

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

**CIVIL DIVISION**

**Sean D. Rockmore**

**Vs.**  
**James I. Hutton Jr**

**No. 2002-01441-CD**

**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 January 6, 2004, marked:

Discontinued, settled and ended.

Record costs in the sum of \$117.17 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 6th day of January A.D. 2004.

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William A. Shaw, Prothonotary