

02-1535-CD
WILLIAM ANDERSON et al. vs. NORMAN S. HETZLER, M.D.

CORCHIN & ROSATO, P.C.

BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

Attorney for Plaintiff

FILED

OCT 03 2002

William A. Shaw
Prothonotary

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

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

: NO. 02-1535-CD

: JURY TRIAL DEMANDED

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your 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 plaintiffs. 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.

LAWYER REFERRAL SERVICE
Clearfield County Bar Association
215 East Locust Street
Clearfield, PA 16830
Norrstown, Pennsylvania 19401
(814)765-1581

CORCHIN & ROSATO, P.C.

BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

Attorney for Plaintiff

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

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

: NO.

: JURY TRIAL DEMANDED

COMPLAINT

COUNT I - NEGLIGENCE

1. Plaintiff William Anderson is an adult individual currently residing at 303 North 3rd Street, DuBois, Clearfield County, Pennsylvania.

2. Plaintiff Frances Anderson is an adult individual currently residing at 303 North 3rd Street, DuBois, Clearfield County, Pennsylvania.

3. Defendant Norman A. Hetzler, M.D., is an adult individual and a physician maintaining an office for the practice of medicine at 145 Hospital Avenue, Suite 104, DuBois, Clearfield County, Pennsylvania.

4. On May 8, 2001, Defendant Norman A. Hetzler, M.D. performed surgery upon Plaintiff William Anderson and specifically a carotid endarterectomy on the right carotid artery.

5. On May 22, 2001, Defendant Norman A. Hetzler, M.D. performed surgery

upon Plaintiff William Anderson and specifically a carotid endarterectomy on the left carotid artery.

6. The Defendant Norman Hetzler, M.D. failed prior to the first surgical procedure on May 8, 2001 to perform, or have performed a laryngoscopy to evaluate the Plaintiff's vocal chord function.

7. The Defendant Norman Hetzler, M.D. failed to perform or have performed at any time between the first endarterectomy of May 8, 2001 and the second endarectomy of May 22, 2001, a laryngoscopy for the purpose of evaluating the Plaintiff's vocal chord function.

8. The Defendant Norman Hetzler, M.D.'s failure to perform a laryngoscopy examination at any time of the Plaintiff's vocal chord function is a deviation from the required standard of care and constitutes medical negligence.

9. At all times relevant hereto and during both surgical procedures on May 8, 2001 and May 22, 2001, the Defendant Norman Hetzler, M.D. did cause injury to the nerves in Plaintiff's neck which control vocal chord function, said conduct being a violation of the standard of care and as such is medical negligence.

10. Plaintiff invokes the doctrine of res ipsa loquitur as set forth in the Restatement of Torts Second and adopted by the Courts of the Commonwealth of Pennsylvania and pursuant thereto claims but for the negligence of the Defendant Norman Hetzler, M.D., the injuries sustained to the nerves controlling the Plaintiff's vocal chords would not have occurred.

11. As a direct and proximate cause of the negligence set forth, Plaintiff William Anderson has suffered as follows:

- (a) The loss of his ability to speak normally;
- (b) The loss of his ability to properly swallow and eat;
- (c) Plaintiff has incurred medical expenses both past, present and future as a result of the Defendant's negligence.

- (d) Plaintiff has lost such other valuables and sustained such other damages as are appropriately allowed by Pennsylvania Law.

WHEREFORE, Plaintiff requests damages from the Defendant in an amount in

excess of the limits of arbitration.

COUNT II - INFORMED CONSENT

12. Paragraphs 1 through 11 are incorporated herein by reference as though fully set forth.

13. A physician is bound to disclose risks which a reasonable person would consider material to a decision whether or not to undergo treatment and/or testing.

14. Defendant Norman A. Hetzler, M.D. did not explain the procedure, its risks, its complications, alternatives, and the seriousness of the procedure.

15. The procedure involved undisclosed risk and the harm occurred which a reasonable patient would have considered in determining whether or not to undergo or reject bilateral carotid endarterectomy.

16. Defendant's conduct constitutes a battery.

17. As a direct and proximate cause of the negligence set forth, Plaintiff William Anderson has suffered as follows:

- (a) The loss of his ability to speak normally;
- (b) The loss of his ability to properly swallow and eat;
- (c) Plaintiff has incurred medical expenses both past, present and future as a result of the Defendant's negligence.

- (d) Plaintiff has lost such other valuables and sustained such other damages as are appropriately allowed by Pennsylvania Law.

WHEREFORE, Plaintiff requests damages from the Defendant in an amount in excess of the limits of arbitration.

COUNT III - LOSS OF CONSORTIUM

18. Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

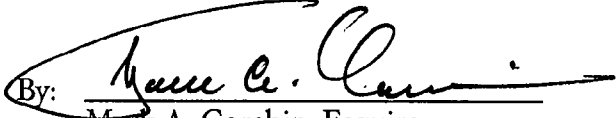
19. At all times material hereto Frances Anderson was the wife of injured Plaintiff William Anderson.

20. As a direct and proximate result of the Defendant's negligence as set forth above, Plaintiff Frances Anderson was deprived of the society and services of her husband.

21. Plaintiff Frances Anderson has been forced to incur financial expenses and other losses as a result of the Defendant's conduct.

WHEREFORE, Plaintiff Frances Anderson prays for judgment against the Defendant in a sum in excess of the limits of arbitration.

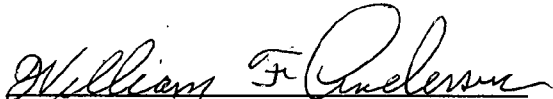
CORCHIN & ROSATO, P.C.

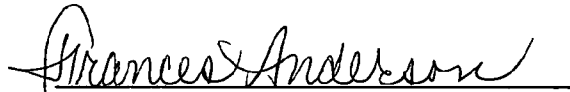
By: 
Mark A. Corchin, Esquire
Attorney for Plaintiffs

Date: October 1, 2002

VERIFICATION

William Anderson and Frances Anderson state they are the Plaintiffs in this action and verifies the statements made in the foregoing document are true and correct to the best of their knowledge, information and belief. The undersigned understands the statements made therein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


William Anderson


Frances Anderson

FILED

1cc shf

At 2:31 PM OCT 03 2002

Attg pd. 80.00

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 021535

02-1535-CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

TYPE OF PLEADING:

PRAECIPE FOR APPEARANCE

FILED ON BEHALF OF:

NORMAN A. HETZLER, M.D.

Defendant

COUNSEL OF RECORD
FOR THIS PARTY:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD & PUNTIL, P.C.
Firm 788
Suite 501, Grant Building
Pittsburgh, PA 15219
(412) 391-1114

FILED

NOV 07 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 021535

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

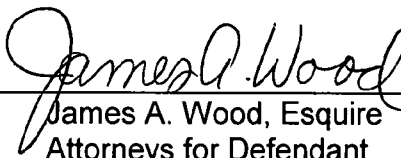
JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

To: William Shaw, Prothonotary

Please enter our appearance on behalf of defendant, **NORMAN A. HETZLER, M.D.**, in connection with the above-captioned matter.

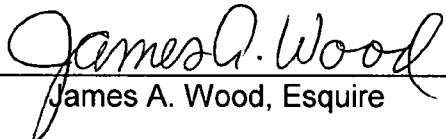
ISRAEL, WOOD & PUNTIL, P.C.

By: 
James A. Wood, Esquire
Attorneys for Defendant
Norman A. Hetzler, M.D.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within **Praecipe for Appearance** was forwarded to the following counsel of record, via first-class mail, on the 4th day of November, 2002:

Mark A. Corchin, Esquire
Corchin & Rosato
Suite Seven, Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Counsel for Plaintiffs


James A. Wood, Esquire

FILED

NO
CC

NOV 10:45 AM
NOV 07 2002

William A. Shaw
Prothonotary

Shaw

CORCHIN & ROSATO, P.C.

BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

Attorney for Plaintiff

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

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145 Hospital Avenue
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: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY,
: PENNSYLVANIA

:
: NO. 02-1535-CD
:

:
:
: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within First Amended Complaint was forwarded to the following counsel of record, via first-class mail this 26th day of November, 2002:

James A. Wood, Esquire
Israel, Wood & Puntl, p.C.
Suite 501 Grant Building
310 Grant Street
Pittsburgh, PA 15219

CORCHIN & ROSATO, P.C.

FILED

DEC 02 2002

William A. Shaw
Prothonotary

By: 
Mark A. Corchin, Esquire

FILED
NO
CE
M 8:55 AM
DEC 02 2002

William A. Shaw
Prothonotary

CORCHIN & ROSATO, P.C.

BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

FILED

DEC 02 2002

Attorney for Plaintiff

William A. Shaw
Prothonotary

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

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NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your 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 plaintiffs. You may lose money or property or other rights important to you.

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LAWYER REFERRAL SERVICE
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215 East Locust Street
Clearfield, PA 16830
Norristown, Pennsylvania 19401
(814)765-1581

CORCHIN & ROSATO, P.C.

BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

Attorney for Plaintiff

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: NO. 02-1535-CD
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: JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

COUNT I - NEGLIGENCE

1. Plaintiff William Anderson is an adult individual currently residing at 303 North 3rd Street, DuBois, Clearfield County, Pennsylvania.

2. Plaintiff Frances Anderson is an adult individual currently residing at 303 North 3rd Street, DuBois, Clearfield County, Pennsylvania.

3. Defendant Norman A. Hetzler, M.D., is an adult individual and a physician maintaining an office for the practice of medicine at 145 Hospital Avenue, Suite 104, DuBois, Clearfield County, Pennsylvania.

4. On May 8, 2001, Defendant Norman A. Hetzler, M.D. performed surgery upon Plaintiff William Anderson and specifically a carotid endarterectomy on the right carotid artery.

5. On May 22, 2001, Defendant Norman A. Hetzler, M.D. performed surgery

upon Plaintiff William Anderson and specifically a carotid endarterectomy on the left carotid artery.

6. The Defendant Norman Hetzler, M.D. failed prior to the first surgical procedure on May 8, 2001 to perform, or have performed a laryngoscopy to evaluate the Plaintiff's vocal chord function.

7. The Defendant Norman Hetzler, M.D. failed to perform or have performed at any time between the first endarterectomy of May 8, 2001 and the second endarectomy of May 22, 2001, a laryngoscopy for the purpose of evaluating the Plaintiff's vocal chord function.

8. The Defendant Norman Hetzler, M.D.'s failure to perform a laryngoscopy examination at any time of the Plaintiff's vocal chord function is a deviation from the required standard of care and constitutes medical negligence.

9. During the surgical procedures of May 8, 2001 and May 22, 2001 defendant Norman Hetzler, M.D. was negligent causing injury to the nerves in Plaintiff's neck which control vocal chord function, said negligence consisted of:

- (a) lacerating the nerves with surgical instruments;
- (b) causing blunt trauma to the nerves with surgical instruments;
- (c) stretching the nerves with surgical instruments;
- (d) lacerating the nerves manually;
- (e) causing blunt trauma to the nerves manually;
- (f) stretching the nerves manually;
- (g) failing to properly locate, identify, and then protect the nerves against injury during the surgical procedure.

10. Plaintiff invokes the doctrine of res ipsa loquitur as set forth in the Restatement of Torts Second and adopted by the Courts of the Commonwealth of Pennsylvania and pursuant thereto claims but for the negligence of the Defendant Norman Hetzler, M.D., the injuries sustained to the nerves controlling the Plaintiff's vocal chords would not have occurred.

11. As a direct and proximate cause of the negligence set forth, Plaintiff William Anderson has suffered as follows:

(a) The loss of his ability to speak normally;
(b) The loss of his ability to properly swallow and eat;
(c) Plaintiff has incurred medical expenses both past, present and future as a result of the Defendant's negligence.

(d) Plaintiff has lost such other valuables and sustained such other damages as are appropriately allowed by Pennsylvania Law.

WHEREFORE, Plaintiff requests damages from the Defendant in an amount in excess of the limits of arbitration.

COUNT II - INFORMED CONSENT

12. Paragraphs 1 through 11 are incorporated herein by reference as though fully set forth.

13. A physician is bound to disclose risks which a reasonable person would consider material to a decision whether or not to undergo treatment and/or testing.

14. Defendant Norman A. Hetzler, M.D. did not explain the procedure, its risks, its complications, alternatives, and the seriousness of the procedure.

15. The procedure involved undisclosed risk and the harm occurred which a reasonable patient would have considered in determining whether or not to undergo or reject bilateral carotid endarterectomy.

16. Defendant's conduct constitutes a battery.

WHEREFORE, Plaintiff requests damages from the Defendant in an amount in excess of the limits of arbitration.

COUNT III - LOSS OF CONSORTIUM

17. Paragraphs 1 through 17 are incorporated herein by reference as though fully set forth.

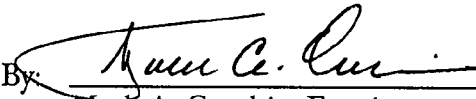
18. At all times material hereto Frances Anderson was the wife of injured Plaintiff William Anderson.

19. As a direct and proximate result of the Defendant's negligence as set forth above, Plaintiff Frances Anderson was deprived of the society and services of her husband.

20. Plaintiff Frances Anderson has been forced to incur financial expenses and other losses as a result of the Defendant's conduct.

WHEREFORE, Plaintiff Frances Anderson prays for judgment against the Defendant in a sum in excess of the limits of arbitration.

CORCHIN & ROSATO, P.C.

By: 
Mark A. Corchin, Esquire
Attorney for Plaintiffs

Date: November 26, 2002

VERIFICATION

I, Mark A. Corchin, hereby state that I am the attorney for the plaintiff in this action and verify that the statements made in the foregoing First Amended Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

By: _____


Mark A. Corchin, Esquire
Attorney for Plaintiff

~~FILED~~ NO
M18:55 BT CC
DEC 02 2002

William A. Shaw
Prothonotary

CORCHIN & ROSATO, P.C.
BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

Attorney for Plaintiff

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY,
: PENNSYLVANIA
:
: NO. 02-1535-CD
:
:
:
: JURY TRIAL DEMANDED

PRAECIPE TO SUBSTITUTE VERIFICATION

TO THE PROTHONOTARY:

Please substitute the enclosed Verification of William Anderson and Frances Anderson for the Verification of Mark A. Corchin filed with the above-captioned First Amended Complaint.

CORCHIN & ROSATO, P.C.

By:


MARK A. CORCHIN, ESQUIRE
Attorney for Plaintiffs

Date: 12/9/02

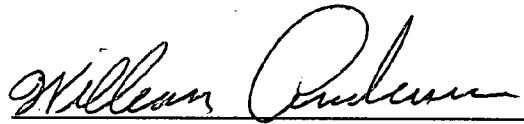
FILED

DEC 11 2002

William A. Shaw
Prothonotary

VERIFICATION

William Anderson and Frances Anderson state they are the Plaintiffs in this action and verifies the statements made in the foregoing document are true and correct to the best of their knowledge, information and belief. The undersigned understands the statements made therein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read "William Anderson", written over a horizontal line.

William Anderson

A handwritten signature in dark ink, appearing to read "Frances Anderson", written over a horizontal line.

Frances Anderson

NOTIFICATION

FILED No cc

DEC 11 2002 3:34 PM
425

William A. Shaw
Proprietary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 02-1535 CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

TYPE OF PLEADING:

NOTICE OF SERVICE OF DISCOVERY

FILED ON BEHALF OF:

NORMAN A. HETZLER, M.D.

Defendant

COUNSEL OF RECORD
FOR THIS PARTY:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD & PUNTIL, P.C.
Firm 788
Suite 501, Grant Building
Pittsburgh, PA 15219
(412) 391-1114

FILED

DEC 16 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 02-1535 CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

JURY TRIAL DEMANDED

NOTICE OF SERVICE OF DISCOVERY

Please take notice that defendant, Norman A. Hetzler, M.D., by and through his undersigned counsel, served the following discovery requests on plaintiffs' counsel of record, Mark A. Corchin, Esquire, Corchin & Rosato, Suite 7, Valley Forge Commons, P.O. Box 987, Valley Forge, PA 19482, via first-class mail, postage prepaid, on December 10, 2002:

- 1) **Original and two copies of Interrogatories;**
- 2) **Request for Production of Documents;**
- 3) **Notice of Deposition scheduling plaintiffs' depositions to take place at the law offices of Israel, Wood & Puntl, Suite 501, Grant Building, Pittsburgh, PA 15219, on Wednesday, March 19, 2003, at 10:00 a.m.**

ISRAEL, WOOD & PUNTIL, P.C.

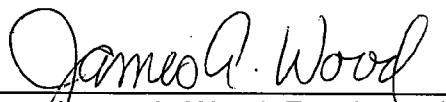
By: 

James A. Wood, Esquire
Attorneys for Defendant
Norman A. Hetzler, M.D.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within **Notice of Service of Discovery** was forwarded to the following counsel of record, via first-class mail, on the 10th day of December, 2002:

Mark A. Corchin, Esquire
Corchin & Rosato
Suite Seven, Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Counsel for Plaintiffs



James A. Wood, Esquire

FILED

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DEC 10 2002

William A. Shaw
Prothonotary

Amended
Comp. filed.
and needed this

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 021535 ^{02-1535-CD}

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

TYPE OF PLEADING:

**PRELIMINARY OBJECTIONS TO THE
PLAINTIFFS' COMPLAINT**

FILED ON BEHALF OF:

NORMAN A. HETZLER, M.D.

Defendant

COUNSEL OF RECORD
FOR THIS PARTY:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD & PUNTIL, P.C.
Firm 788
Suite 501, Grant Building
Pittsburgh, PA 15219
(412) 391-1114

FILED

NOV 13 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 021535

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

JURY TRIAL DEMANDED

PRELIMINARY OBJECTIONS TO THE PLAINTIFFS' COMPLAINT

AND NOW, comes the Defendant, Norman A. Hetzler, M.D., by and through his attorneys, James A. Wood, Esquire, and ISRAEL, WOOD & PUNTIL, P.C., and for his Preliminary Objections to Plaintiff's Complaint states the following:

1. This action arises out of allegations of professional medical negligence in connection with bilateral carotid endarterectomy procedures performed by Dr. Hetzler on the Plaintiff, William Anderson. Essentially, Plaintiffs' Complaint alleges that Dr. Hetzler was negligent in failing to perform a laryngoscopy examination and that Dr. Hetzler somehow caused an injury to the nerves in the Plaintiff's neck which control vocal chord function.

2. In making a negligence claim against Dr. Anderson, the Plaintiffs' Complaint makes the following allegation:

9. At all times relevant hereto and during both surgical procedures on May 8, 2001 and May 22, 2001, the Defendant Norman Hetzler, M.D. did cause injury to the nerves in Plaintiff's neck which control vocal chord function

and said conduct being a violation of the standard of care and as such is medical negligence.

3. The allegations contained in Paragraph 9 of the Plaintiffs' Complaint are not pled with requisite specificity, and therefore, should be stricken. Paragraph 9 of the Plaintiffs' Complaint does not state how the conduct of Dr. Hetzler was negligent.

4. Count II of the Plaintiffs' Complaint sets forth a claim for lack of informed consent. The allegations contained in Count II of Plaintiffs' Complaint makes the following allegations:

17. As a direct and proximate cause of the negligence set forth, Plaintiff, William Anderson has suffered as follows:

- (a) The loss of ability to speak normally;
- (b) The loss of ability to properly swallow and eat;
- (c) Plaintiff has incurred medical expenses of past, present and future as a result of the Defendant's negligence;

5. A claim for lack of informed consent is one based on an action for a battery. As such, the Plaintiff is not entitled to damages as a result of any alleged negligence on the part of Dr. Hetzler as part of a claim for lack of informed consent. Therefore, Paragraph 17 of Plaintiffs' Complaint should be stricken from Plaintiffs' Complaint.

WHEREFORE, it is respectfully requested that this Honorable Court enter an Order striking Paragraphs 9 and 17 from Plaintiffs' Complaint.

Respectfully submitted,

ISRAEL, WOOD & PUNTIL, P.C.

By: James A. Wood
James A. Wood, Esquire
Attorneys for Defendant
Norman A. Hetzler, M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
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NO. 021535

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Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 200____, upon consideration of the foregoing Preliminary Objections of Defendant Hetzler, it is hereby ORDERED, ADJUDGED and DECREED that said Preliminary Objections are granted and that Paragraphs 9 and 17 are stricken from Plaintiffs' Complaint.

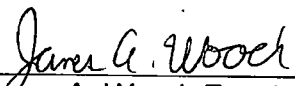
BY THE COURT:

_____, J.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within
PRELIMINARY OBJECTIONS TO THE PLAINTIFFS' COMPLAINT was forwarded to
the following counsel of record, via first-class mail, on the 11th day of November,
2002:

Mark A. Corchin, Esquire
Corchin & Rosato
Suite Seven, Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Counsel for Plaintiffs



James A. Wood, Esquire

FILED

1cc

NOV 10:48 PM

NOV 13 2002

Att. J. Wood

~~WJW~~

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13129

ANDERSON, WILLIAM & FRANCES

02-1535-CD

VS.

HETZLER, NORMAN A., M.D.

COMPLAINT

SHERIFF RETURNS

NOW OCTOBER 18, 2002 AT 11:10 AM DST SERVED THE WITHIN COMPLAINT ON
NORMAN A. HETZLER, M.D., DEFENDANT AT EMPLOYMENT, 145 HOSPITAL
AVE., SUITE 104, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
SHERLY PETRUCCI, SEC., A TRUE AND ATTESTED COPY OF THE ORIGINAL -
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET

Return Costs

Cost	Description
35.72	SHFF. HAWKINS PD. BY: ATTY.
10.00	SURCHARGE PD. BY: ATTY.

Sworn to Before Me This

17th Day Of January 2003
William A. Shaw

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED

0 NO CC 2:18 PM
JAN 17 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

CIVIL DIVISION

NO. 02-1535 CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

TYPE OF PLEADING:

**ANSWER TO FIRST
AMENDED COMPLAINT**

FILED ON BEHALF OF:

NORMAN A. HETZLER, M.D.

Defendant

COUNSEL OF RECORD
FOR THIS PARTY:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD, PUNTIL & GRIMM, P.C.
Firm 788
Suite 501, Grant Building
Pittsburgh, PA 15219
(412) 391-1114

FILED

JUL 21 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 02-1535 CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

JURY TRIAL DEMANDED

ANSWER TO FIRST AMENDED COMPLAINT

AND NOW comes defendant, **NORMAN A. HETZLER, M.D.**, by and through his attorneys, **JAMES A. WOOD, ESQUIRE, and ISRAEL, WOOD, PUNTIL & GRIMM, P.C.**, and for his answer responsive to plaintiffs' First Amended Complaint submits the following:

1. Defendant is advised, and therefore avers, that all allegations of plaintiffs' Complaint other than those allegations specifically admitted or denied herein may be denied by virtue of a general denial. Therefore, each and every allegation of plaintiffs' Complaint that is not specifically admitted or denied herein is generally denied. Strict proof thereof is demanded at the time of trial.

2. After reasonable investigation, defendant is without sufficient information upon which to form a belief regarding the truth of the averments of paragraphs 1 and 2 of plaintiffs' First Amended Complaint. Strict proof thereof is demanded at the time of trial.

3. Paragraph 3 of plaintiffs' First Amended Complaint is admitted.

4. Paragraphs 4 and 5 of plaintiffs' First Amended Complaint are admitted.

5. Paragraph 6 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

6. Paragraph 7 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

7. Paragraph 8 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

8. Paragraph 9 of plaintiffs' First Amended Complaint and all sub-paragraphs of paragraph 9 of plaintiffs' First Amended Complaint are generally denied. Strict proof thereof is demanded at the time of trial.

9. Paragraph 10 of plaintiffs' First Amended Complaint, at least in part, states a legal conclusion to which no response is required. To the extent that a response is required to any portion of paragraph 10 of plaintiffs' First Amended Complaint, said paragraph is generally denied. Strict proof thereof is demanded at the time of trial.

10. Paragraph 11 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

11. In response to paragraph 12 of plaintiffs' First Amended Complaint, which incorporates paragraphs 1 through 11 of plaintiffs' First Amended Complaint, this defendant incorporates all previous paragraphs of this Answer the same as though said paragraphs were set forth in full herein.

12. Paragraph 13 of plaintiffs' First Amended Complaint states a legal conclusion to which no response is required. To the extent that a response is required, said paragraph is generally denied. Strict proof thereof is demanded at the time of trial.

13. Paragraph 14 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

14. Paragraph 15 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

15. Paragraph 16 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

16. In response to paragraph 17 of plaintiffs' First Amended Complaint, which incorporates paragraphs 1 through 17 of plaintiffs' First Amended Complaint, this defendant incorporates all previous paragraphs of this Answer the same as though said paragraphs were set forth in full herein.

17. After reasonable investigation, defendant is without sufficient information upon which to form a belief regarding the truth of the averments of paragraph 18 of plaintiffs' First Amended Complaint. Strict proof thereof is demanded at the time of trial.

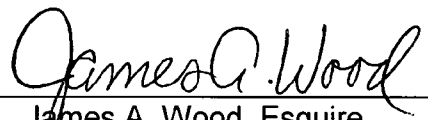
18. Paragraph 19 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

19. Paragraph 20 of plaintiffs' First Amended Complaint is generally denied. Strict proof thereof is demanded at the time of trial.

WHEREFORE, it is respectfully requested that judgment be entered in favor of defendant Hetzler, and against plaintiffs, and that plaintiffs' First Amended Complaint be dismissed.

Respectfully submitted,

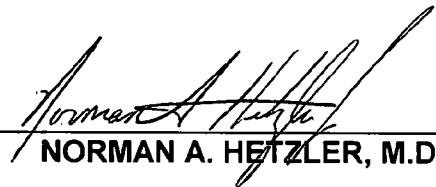
ISRAEL, WOOD, PUNTIL & GRIMM, P.C.

By: 
James A. Wood, Esquire
Attorneys for Norman A. Hetzler, M.D.

VERIFICATION

I, **NORMAN A. HETZLER, M.D.**, do verify that the statements of fact contained in the foregoing **ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** in the matter of **Anderson vs. Hetzler** [Court of Common Pleas of Clearfield County No. **02-1535-CD**] are true and correct to the best of my knowledge, information, and belief.

This verification is made pursuant to the provisions of 18 PA. C.S.A. Section 4904 relating to unsworn falsification to authorities.



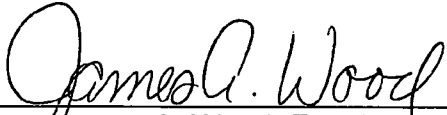
NORMAN A. HETZLER, M.D.

7 Jul 03
DATE

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within **Answer to First Amended Complaint** was forwarded to the following counsel of record, via first-class mail, on the 16th day of July, 2003:

Mark A. Corchin, Esquire
Corchin & Rosato
Suite Seven, Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Counsel for Plaintiffs



James A. Wood, Esquire

FILED ^{NO}ce

m/10:48 ~~tdl~~

JUL 21 2003

~~tdl~~

William A. Shaw
Prothonetary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 02-1535 CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

TYPE OF PLEADING:

**DEFENDANT'S REQUEST TO
PLAINTIFFS FOR PRODUCTION OF
EXPERT REPORTS PURSUANT TO
PA.R.C.P. 1042.28**

FILED ON BEHALF OF:

NORMAN A. HETZLER, M.D.

Defendant

COUNSEL OF RECORD
FOR THIS PARTY:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD, PUNTIL & GRIMM, P.C.
Firm 788
Suite 501, Grant Building
Pittsburgh, PA 15219
(412) 391-1114

FILED *NO CC*
11:05 AM
OCT 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

NO. 02-1535 CD

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

JURY TRIAL DEMANDED

**DEFENDANT'S REQUEST TO PLAINTIFFS FOR PRODUCTION
OF EXPERT REPORTS PURSUANT TO PA.R.C.P. 1042.28**

TO: Mark A. Corchin, Esquire, Counsel for Plaintiffs

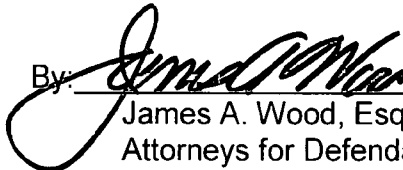
**FROM: James A. Wood, Esquire
Israel, Wood, Punttil & Grimm, P.C.
Counsel for Defendant Norman A. Hetzler, M.D.**

Pursuant to Pennsylvania Rule of Civil Procedure 1042.28, you are required to furnish to me within 180 days of service of this Request a copy of expert reports summarizing the expert testimony that you will offer to support the claims of professional negligence that you have made against **Norman A. Hetzler, M.D.**

You shall serve copies of all expert reports on all other parties.

DATED: October 22, 2004

ISRAEL, WOOD, PUNTIL & GRIMM, P.C.

By: 
James A. Wood, Esquire
Attorneys for Defendant
Norman A. Hetzler, M.D.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within
**DEFENDANT'S REQUEST TO PLAINTIFFS FOR PRODUCTION OF EXPERT
REPORTS PURSUANT TO PA.R.C.P. 1042.28** was forwarded to the following counsel
of record, via first-class mail, on the 25th day of October, 2004:

Mark A. Corchin, Esquire
Corchin & Rosato
Suite Seven, Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Counsel for Plaintiffs



James A. Wood, Esquire

CORCHIN & ROSATO, P.C.

BY: Mark A. Corchin, Esquire
Attorney I.D. #17456
Suite Seven Valley Forge Commons
P.O. Box 987
Valley Forge, PA 19482
Phone: 610-983-3500
Fax: 610-983-0610

Attorney for Plaintiff

William and Frances Anderson, h/w
303 North 3rd Street
DuBois, PA 15801

vs.

Norman A. Hetzler, M.D.
145 Hospital Avenue
Suite 104
DuBois, PA 15801

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

: NO. 02-1535-CD

: JURY TRIAL DEMANDED

PRAECIPE TO DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter "Discontinued and Ended."

CORCHIN & ROSATO, P.C.

By: 

Mark A. Corchin, Esquire
Attorney for Plaintiffs

DATE: 10-21-2004

FILED 

NOV 03 2004

10:50
William A. Shaw

Prothonotary/Clerk of Courts

2 cert to App

w/ cert. of Disc.

FILED

NOV 03 2004

William A. ^{SR}
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

**William Anderson
Frances Anderson**

**Vs.
Norman A. Hetzler MD**

No. 2002-01535-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 November 3, 2004, marked:

Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Atty. Corchin.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County; Pennsylvania this 3rd day of November A.D. 2004.

William A. Shaw, Prothonotary