

2003-220-CD
THOMAS G. FERGUSON ETAL VS CHARLES L. JOHNSON ETAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

NO: 03-220-CD

Plaintiffs,

vs.

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants.

**PRAECIPE FOR WRIT
OF SUMMONS IN CIVIL
ACTION**

Filed on Behalf of Plaintiffs

Counsel of Record for this Party:

Michael E. Metro, Esquire
PA ID #62185

VILLANOVA LAW OFFICES, P.C.
16 Chatham Square
Pittsburgh, PA 15219
(412) 471-1933

A JURY TRIAL IS DEMANDED.

FILED

FEB 19 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

NO:

Plaintiffs,

vs.

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants.

PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION

TO THE PROTHONOTARY:

Kindly file a Writ of Summons in Civil Action in regards to the above-captioned case.

Respectfully submitted,



Michael E. Metro, Esquire
Attorney for Plaintiff

FILED

Atty pd. 85.00

10 1:47 PM 2003 2003-200 Shaff

FEB 10 2003

William A. Shaw
Prothonotary

CCPY

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

SUMMONS

**Thomas G. Ferguson and
Barbara G. Ferguson, his wife**

Vs.

NO.: 2003-00220-CD

**Charles L. Johnson and
Margaret Johnson**

**TO: CHARLES L. JOHNSON
MARGARET JOHNSON**

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

Date: 02/19/2003

William A. Shaw
Prothonotary

Issuing Attorney:
Michael E. Metro, Esq.
Villanova Law Offices, P.C.
16 Chatham Square
Pittsburgh, PA 15219
(412) 471-1933

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

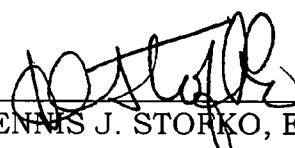
No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

PRAECIPE

Please issue a rule on Plaintiffs to file their complaint within 20 days or
suffer judgment non pros.


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

FILED

MAR 00 2003 *FC/AS*

William A. Shaw
Prothonotary

FILED No cc

3/11/2013 Rules issued
MAR 06 2013 to Atty Srofko

William A. Shaw
Prothonotary

COPY

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

Thomas G. Ferguson and
Barbara G. Ferguson, his wife

Vs.
Charles L. Johnson and
Margaret Johnson

Case No. 2003-00220-CD

RULE TO FILE COMPLAINT

TO: Thomas G. Ferguson and Barbara G. Ferguson

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

William A. Shaw, Prothonotary

Dated: March 6, 2003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

ENTRY OF APPEARANCE

Please enter my appearance for Defendants in the above matter. Papers
may be served at the address listed below.

DEMAND FOR JURY TRIAL

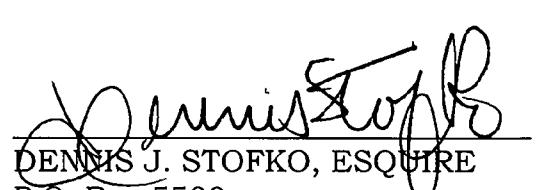
Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as
amended, a Jury Trial is demanded on all issues raised by the pleadings in this
action.

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

FILED

MAR 06 2003

William A. Shaw
Prothonotary


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

FILED

111-28
MAR 06 2003

cc

William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Michael E. Metro, Esq.
16 Chatham Square
Pittsburgh, Pa 15219

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
3-10-03	

C. Signature

Cindy Boga Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from sen

7002 2030 0003 3000 0055

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Law Offices
DENNIS J. STOKFO
969 Eisenhower Blvd. - Suite E
P.O. Box 5500
Johnstown, Pennsylvania 15904

Johnson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FILED

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Mar 13 2003

Plaintiffs

William A. Shaw
Prothonotary

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

AFFIDAVIT OF SERVICE

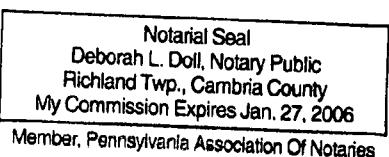
I, the undersigned, do hereby certify that a true and correct copy of the Rule to File Complaint was served via U.S. Mail, postage prepaid, on Michael E. Metro, Attorney for Plaintiffs, on March 10, 2003 as indicated by the attached return receipt card.


DENNIS J. STOFKO, Attorney for
Defendants

Sworn to and subscribed before
me this 12th day of March, 2003.



Notary Public



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

Thomas G. Ferguson and
Barbara G. Ferguson, his wife

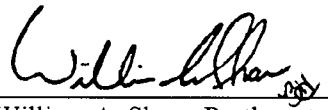
Vs.
Charles L. Johnson and
Margaret Johnson

Case No. 2003-00220-CD

RULE TO FILE COMPLAINT

TO: Thomas G. Ferguson and Barbara G. Ferguson

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



William A. Shaw, Prothonotary

Dated: March 6, 2003

FILED

NO
cc

MAR 13 2003
11:13 AM
FBI

William A. Shaw
FBI
Secretary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13693

FERGUSON, THOMAS G. & BARBARA G.

03-220-CD

VS.

JOHNSON, CHARLES L. & MARGARET

SUMMONS

SHERIFF RETURNS

NOW MARCH 3, 2003 AT 11:17 AM EST SERVED THE WITHIN SUMMONS ON
CHARLES L. JOHNSON, DEFENDANT AT RESIDENCE, 808 WALTON ST.
PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHARLES
L. JOHNSON A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE
KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

NOW MARCH 3, 2003 AT 11:17 AM EST SERVED THE WITHIN SUMMONS ON
MARGARET JOHNSON, DEFENDANT AT RESIDENCE, 808 WALTON ST.
PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARGARET
JOHNSON A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE
KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
34.77	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY: ATTY.

Sworn to Before Me This

16th Day Of March 2003
William A. Shaw

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

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

CIVIL DIVISION

NO: 2003-00220-CD

Plaintiffs,

CODE:

vs.

**COMPLAINT IN
CIVIL ACTION**

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

Filed on Behalf of Plaintiffs:

Defendants.

Counsel of Record for this Party:

MICHAEL E. METRO, ESQUIRE
Pa. I.D. No. 62185

VILLANOVA LAW OFFICES, P.C
16 Chatham Square
Pittsburgh, PA 15219

A JURY TRIAL IS DEMANDED.

(412) 471-1933

FILED

MAR 26 2003

*W. A. Shaw
Prothonotary*

2 C.R. 100-100

W. A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

CIVIL DIVISION

NO: 2003-00220-CD

Plaintiffs,

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

NOTICE TO DEFEND

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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

**COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 E. MARKET STREET
CLEARFIELD, PA 16830**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

CIVIL DIVISION

NO: 2003-00220-CD

Plaintiffs,

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

COMPLAINT IN CIVIL ACTION

1. Plaintiff, Thomas G. Ferguson and Barbara G. Ferguson, are adult individuals and husband and wife and currently reside at RR # 1, Box 393, Walltown, Road, Grampian, Clearfield County, Pennsylvania 16838.

2. Defendant, Charles L. Johnson, is an adult individual currently residing in Clearfield County.

3. Defendant, Margaret Johnson, is an adult individual currently residing in Clearfield County.

4. At all times relevant herein, the above mentioned Defendants, Charles L. Johnson and Margaret Johnson, jointly and severally, were owners of and had exclusive care, custody and control of the premises located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866.

COUNT I

Thomas G. Ferguson v. Charles L. Johnson

5. Paragraphs 1 through 4 are incorporated herein by reference.
6. On or about March 13, 2001, at approximately 7:30 p.m., the Plaintiff herein, Thomas G. Ferguson, was ambulating and moving in a reasonable, careful, slow and deliberate manner when he was caused to fall due to snow and other precipitation, which had formed due to broken, uneven and defective asphalt surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866, thereby sustaining serious injuries.
7. It is averred that the aforesaid land and surface upon which the Plaintiff was injured was owned and under the care, custody and control of the Defendant, Charles L. Johnson, and that the aforesaid uneven, broken and defective asphalt surface of driveway located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866, was improperly and/or defectively designed, maintained, constructed and in a state of deterioration, and that said improper design, maintenance, construction and state of deterioration caused precipitation, including snow to accumulate within the uneven and broken surface of the aforesaid driveway, creating a slippery, unstable condition causing Plaintiff to sustain serious injuries.
8. Plaintiff, Thomas G. Ferguson, sustained serious injuries, as a direct and proximate result of the negligence of Defendant, Charles L. Johnson, in the following respects:
 - a. In failing to properly maintain the surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866;

- b. In failing to remove the aforesaid defects, namely, uneven, broken and defective asphalt on the surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866 in a timely and reasonable fashion;
- c. In failing to properly warn the Plaintiff, Thomas G. Ferguson, of the aforesaid defective conditions, namely, uneven, broken and defective asphalt, which allowed snow and other precipitation to accumulate within its uneven and broken surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866; and
- d. In failing to provide proper maintenance of the surface of the the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866, including snow and ice removal.

9. As a result of the Defendant, Charles L. Johnson's negligence, the Plaintiff,

Thomas G. Ferguson, sustained the following injuries, all of which are or may be of a permanent nature:

- a. A displaced fracture of the lateral malleolus of the right ankle, and a non-displaced intra-articular fracture of the distal tibia of the right lower extremity, requiring surgical intervention;
- b. Severe sprains and strains of an injury and damage to the bones, joints, muscles, ligaments, tendons, discs, nerves and tissues of the area of the right lower extremity;
- c. Surgery to the right ankle, including an open reduction and internal fixation of the fractured lateral malleolus, with the placement of plate and screws in the right ankle;
- d. Scarring about the right lower extremity;
- e. Injury to the nerves and soft tissues of the areas of the right ankle and right lower extremity;

- f. Severe and disabling injuries to various parts of the body, including the right lower extremity, right ankle and left shoulder;
- g. Severe sprains and strains of injury and damage to the bones, joints, muscles, ligaments, tendons, discs, nerves and tissues of the area of the neck and left shoulder, including a partial tear of the rotator cuff of the left shoulder;
- h. Severe shock and damage and injury to the nerves and nervous system;
- i. Possible aggravation of pre-existing disease processes; and
- j. Personality change and depression.

10. Plaintiff, Thomas G. Ferguson, sustained the following damages as a result

of these injuries:

- a. He has endured and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish and emotional and psychological trauma;
- b. He has been and will be required to expend large sums of money for medical treatment and care, hospitalization, medical supplies, surgical appliances, rehabilitation and therapeutic treatment, medicines, and other attendant services;
- c. He has sustained and will continue to sustain lost earnings, and his earning capacity has been reduced and may be permanently impaired;
- d. He has sustained property damage;
- e. His general health, strength, and vitality have been impaired; and
- f. He has been and will in the future be unable to enjoy various pleasures of life that he previously enjoyed.

WHEREFORE, the Plaintiff, Thomas G. Ferguson, seeks a judgment against the Defendant, Charles L. Johnson, jointly and severally, for damages in excess of Twenty Five Thousand (\$25,000.00) Dollars.

A JURY TRIAL IS DEMANDED.

COUNT II – NEGLIGENCE

THOMAS G. FERGUSON v. MARGARET JOHNSON

11. Plaintiffs incorporate by reference herein paragraphs one through ten.
12. On or about March 13, 2001, at approximately 7:30 p.m., the Plaintiff herein, Thomas G. Ferguson, was ambulating and moving in a reasonable, careful, slow and deliberate manner when he was caused to fall due to snow and other precipitation, which had formed due to broken, uneven and defective asphalt surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866, thereby sustaining serious injuries.
13. It is averred that the aforesaid land and surface upon which the Plaintiff was injured was owned and under the care, custody and control of the Defendant, Margaret Johnson, and that the aforesaid uneven, broken and defective asphalt surface of driveway located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866, was improperly and/or defectively designed, maintained, constructed and in a state of deterioration, and that said improper design, maintenance, construction and state of deterioration caused precipitation, including snow to accumulate within the uneven

and broken surface of the aforesaid driveway, creating a slippery, unstable condition causing Plaintiff to sustain serious injuries.

14. Plaintiff, Thomas G. Ferguson, sustained serious injuries, as a direct and proximate result of the negligence of Defendant, Margaret Johnson, in the following respects:

- a. In failing to properly maintain the surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866;
- b. In failing to remove the aforesaid defects, namely, uneven, broken and defective asphalt on the surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866 in a timely and reasonable fashion;
- c. In failing to properly warn the Plaintiff, Thomas G. Ferguson, of the aforesaid defective conditions, namely, uneven, broken and defective asphalt, which allowed snow and other precipitation to accumulate within its uneven and broken surface of the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866; and
- d. In failing to provide proper maintenance of the surface of the the driveway of the property located at 808 Walton Street, Phillipsburg, Clearfield County, Pennsylvania 16866, including snow and ice removal.

15. As a result of the Defendant, Margaret Johnson's negligence, the Plaintiff, Thomas G. Ferguson, sustained the following injuries, all of which are or may be of a permanent nature:

- a. A displaced fracture of the lateral malleolus of the right ankle, and a non-displaced intra-articular fracture of the distal tibia of the right lower extremity, requiring surgical intervention;
- b. Severe sprains and strains of an injury and damage to the

bones, joints, muscles, ligaments, tendons, discs, nerves and tissues of the area of the right lower extremity;

- c. Surgery to the right ankle, including an open reduction and internal fixation of the fractured lateral malleolus, with the placement of plate and screws in the right ankle;
- d. Scarring about the right lower extremity;
- e. Injury to the nerves and soft tissues of the areas of the right ankle and right lower extremity;
- f. Severe and disabling injuries to various parts of the body, including the right lower extremity, right ankle and left shoulder;
- g. Severe sprains and strains of injury and damage to the bones, joints, muscles, ligaments, tendons, discs, nerves and tissues of the area of the neck and left shoulder, including a partial tear of the rotator cuff of the left shoulder;
- h. Severe shock and damage and injury to the nerves and nervous system;
- i. Possible aggravation of pre-existing disease processes; and
- j. Personality change and depression.

16. Plaintiff, Thomas G. Ferguson, sustained the following damages as a result

of these injuries:

- a. He has endured and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish and emotional and psychological trauma;
- b. He has been and will be required to expend large sums of money for medical treatment and care, hospitalization, medical supplies, surgical appliances, rehabilitation and therapeutic treatment, medicines, and other attendant services;
- c. He has sustained and will continue to sustain lost earnings, and his earning capacity has been reduced and may be permanently impaired;
- d. He has sustained property damage;

- e. His general health, strength, and vitality have been impaired; and
- f. He has been and will in the future be unable to enjoy various pleasures of life that he previously enjoyed.

WHEREFORE, the Plaintiff, Thomas G. Ferguson, seeks a judgment against the Defendant, Margaret Johnson, jointly and severally, for damages in excess of Twenty Five Thousand (\$25,000.00) Dollars.

A JURY TRIAL IS DEMANDED.

COUNT III

**BARBARA G. FERGUSON v. CHARLES L.
JOHNSON and MARGARET JOHNSON**

- 17. Plaintiffs incorporate by reference herein paragraphs one through sixteen above, as if fully set forth herein.
- 18. Barbara G. Johnson, is the wife of Plaintiff, Thomas G. Ferguson.
- 19. As a result of the negligence of the Defendants, Barbara G. Ferguson, has been deprived of her husband's aid, comfort, assistance, companionship and consortium.

WHEREFORE, the Plaintiff, Barbara G. Ferguson, seeks a judgment against the Defendants, Charles L. Johnson and Margaret Johnson, jointly and severally, for damages in excess of Twenty Five Thousand (\$25,000.00) Dollars.

A JURY TRIAL IS DEMANDED.

RESPECTFULLY SUBMITTED,



Michael E. Metro, Esquire
Attorney for Plaintiff

VERIFICATION

I, Thomas G. Ferguson having personal knowledge of the factual statement made in this Complaint In Civil Action, verify that these statements are true to the best of my information, knowledge and belief. I Understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

X/Thomas G. Ferguson

Date: 3-20-03

VERIFICATION

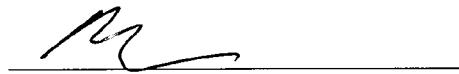
I, Barbara G. Ferguson having personal knowledge of the factual statement made in this Complaint For Civil Action, verify that these statements are true to the best of my information, knowledge and belief. I Understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

+ Barbara G. Ferguson Date: 3/20/03

CERTIFICATE OF SERVICE

I, Michael E. Metro, hereby certify that the within document, Complaint in Civil Action, was served upon the following by U.S. first Class mail, postage prepaid this 25th day of March, 2003:

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



Michael E. Metro, Esquire

FILED

^{WY}
MAR 26 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

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

TO THE PLAINTIFFS:

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

FILED

APR 01 2003

William A. Shaw
Prothonotary

ANSWER AND NEW MATTER

NOW COME the Defendants by and through counsel, Dennis J. Stofko and files the following Answer and New Matter.

1. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

2. Admitted.

3. Admitted.

4. Admitted.

5. Denied. See previous Answers.

6. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

7. Denied. Paragraph 7 contains a conclusion of law to which no responsive pleading is required.

8. Denied. Paragraph 8 contains a conclusion of law to which no responsive pleading is required.

9. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

10. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendants request Plaintiffs' Complaint be dismissed.

11. Denied. See previous Answers.

12. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

13. Denied. Paragraph 13 contains a conclusion of law to which no responsive pleading is required.

14. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

15. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

16. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendants request Plaintiffs' Complaint be dismissed.

17. Denied. See previous Answers.

18. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

19. Denied. After reasonable investigation, Defendants are without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendants request Plaintiffs' Complaint be dismissed.

NEW MATTER

20. The Defendants are informed, believe and therefore aver that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after March 13, 2001 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendants.

21. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiffs may have legally suffered and can prove at trial

and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiffs.

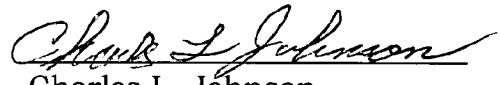
WHEREFORE, Defendants request judgment on their behalf.

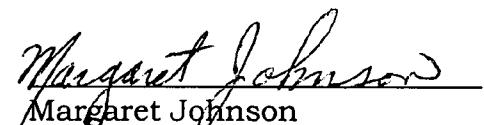


DENNIS J. STOKO, Attorney for
Defendants

We, Charles L. Johnson and Margaret Johnson, do hereby swear or affirm that the facts set forth in the Answer and New Matter are true and correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.


Charles L. Johnson


Margaret Johnson

Dated: 3/28/03

FILED

11:10-03
APR 01 2003

cc
FED

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

MOTION TO COMPEL

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID27638

FILED

JUL 07 2003

William A. Shaw
Prothonotary

FILED

M 1132 84
JUL 07 2003
S. H. S.

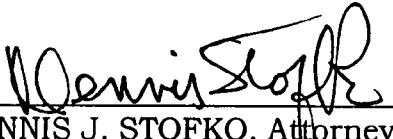
William A. Shaw
Prothonotary

MOTION TO COMPEL

NOW COME the Defendants by and through counsel, Dennis J. Stofko and files the following Motion to Compel.

1. Plaintiffs initiated the above cause of action as a result of an accident occurring on March 13, 2001.
2. On March 31, 2003 Defendants served a request for production of documents and interrogatories on plaintiffs' counsel with the notice to answer within 30 days.
3. By letter dated May 12, 2003 counsel inquired as to the status of the discovery.
4. To date no response has been received.
5. The discovery requested is necessary and relevant with regard to claims being asserted by the plaintiffs to the within cause of action and are reasonable in scope.
6. Defendants are entitled to an order compelling Plaintiffs to respond to the request for production and interrogatories pursuant to Rule 4019 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendants request that this Court compel Plaintiffs to answer said discovery as requested or to suffer such sanctions as the Court shall impose.



DENNIS J. STOKO, Attorney for
Defendants

FILED

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JUL 07 2003
cc
SAC

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

ORDER

AND NOW this 5th day of July, 2003 upon consideration of the
foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the
Plaintiffs shall have twenty (20) days from the date of this order to respond
to said interrogatories and request for production or suffer those sanctions
deemed appropriate by the Court.


BY THE COURT.

FILED

JUL 08 2003

William A. Shaw
Prothonotary

FILED
02:30 PM 100-2008-
JUL 08 2003 *AS*

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

Plaintiffs,

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

Defendants.

CIVIL DIVISION

NO: 2003-00220-CD

CODE:

**REPLY TO REQUEST FOR
PRODUCTION OF
DOCUMENTS**

Filed on Behalf of Plaintiffs:

Counsel of Record for this Party:

MICHAEL E. METRO, ESQUIRE
Pa. I.D. No. 62185

VILLANOVA LAW OFFICES, P.C
16 Chatham Square
Pittsburgh, PA 15219

A JURY TRIAL IS DEMANDED.

(412) 471-1933

FILED

JUL 23 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife
Plaintiffs,

CIVIL DIVISION
NO: 2003-00220-CD

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

REPLY TO REQUEST FOR PRODUCTIN OF DOCUMENTS

1. See medical records enclosed and Answers to Interrogatories.
2. See Statement enclosed.
3. See photographs.
4. Not at this time.

RESPECTFULLY SUBMITTED,


Michael E. Metro, Esquire
Attorney for Plaintiff

VERIFICATION

I, Thomas G. Ferguson having personal knowledge of the factual statement made in this Reply To Request For Production of Documents, verify that these statements are true to the best of my information, knowledge and belief. I Understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

X Thomas G. Ferguson

Date: 7-21-03

CERTIFICATE OF SERVICE

I, Michael E. Metro, hereby certify that the within document, REPLY TO REQUEST FOR PRODUCTION OF DOCUMENTS, was served upon the following by U.S. first Class mail, postage prepaid this 21st day of July, 2003:

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



Michael E. Metro, Esquire

FILED

NO
CC
JUL 23 2003
EJK

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

CIVIL DIVISION

NO: 2003-00220-CD

Plaintiffs,

CODE:

vs.

**ANSWERS TO
INTERROGATORIES**

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

Filed on Behalf of Plaintiffs:

Defendants.

Counsel of Record for this Party:

MICHAEL E. METRO, ESQUIRE
Pa. I.D. No. 62185

VILLANOVA LAW OFFICES, P.C
16 Chatham Square
Pittsburgh, PA 15219

A JURY TRIAL IS DEMANDED.

(412) 471-1933

FILED

JUL 23 2003

William A. Shaw
Pennsylvania

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife
Plaintiffs,

CIVIL DIVISION
NO: 2003-00220-CD

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

ANSWERS TO INTERROGATORIES

NOW, come Plaintiffs, Thomas G. Ferguson and Barbara G. Ferguson, his wife, by and through their attorneys, James A. Villanova, Esquire and Villanova Law Offices, P.C., and files the following Answers to Interrogatories as follows:

1. (a) State your full name;

Thomas Guy Ferguson

- (b) Age

40

- (c) Place of Birth

Philipsburg, PA

- (d) Present residence

RR # 1, Box 393, Walltown Road, Grampian, PA 16838

- (e) Permanent residence

RR # 1, Box 393, Walltown Road, Grampian, PA 16838

- (f) Any and all other names used at any time

Tom or Tommy

- (g) Social security number

197-56-3003

2. How long have you lived at your present address?

Since July 3, 2002.

3. Are you presently married. If so, please state when and where you were married and state the full name and address of your spouse and whether you were single or married at the time of the within accident.

Yes. March 28, 1987 in Philipsburg, PA

Barbara Georgine Ferguson

RR # 1, Box 393, Walltown Road, Grampian, PA 16838

4. State, with reference to the time of the accident

- (a) Your occupation

Not employed - last employed September 1, 2000

- (b) The nature of the duties of your employment

Not applicable.

- (c) The name and address of your employer and immediate supervisor

Not applicable.

(d) The length of time with your employer prior to the accident complained of in your complaint

Not applicable.

(e) Your salary at the time of the accident

Not applicable.

(f) Any and all employment and work which supplemented your income, either from the stated employment or other work at the time of the said accident or subsequent thereto.

None

5. What is your present occupation?

None.

(a) List the name and address of your present employer:

Not applicable.

(b) List the name and address of your immediate supervisor, if any:

(c) List the name and address of your former employers for the past five years, if any:

Glenn O. Hawbaker, Inc., 325 W. Aaron Drive, State College, PA 16801 - worked as a flagman
(d) If self employed the name and address of the person maintaining your books and records pertaining to your occupation?

Not applicable.

6. Describe your education and special training, if any, for work in your business or profession.

No special training for job - on the job training.

7. State whether or not you filed income tax returns in any year for the past five years for yourself, or jointly and if so, please state which years and whether jointly or for yourself and the place of filing.

1998, 1999, 2000, 2001 - filed jointly with my wife
2002 - Did not file.

(a) State whether or not you have copies of the above stated returns in your possession, custody or control and if so, please provide copies of same.

Yes. We will provide copies in the near future.

(b) If not in your possession, state in whose possession said copies are:

See Answer to 7 (a).

8. What was the net income in the following years:

2000 - Approximately \$20,000.00

2001 - Approximately \$8,000.00

2002 - Approximately \$8,000.00

2003 to present - \$2,620.00 to present

9. State your average weekly earnings for the six months preceding the date of your alleged injury, together with the name and address of your employer on said date.

If you were also self employed, give the nature of your work and how long you had been so self employed.

Not employed at that time.

10. Have you, at any time **prior** to the date of this accident as alleged in the complaint, been involved in any accident of any kind and if so state the following with respect to each accident.

(a) Date and place of accident: Approximately 1978, involved in a dirt bike accident at parents house on Spree Street, Philipsburg, PA. Shattered right knee cap and broke right ankle in two places.

(b) Type of accident: October of 1985 - (Date unsure) - Route 879, Goshen, PA

Auto

12. State with particularity:

(a) All injuries known to you to have been sustained at the time of the within accident:

See paragraph 9 (a-j) of Plaintiffs' Complaint.

(b) Which of the foregoing injuries you have fully recovered from and the date of recovery:

None.

(c) Which injuries you believe to be permanent:

Ankle injury, left shoulder. Plaintiff reserves the right to supplement this answer which expert medical testimony at a later date

(d) List any permanent scars, disfigurements or disability, if any, growing out of the within accident and state with particularity to which portions of the body:

Scars on right ankle.

13. Have you suffered any preexisting mental or physical infirmity, condition, disease or injury which could have caused the accident?

If so, ^{see} attached sheet

(a) What the condition was:

(b) The complete name, address and specialty, if any, of each person or physician who examined and/or administered treatment to you prior to the accident for the same:

(c) The approximate date or dates of such treatment or examination:

(d) Whether any one in your family ever suffered from any of the same as listed in this Interrogatory:

(c) Nature of the injuries:

Cut on chin. injuries, left elbow cut. Face went through windshield.

(d) Whether or not any such injury involved any part or function of the body claimed in this suit to have been injured.

Plaintiff reserves the right to expand upon this answer at a later date.

1978 Dirt bike accident - broke right ankle.

11. Please state:

Not applicable.

(a) Whether you lost any time from work by reason of the within accident and if so, state the exact number of days lost:

(b) The exact amount of any and all lost income, salary or profits which you allege were directly and proximately caused by the herein accident:

(c) Whether all or any part of your salary or income was paid or received during the time of your alleged incapacitation, stating the amount of said salary or income paid or received during said period:

(d) The exact date you returned to work after said accident:

(e) If you did not return to your employment, did you seek other employment and if so, provide the name and address and why you sought other employment.

(f) If self employed, state the exact amount of lost income or profits you claim to have suffered by reason of your alleged incapacitation and the method of your computation:

(g) If self employed, state the name and address of the person who has custody of the books and records pertaining to the self employment.

14. State the names and address of any hospitals, clinics or institutions which you have been a patient as a result of **any** accident?

See attached sheet.

(a) The reason for such confinement:

(b) The treatment and care provided:

15. State:

(a) Whether you were confined to bed at any time after the accident as a direct and proximate result of said accident:

Yes.

(b) The dates and lengths of time of such confinement:

In bed at Hospital for two days following accident.

(c) Whether said confinement to bed was on doctor's orders and if so state, the name and address of which doctor or doctors so advised:

Yes. Dr. Polintar.

(d) If confinement was not to bed, state the nature of the confinement and if continuing state the opinion of your physician as to how long you will remain confined: Had to keep leg evaluated and did not leave house for several weeks following accident. Plaintiff reserves the right
16. State: to expand upon this answer at a later date.

(a) The full name, address and specialty of all doctors who have examined or treated you to date as a result of the subject accident:

See Answer # 14 and medical records provided.

(b) The dates you saw each physician, specifying which dates were for examination and which dates were for treatment:

See Answer # 14 and medical records provided.

(c) The doctors or persons from whom you are receiving treatment presently:

Patrick Gianopoulos, M.D.

(d) The nature of the treatment presently being received:

Pain medication.

(e) The dates you received treatment from nurses, physiotherapists, etc. employed by the above mentioned doctors:

See medical records.

(f) The total amount of each doctors' or other persons' bill to date:

See medical bills enclosed. Plaintiff reserves the right to update this answer at a later date.

(g) If discharged from treatment by any physician, give exact date of discharge and doctor so discharging:

See medical records.

(h) Do you have a report prepared by any of the physicians identified above and if so, please provide a copy of same.

No formal report. See medical records enclosed.

17. If it has become necessary for you to engage the services of any one other than a physician in connection with the treatment of injuries sustained by you, give the name and address of the individuals so engaged, the period of time they remained in your employ, the exact nature of the services rendered and the dates on which rendered and the total amount paid to each.

Not applicable.

18. Itemize all other items of expense and loss which were incurred by you, or on behalf of yourself as a result of the alleged accident for which you sought compensation listing each item of expense individually.

Air cast - out-of-pocket \$60.00. Medication - out-of-pocket approximately \$1,000.00. Gas out-of-pocket - co-pay on health insurance on pain prescriptions.

Plaintiff reserves the right to amend this answer at a later date.

19. State whether you have ever made a claim against an employer under the workmen's compensation laws of Pennsylvania or any other state:

No.
If so state:

(a) The full name of any such employer, the address, the date of the accident, the exact nature of your injuries sustained by you and the amount of benefits so paid:

20. Do you or your attorneys, agents, servants or employees have any photographs, diagrams, sketches, maps or plats or other documentary evidence of the within accident or person involved? If so,

Yes. - See pictures enclosed.

(a) State the complete name and address of the person or persons having possession of the above and specify the nature of the evidence possessed by each of them:

(b) Please provide copies of same.

21. Do you or your attorneys, agents, servants or employees have any statements which have been taken from anyone regarding the facts of this lawsuit?

Yes. See statement of Plaintiff enclosed.

If so, (a) State the complete name and address of the person or persons from whom said statements were taken, the date of said statements.

Please provide copies of same.

22. Give the complete names and address of all witnesses to this accident known by you, your attorneys, agents or representatives and the names and addresses of all persons who are known to you, your attorneys, agents or representatives to have knowledge of the facts or circumstances surrounding this accident and state which witnesses you have listed are:

(a) Eye witnesses: No eyewitnesses.

Bowl Mann and Mrs. Mann

Neighbors came after fall.

(b) Medical witnesses:

All medical doctors previously mentioned herein.

(c) Expert witnesses:

Unknown at this time.

23. Have you been involved in any type of accident **subsequent** to the within accident? No. If so,

(a) Type of accident:

(b) Date and Place:

(c) Doctor and hospital who treated you.

24. State the weather conditions at the time of the alleged within accident.

Wet and snowy conditions.

25. Have you previously been a pedestrian in the area where the accident occurred? Yes. I believe one time prior to fall about one year prior to accident. Plaintiff reserves the right to expand upon If so, state when and why: this answer at a later date.

26. Had you consumed any alcohol or taken any drugs or medications six hours prior to the accident? If so, describe:

No.

27. What were you doing immediately prior to the accident:

Walking my dog.

30. Did you give a statement to the investigating officer or anyone? If so, please provide a copy of same.

Yes, see statement.

31. Did the other party involved say anything to you or in your presence relative to this accident? If so, please describe.

No, left messages on my phone concerning fall.

32. Have you been the recipient of any medical assistance benefits paid by the Commonwealth of Pennsylvania or the Federal Government?

Yes.

If so, please state:

(a) The date of such payments:

August 2001 - present.

(b) The amount of such payments:

Unknown..

(c) The name and address of the person to contact regarding repayment:

Will provide information in the near future.

(d) Attach copies of all correspondence regarding any payments:

33. Identify each person whom you expect to call as an expert witness or medical witness at the time of trial: Unknown at this time.

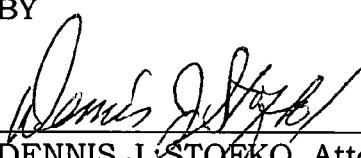
For each witness so identified, state the following:

(a) The substance of each fact and/or opinion to which each expert or medical witness is expected to testify:

(b) The background, training or other qualifications of each such witness:

(c) The date of each report and provide a copy of same:

INTERROGATORIES SUBMITTED
BY


DENNIS J. STOFKO, Attorney for
Defendants

INTERROGATORIES ANSWERED
BY



ANSWERS TO INTERROGATORIES

13. Objection. Answer requires medical opinion without having such objections, Plaintiff fractured right ankle in the late 1970's in a dirt bike accident. See Answer to No. 20. Received treatment at Philipsburg Hospital Emergency Room and followed up with Services and Roberts, Orthopedic Doctors, State College, Pennsylvania.

14. For 1985 car accident, Plaintiff had been seen at Clearfield Hospital Emergency Room.

For 1985 dirt bike accident, see Answer to Interrogatory No. 13.

For the accident herein:

Rodolfo Dolintan, MD
807 Turnpike Avenue
Clearfield, PA 16830

Clearfield Hospital
807 Turnpike Avenue
Clearfield, PA 16830

Philipsburg Area Hospital
210 Loch Lomand Road
Philipsburg, PA 16866

Therapy Works
R.D. # 2, Box 245
Clearfield, PA 16830

Joyner Sports Medicine Institute
504 Park Avenue
Clearfield, PA 16830

Center for Orthopaedics and Sports Medicine
720 West Mahoning Street
Punxsutawney, PA 15767

Geisinger Medical Center

Dr. Lague
Clearfield, PA

Altoona Hospital
Allegheny Pain Management Clinic
620 Howard Avenue
Altoona, PA 16501

Dr. Elkins
Curwensville, PA
814-236-1123

Dr. Conrad
502 Park Avenue
Clearfield, PA

Family Doctor: Dr. Patrick Gianopoulos, MD
210 Loch Lombard Road
Philipsburg Hospital, 3rd Floor
Philipsburg, PA 16866

VILLANOVA LAW OFFICES, P.C.

16 Chatham Square
Pittsburgh, PA 15219

James Villanova
Michael E. Metro

(412) 471-1933
Fax No. (412) 471-2733

TO: Dick's Jr. S. Polinton, MD
807 Juniper Avenue
Clearfield, PA 16830
After medical Records

DATE: 10/5/01

RE: OUR CLIENT: Thomas J. Ferguson
BIRTHDATE: 2/5/63 SOCIAL SECURITY #: 47-510-3003
DATE OF TREATMENT OR ACCIDENT: 3/3/01 CLAIM #: _____

Dear Correspondent:

We represent the above-named client in an injury case. In order to advance this case, we request the following:

Police report
 Emergency room records
 Complete chart
 X-Ray reports
 Admission notes and discharge summary
 All office records, including correspondence *operative reports*
 All medical bills
 Insurance Company file including bills, wage loss, medical information and incident report.

NOTE: *Please forward above medical records
from 3/3/01 through present.*

An authorization for the release of the requested information is enclosed. We thank you for your help.

Sincerely,

Laura Richter
Villanova Law Offices, P.C.

AUTHORIZATION

I hereby authorize Villanova Law Offices, P.C., Attorneys at Law, to receive copies of any and all medical records, wage records, medical bills, letters, insurance company files, police and investigative reports and all other information concerning myself and my case.

A copy of this authorization is as valid as the original.

Date: 10/4/01

X Thomas J. Ferguson

PLEASE RETURN ~~Y~~ ~~E~~ COPY WITH REQUESTED RECORDS.

Thomas Ferguson

WORK _____
AUTO _____
LIABILITY _____

3/17/01

FAMILY DR _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

THOMAS FERGUSON

3-17-2001

Mr. Ferguson called the E.R. today and I returned his call. His concern was about the screws. He asked me some questions in regard to the screws whether they went from one side of the bone to the other, etc. I answered his questions. He is worried that he will run out of medication. I told him to call the office Monday if he runs out of medication.

RSP/jed

Thomas Ferguson 25-63
MA.

34d. 2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

3-14-01

Pt has positive history fx of hbz. Seen in ER last evening
& was splinted when & where do you want to see.

This is preliminary reading from P.A.H.

330 5pm E.A.T.

3-14-01 Pt & Mrs Condon 5pm not at J cash register

Tom Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

3-19-81 Tom called requesting refill on
Percocet

Kidney (per)

Percocet #2

SIS: 19461 per 5

3-19-81
Pt will pick up script. st

Thomas Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

3-29-01

Pt phoned & requested pain med. He was given
percocet by me. ^{SLH}

percocet 1 per 4 p.m.

Pt received 8 script.



Thomas Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

26-01 Pt phones to schedule casting

(P) ankle fr 3/28/01. when - where do you want to do X-ray?

Saturday (3/31/01)

in P mobil 10th

8th for casting.

3-29-01

Pt x-rayed for casting & need for drg. 500

Thomas Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

4-3-01

Pt is requesting pain med. He was

giv. Percocet before. ^{50%} we will start weaning him

for percocet

Re vision # 20
SIS. 1 po q44hr

R. S. POLINTAN, M.D., P.C.

807 TURNPIKE AVENUE
CLEARFIELD, PA 16830

DEA Reg. No. _____
Lic. No. MD 022179-E

Telephone (814) 765-8590

NAME Thomas Ferguson AGE _____
ADDRESS _____ DATE 4/3/01

Rx

Vicodin
30
1964
Brand Name

Label

Refill Times

SUBSTITUTION
PERMISSIBLE

M.D.

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED, THE
PRESCRIBER MUST HANDWRITE "BRAND NECESSARY" OR
"BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

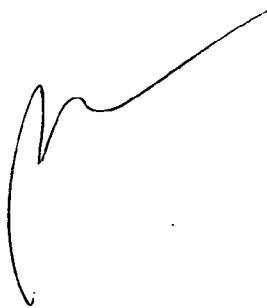
Thomas Ferguson

34d-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

1-6-01 Pt is requesting something to pain. He did call Dr Nartker office but they refused since they don't know him. Pt was given Vicodin before. He will call 4-9-01 if you don't call him to see if anything was ordered. This pt has called numerous times to see what he could do since "you are not in office. Dr Nartker office was supposed to request records + order something per Thomas but they left for the day + did not call. I called them @ 3pm to see what they needed + he was gone. (Dr Nartker). I phoned Thomas + told him I would leave message but if you were not in we would check in Dr Luge on Monday.



RSP

FYI

4-6-01

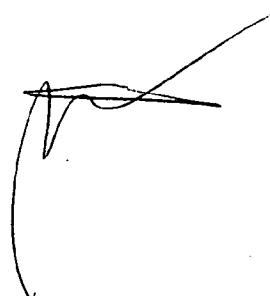
Dr. Nastalter phoned & bld us to stop referring pts to his office to get in today. I did tell Dr. Nastalter th. + we did tell some pt to call his office & maybe he could get in sooner than May 11. We did not tell anyone they would get in today.
SH

Also Thomas Ferguson phoned for pain meds & Dr. Nastalter wouldn't order anything since he did not know him but never offered an apt to the pt. We told Thomas to try over the counter meds & if not helpful to go to ER. His medical Dr. would not order pain med either. Darvocet N 100 doesn't help.

~~I phoned him & told him I would leave message but~~

~~If you have not seen me we would check in~~ ~~Dr. Ferguson~~

~~on Monday~~ SH



John Ferguson

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

4/7/01
THOMAS FERGUSON 2
#2

4-07-2001

*1/1
Grattan Pharmacy*

The patient realizes that I will be on vacation. He has been calling the E.R. of the hospital. He called Dr. Nartatez's office and also called my office. He said he is afraid that he might run out of Vicodin. I told him that this is a very strong pain medication and it is a narcotic and it is drug addicting. I believe I told him this before. He acted as if he doesn't know.

He promised that he will wean himself from this medication. Vicodin #20, refill #1, one every four hours, p.r.n. for pain called to Grattan Pharmacy.

I offered him to be seen as soon as possible because of the pain that he is complaining about but he said he just wants pain medication. He didn't want to see me at this time.

RSP/jed

Thomas Ferguson

4-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

4-17-01

Pt is requesting script for pain med? Pt was seen by Dr. Lague & in the ER over the weekend. Was told it is pulled muscle in his shoulder. He wants to follow with you for the shoulder since he sees you for the knee. Pt uses Grafton Pharmacy. Pt did have to go in ER. SH.

"Co-visit to see Dr. Lague
for the shoulder."

4-17-01

Pt notified to see Dr. Lague for the shoulder.

Thomas Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

4-17-01 Pt spoke w/ Dr Lusser's office they
will not order pain med he was given muscle relaxant.

Pt said he needs something for pain for his ^{leg} foot
now when he puts wt on it it feels like the
bone is pushing sideways. He was told to start putting
more wt on the foot to ease the pressure on

the shoulder.

Re Darnacet ~ 100 mg

20

pepsi # 1

SIS 1944 JPM

4-18-01 pt has tried Darnacet & it is not helping. He said
the Vicoden has helped but not Darnacet.

pt will come over if

Vicoden # 6 No pills

SIS 1944 JPM

4-18-01

Called pharmacy & left message for pt

Thomas Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____

REFERRED _____

ALLERGIES PCN _____

PRESENT MEDS Anxiety med _____

4-19-01

Pt is requesting Vicoden #20 be called to Grafton pharm.

Pt is out of Vicoden. The pharmacy gave him 3 tues when

The order was filled yesterday they gave him 3.

If you order do this will get ^{him} through the weekend sat

Vicoden # 6

Sig - 1 P 6 H
See me monay Jpw

8:45 AM.

(4/23/01)

4-23-01

X 2 per

Having pain bottom of ♂ foot & ♂ shoulder

THOMAS FERGUSON

4-23-2001

The patient is seen today earlier than the scheduled appointment because he has been having complaint of pain and is requesting pain medication. He said that he doesn't really have any pain on the lateral aspect of the leg or the ankle. He complained of some jagging sensation on the bottom of the foot.

EXAMINATION: He is ambulatory with crutches. His cast is intact and there is hardly any swelling on the toes. There is good range of motion of the toes. He doesn't seem to be in pain.

I offered him to have the cast split and removed today so that the foot can be inspected; he declined. He said he will have this done according to the schedule.

I told him strongly that Vicodin is drug addicting and he should refrain from taking this as much as possible.

In regards to his left shoulder, I told him to continue seeing Dr. Lugue. He is agreeable to do this.

Before he left, he requested pain medication again. I gave him Vicodin #10, one Q 4 hrs., p.r.n. Advised him to take Motrin or Tylenol before taking the Vicodin. I will see him as scheduled. He has a prescription for an air cast. He is going to bring this next time.

RSP/jed

Tom Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

4-26-01 Tom called. When he gets the cast off
How long will it be before he can walk
without crutches? Also requesting will on Vicodan
pain medication be called to Bratton's

→ cannot answer
with certainty

Klaus DR

Vicodan # 5

5/1/01 No ppd
T Q8H17PM ✓

4-27-01

Called pharmacy + patient

Thomas Ferguson

342-2499

WORK _____
AUTO _____
LIABILITY _____

FAMILY DR. _____
REFERRED _____
ALLERGIES _____
PRESENT MEDS _____

30-01

Pt is requesting pain med. Pt uses Grafton Pharmacy

Pt was given vicodin before & Darvocet does not work

Need to see him

8:45 AM

70 min

left mess to call office

5-1-01

I offered pt appt for 5-2-01 per RSP. Pt refused
appt said he would wait until Friday. He was

told th. t RSP will not order anything for pain
& he said he was not having actual pain just
discomfort. SH

04 MAY 2001

per RSP
offcut vicodin
6 tabs

THOMAS FERGUSON

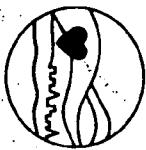
5-04-2001

The patient returned to the office. He did not complain of any pain now. The cast was removed. There is hardly any swelling on the foot. His incision is well healed. The ankle is stable and there is no deformity. There is minimal decrease in range of motion.

His x-ray prior to removal of the cast showed the mortise is intact and the fracture is not visible on this x-ray. The plate and screws are stable.

PLAN: Progressive weight bearing with the air cast and crutches. If there is no pain, may discard the crutches. Elevation of the leg and do range of motion exercises. Follow up in six weeks, x-ray right ankle.

RSP/jed



Clearfield Hospital

FERGUSON, THOMAS GUY
02/05/1963 197-56-3003
POLINTAN RODOLFO S 203 B-
03/15/01 K SUP 1

DISCHARGE ORDERS

HOME CARE INSTRUCTIONS

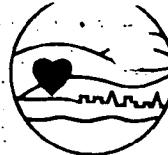
I understand these instructions

Signature _____
(Signature): Supreme

PHYSICIANS COPY

29879991 109095

FERGUSON, THOMAS GUY
 02/05/1963 197-56-3003
 POLINTAN RODOLFO S 203 B-
 03/15/01 M SUR I



Clearfield
Hospital

DISCHARGE ORDERS

HOME CARE INSTRUCTIONS

RETURN TO PHYSICIAN'S OFFICE Call Dr. Tolentino's office on 3/27/02

CALL FOR APPOINTMENT 3/28 to schedule. 765-8590

OTHER APPOINTMENT _____

Frequent elevation of rt leg

Use crutches - toe touch on rt foot w/ cast boot

REFERRAL: LAB Don't get bandage wet

OTHER (SPECIFY) _____

DIAGNOSIS: _____

ACTIVITY ALLOWED

NO RESTRICTIONS
 BATHROOM-SAME FLOOR
 BATHROOM-UPSTAIRS
 STAIRS-1XDAY

WALK ABOUT IN HOUSE
 WALK OUTSIDE IN YARD
 RIDE IN CAR
 LIGHT HOUSEWORK

WORK/SCHOOL
 SEXUAL ACTIVITY
 DRIVING
 LIFTING

OTHER _____

DIETS: REGULAR SPECIAL _____

DIET INSTRUCTIONS GIVEN TO PATIENTS ON SPECIAL DIET. YES NO

TREATMENTS/DRESSINGS _____

Pre Printed Discharge Instruction Sheet Provided Form #

Own Medications Returned Medication Cards Given Food/Drug interaction information Given

I UNDERSTAND THESE INSTRUCTIONS:

3-16-01

Date

Attending Physician Signature

Nurse Signature

Heather

MY FAMILY PHYSICIAN IS: _____

(Name and Address)

IF MY PHYSICIAN DIRECTS, SEND A SUMMARY OF MY HOSPITALIZATION.

**CLEARFIELD HOSPITAL
IMAGING DEPARTMENT**

(814) 768 - 2275

PATIENT	FERGUSON, THOMAS G	MR #:	109095
AGE	38	ADM#:	2487995
DOB	02/05/1963	ROOM/BED:	203 B
ORD DR	POLINTAN, RODOLFO S	PT CLASS:	IN
ATT DR:	POLINTAN, RODOLFO S	PT TYPE:	S FC: I
ALT DR:	POLINTAN, RODOLFO S	HOSP SVC:	SUR ORDER #: 90001

REFERRING DIAGNOSIS: ORIF RT ANKLE

CONTRAST DOCUMENTATION:

BRAND: AMT BY:

HISTORY/ COMMENTS: FX RT ANKLE. PORT.

IS PATIENT PREGNANT? LMP:

SHIELDED: NO. OF FILMS: 3

ORDER #: 90001

FLUORO TIME:

03/15/2001 ANKLE COMPLETE RIGHT 73610

PROCEDURE ENDED: 03/15/2001 18:05 Initials: JP CMC

In comparison to views of the right ankle 2-13-01 from Philipsburg Area Hospital in Philipsburg, Pennsylvania. The patient is status post ORIF for fracture of the lateral malleolus.

There is asymmetry of the ankle mortise with lateral widening. Separate osseous or bone fragment is seen at the tip of the medial malleolus.

There is anterior subluxation at the tibio-talar articulation - again with marked asymmetry of the ankle mortise.

READING DOCTOR: ALFRED B. COREN, M.D.

ELECTRONICALLY SIGNED: ALFRED B. COREN, M.D.

TRANSCRIBED BY: PAR 03/16/2001 08:14AM

**CLEARFIELD HOSPITAL
IMAGING DEPARTMENT**

(814) 768 - 2275

PATIENT	FERGUSON, THOMAS G	MR #:	109095
AGE	38	ADM#:	2487999
DOB	02/05/1963	ROOM/BED:	203 B
ORD DR	POLINTAN, RODOLFO S	PT CLASS:	IN
ATT DR	POLINTAN, RODOLFO S	PT TYPE:	S FC: I
ALT DR	POLINTAN, RODOLFO S	HOSP SVC:	SUR ORDER #: 90002

REFERRING DIAGNOSIS: PLATE INSERT RIGHT FOOT

CONTRAST DOCUMENTATION:

HISTORY/COMMENTS: POST FX RIGHT ANKLE. @1440

BRAND: AMT: BY:

IS PATIENT PREGNANT? NA

LMP:

SHIELDED: NO

NO. OF FILMS: 4

FLUORO TIME:

ORDER #: 90002

03/16/2001 ANKLE COMPLETE RIGHT 73610

PROCEDURE ENDED 03/16/2001 14:37 Initials: CAM

In comparison to portable views 3-16-01.

Three views labeled #2 are submitted and compared to views labeled #1.

A fiberglass splint has been applied. The ankle mortise is symmetric on these views. Previously described subluxation has been reduced. Patient is status post ORIF for fracture of the lateral malleolus. The separate fragment or ossicle adjacent to the medial malleolus is again identified.

READING DOCTOR: ALFRED B. COREN, M.D.
ELECTRONICALLY SIGNED: ALFRED B. COREN, M.D.
TRANSCRIBED BY: PAR 03/16/2001 03:11PM

**CLEARFIELD HOSPITAL
IMAGING DEPARTMENT**

(814) 768 - 2275

PATIENT	FERGUSON, THOMAS GUY	MR #:	109095
AGE	38	SEX:	M
DOB	02/05/1963	ADM#:	48259121
ORD DR	POLINTAN RODOLFO S	ROOM/BED:	OP
ATT DR	POLINTAN RODOLFO S	PT CLASS:	OUT
ALT DR	POLINTAN RODOLFO S	PT TYPE:	R FC: I
		HOSP. SVC:	IMG ORDER #: 90003

REFERRING DIAGNOSIS: POST FX

CONTRAST DOCUMENTATION:

HISTORY/ COMMENTS: POST FX R ANKLE @1235

BRAND: AMT: BY:

IS PATIENT PREGNANT? NA LMP:

NO. OF FILMS: 4

FLUORO TIME:

SHIELDED: N

ORDER #: 90003.

03/31/2001 ANKLE COMPLETE RIGHT 73610

PROCEDURE ENDED: 03/31/2001 12:28⁴ Initials: CAM

The splint is in position. The plate and screw fixation device along the shaft of the distal lateral malleolus and fibula is present. A small avulsion chip from the medial malleolus is also seen.

IMPRESSION: Stable post-operative appearance.
No suspicious findings at this time.

READING DOCTOR: RICHARD G. WILLIAMS, M.D.

ELECTRONICALLY SIGNED: RICHARD G. WILLIAMS, M.D.

TRANSCRIBED BY: MAP 03/31/2001 01:20PM

TR1RPT1.RPT

Geisinger Health System
Triage Call Documentation Report
Date: 04/06/2001

Page: 1

Patient Name: Thomas Guy Ferguson
Medical Record #: 567629

Call Date: 04/06/2001 09:41

Patient ID: 940172766

Patient Name: Thomas Guy Ferguson

Patient Addr: 907 Walton St

PCP: Fernando J Acle

Spec: Rodolfo S. Polintan

Contact:

Telephone:

Philipsburg PA 16866

Phone: Day (814) 342-2499 Eve. (814) 342-2499h

Birthdate: 02/05/1963

Insurance: WORKERS/COMPENSATION

X28

EAST: WEST: 10004 CENTRAL:

Age: 038

Operator: Amy K, RN

PRESENTING PROBLEM

medication request refill.

NURSING ASSESSMENT

Pt calling states that "I tripped and fell. Broke my right leg in March. I had surgery with screws and plates placed on 3/15/01. Finally on 4/3/01, Dr Politan put me on Hydrocodone 5/500 1Q6hrs prn. Sometimes I have to take it sooner than the 6hrs. I can't get around too well with the crutches and throbbing pain when the blood rushes to my leg. My prescription should last me until sometime on Sunday. I called Dr Politan's office to get a refill ready for next week. His clinic informed me that he is away until 4/17/01. They advised me to call Dr Nartatez, who is covering for him or if need go to the ER for pain control. I called Dr Nartatez and since he's not familiar with me, he won't call in a prescription. I called TANS yesterday and she called Dr Acle. I called him this am and he doesn't feel comfortable calling in a refill for me. I tried a doctor who is presently out of the area, but used to be here, but he can't refill another doctors ordered medications. I don't know what else to do. I've tried everything." TANS advised him to call Dr Nartatez office and have them call Dr Politan's office for doctor notes and information. If no luck, call Dr Politan's office and have them call Dr Nartatez office. Emotional support given to him. "I just don't know what to do. Presently I've got the pain controlled, but I don't want to run out of it and develop more problems. Thank you."

OVERRIDE DISPOSITION: Pt to Call During Clinic Hours

OVERRIDE REASON: Nursing Judgement

OVERRIDE COMMENT: Pt to call clinic.

PATIENT/CALLER UNDERSTANDING

Patient/care giver was able to repeat the instructions in his or her own words.

PATIENT/CALLER INTENDED ACTION

Patient/Caregiver will comply with recommended disposition.

NOTES

If symptoms increase, change, or new symptoms develop, call back or call your HCP.

**CLEARFIELD HOSPITAL
IMAGING DEPARTMENT**

(814) 768 - 2275

PATIENT	FERGUSON, THOMAS GUY	MR #:	109095
AGE:	38	SEX:	M
DOB:	02/05/1963	ADM#:	48325468
ORD DR:	POLINTAN, RODOLEO S	ROOM/BED:	OP
ATT DR:	POLINTAN, RODOLEO S	PT CLASS:	OUT
ALT DR:	POLINTAN, RODOLEO S	PT TYPE:	R FC: I
		HOSP SVC:	IMG ORDER #: 90004

REFERRING DIAGNOSIS: POST FX

CONTRAST DOCUMENTATION:

BRAND: AMT: BY:

HISTORY/ COMMENTS: F/U FX RT ANKLE. @1118

IS PATIENT PREGNANT? NA LMP:

SHIELDED: YES NO. OF FILMS: 2

FLUORO TIME:

ORDER #: 90004

04/23/2001 ANKLE COMPLETE RIGHT 73610

PROCEDURE ENDED: 04/23/2001 11:18 Initials: JHA

In comparison to views dated 3-31-01. The patient is status post ORIF for fracture of the lateral malleolus.

The bones are in normal alignment and position. The fracture is healing with normal postoperative appearance.

Fine bony detail is obscured by the overlying cast.

READING DOCTOR: ALFRED B. COREN, M.D.
ELECTRONICALLY SIGNED: ALFRED B. COREN, M.D.
TRANSCRIBED BY: PAR 04/24/2001 12:50PM

CLEARFIELD HOSPITAL
IMAGING DEPARTMENT

(814) 768-2275

PATIENT:	FERGUSON, THOMAS GUY	MR#:	109095
AGE:	38	SEX:	M
DCB:	02-05-933	ADM#:	48361547
ORD DR:	POLINTAN, RODOLFO S	ROOM BED:	OP
ATT DR:	POLINTAN, RODOLFO S	P. CLASS:	OUT
ALT DR:	POLINTAN, RODOLFO S	P. TYPE:	R FC: I
		HOSP SVC:	EMG ORDER #: 93005

REFERRING DIAGNOSIS: POST FX

CONTRAST DOCUMENTATION:

BEAND: ANTR: BY:

HISTORY COMMENTS: POST FX 3-01 @ 1210

IS PATIENT PREGNANT? NA LMP:

SHIELDED YES

NO. OF FILMS: 4

FLUORO TIME:

ORDER #: 93005

05/04/2001 ANKLE COMPLETE RIGHT 73610

PROCEDURE ENDED: 05-04-2001 12:13 Initials: ARW

In comparison to views dated 4-23-01.

The bones are visualized through an overlying cast, and fine bony detail is obscured. The patient is status post ORIF for fracture of the lateral malleolus.

Fracture is healing without interval change in alignment or position.

READING DOCTOR: ALFRED B. COREN, M.D.
ELECTRONICALLY SIGNED: ALFRED B. COREN, M.D.

TRANSCRIBED BY: PAR 05-05-2001 08:27AM

ORDERING DR: FATCH

CLEARFIELD HOSPITAL, P O BOX 992, CLEARFIELD, PA 16830
DISCHARGE SUMMARY - PAGE 1

FERGUSON, THOMAS
Rodolfo S. Polintan, M.D.
ADMITTED: 03/15/2001
DISCHARGED: 03/16/2001

MR#109095

DISCHARGE DIAGNOSES:

1. Displaced fracture of the lateral malleolus, right ankle.
2. Nondisplaced intraarticular fracture of the distal tibia, right ankle.

SECONDARY DIAGNOSES:

1. History of brain operation.
2. History of kidney stone.

OPERATION: Open reduction and internal fixation of a fracture of the lateral malleolus of the right ankle with a plate and screws and application of a short-leg posterior splint on 03/15/01.

HISTORY: This is a 38-year-old Caucasian male who twisted his right ankle sustaining a fracture of the right ankle. The patient said that he twisted the right ankle in somebody else's driveway on 03/13/01.

COURSE IN THE HOSPITAL AND TREATMENT: The patient initially presented himself at the Philipsburg Area Hospital and had an x-ray and was splinted. I saw him in follow-up, and review of the x-ray showed that there was a displaced fracture of the lateral malleolus of the right ankle and a nondisplaced intraarticular fracture of the distal tibia. It was felt that stabilizing and improving the alignment was the treatment of choice. I discussed extensively with Mr. Ferguson the treatment options, and I also discussed the most pertinent, risks, and complications of this fracture as well as the surgery. He agreed, and he was brought to the Operating Room on 03/15/01, and the above mentioned surgery was done. He was placed on prophylactic antibiotics. Postoperatively, he was placed on PCA for pain. He was sent to physical therapy for ambulation with crutches, and he became independent on crutches and pain became under control and he was afebrile. He was discharged on 03/16/01 with the following plan and instructions:

MEDICATIONS: Same as before admission, Tylenol Extra-Strength 2 q4h PRN, Percocet 1 q4h PRN, Keflex 500 mg 1 q6h times one week.

ACTIVITY: Frequent elevation of the right leg. Use crutches. Toe-touch right foot with cast boot. Do not wet the dressing.

FOLLOW-UP: He is to call my office on 03/27/01 or 03/28/01 to schedule wound inspection, removal of sutures, and casting.

DATE _____ **PHYSICIAN'S SIGNATURE** _____

DD: 05/08/2001 10:14:31

TD: 05/10/2001 01:21:44

RSP/rjr

77674

DICTATED, NOT READ
COPY ONLY

PATIENT: FERGUSON, THOMAS MR# 10-90-95
LOCATION: ACU
PROCEDURE DATE: 03/15/01
SURGEON: Rodolfo S. Polintan, M.D.

PREOPERATIVE DIAGNOSIS: Displaced fracture of the lateral malleolus, right ankle and nondisplaced intraarticular fracture of the distal tibia, right.

POSTOPERATIVE DIAGNOSIS: Same

ANESTHESIA: Spinal.

OPERATIVE PROCEDURE:

Open reduction and internal fixation of the fractured lateral malleolus, right ankle with a plate and screws and application of a short-leg posterior splint.

HISTORY AND FINDINGS: The patient is a 38-year-old Caucasian male who states that he twisted his right ankle on 3/13/01 on somebody else's driveway. He said that he developed pain and swelling on the right ankle and was unable to bear weight. He was sent to the emergency room at the Philipsburg Area Hospital and he had an x-ray of the right ankle, he was given an air-cast and crutches.

Review of the x-ray from Philipsburg Area Hospital showed a moderately displaced fracture lateral malleolus of the right ankle and a lucency on the distal end of the tibia intraarticular. Preoperatively the planned surgery was discussed with the patient. Benefits, risks and most pertinent complications were discussed, he understood and accepted.

Implants used: Tubular plate seven holes with six cortical screws.

PROCEDURE: With the patient properly identified in a supine position, he was given spinal anesthesia by the Anesthesia Department. After adequate spinal anesthesia had been obtained, he was placed in a supine position and then the right lower extremity was elevated and then Esmarch was applied and then the tourniquet on the right thigh was inflated to 400 mmHg. The operative area was prepped twice and then draped under a sterile technique. A longitudinal skin incision was made on the distal shaft of the fibula about four inches in length. The incision was deepened into the subcutaneous tissues. The fracture site was exposed with sharp dissection. The periosteum was left intact. The muscle detached from the fibula and under direct vision, the fracture was reduced anatomically by traction and then manipulating the fracture and then holding the fracture site with a towel clip.

A tubular plate was then contoured to conform to the lateral aspect of the distal fibula and this was then placed on the lateral aspect of the fibula and the six cortical screws inserted after reaming the fibula. This transfixes the plate to the fibula. Two screws distally and four screws proximally. The fixation appears to be anatomical and the ankle

CLEARFIELD HOSPITAL, P O BOX 992, CLEARFIELD, PA 16830
REPORT OF OPERATION - PAGE 2

FERGUSON, THOMAS 10-90-95 Rodolfo S. Polintan, M.D.

became stable. The bleeding during the surgery was electrocoagulated, the wound was copiously irrigated with antibiotic solution. X-rays were taken and showed anatomical alignment of the fractured fibula with good alignment of the screws and plate. There is a slight asymmetry of the mortise laterally, but the mortise medially is within normal limits. I thought this was only positional in nature. The wound was then closed in the usual manner. The muscle was approximated using 2-0 Vicryl suture, subcutaneous tissue with the same suture material. The skin edges with 4-0 nylon continuous suture. Pressure dressing applied on the incision and then Sof-Rol and then a short-leg posterior splint. The leg was elevated while the tourniquet was gradually deflated. Estimated blood loss: Negligible. The patient tolerated the procedure well with no apparent complications. He was sent to the recovery room in satisfactory condition.

DATE **PHYSICIAN'S SIGNATURE**

D: 03/16/01

T: 03/17/01

RSP/cah

PATIENT INFORMATION										REGISTRATION NUMBER					
FERGUSON		THOMAS		MAIDEN		REGISTRATION DATE/TIME									
207 WALTON ST		PA 16866		PAT.PH. NO. 314-342-2429		03/31/2001 12:44				481259204					
PHILIPSBURG		RES. CODE 032055 S.S. NO. 197-56-9003		CHESTER HILL BORG CLFID		AGE	BIRTHDATE	F.C.	RACE	SEX	MAR.	REG. BY			
REGISTERING DOCTOR NAME		NO.	FAMILY DOCTOR NAME		NO.	MED. REC. NO.									
POLINTAN RODOLFO S		013151	GIANPOULOS PATRICK L		011658	109095		CIRCLE		REQUESTED TESTS					
TIME SEEN: O/A		After X-ray		C.C. S/ PTE F		RECORD DICTATED: <input type="checkbox"/> YES <input type="checkbox"/> NO				ORDER TAKEN OFF					
MODE ARR: EMS Auto		Additional Hx. from: FAMILY EMS NURSING HOME		PRIORITY RECORD OF						Card. PRT.	EKG				
HPI:		Handwritten notes: Headache, pain, etc.													
PMH: NONE		ASTHMA COPD CAD MI		CHF ↑ BP, LAST STRESS TEST		DIABETES 1 2 CVA / TIA CANCER									
PSH: NONE		APP. CHOLY. TUBAL LIG. HYST		CABG PTCA		CATARACTS				Handwritten notes: Headache, pain, etc.					
MEDS: <input type="checkbox"/> None				Allergy: <input type="checkbox"/> None		Immunizations Current: Y N									
SOCIAL/OCCUP. Hx:		FAMILY Hx:													
ROS:		Handwritten notes: Headache, pain, etc.													
PHY. EX.:		Handwritten notes: Headache, pain, etc.													
		Handwritten notes: Headache, pain, etc.													
ORDERS	ABG	O ₂ Sat	PF	Td	Foley	Ng	BP ↑	NPO	MDV/PF Instr.	Home Hlth R					
	ALBUTEROL	mg	X 1 2 3 4		CONT:	mg./hr.		ATRV 250 / 500 ug x 1 2 3							
	PROTOCOLS: <input type="checkbox"/> NTG <input type="checkbox"/> TPA MI <input type="checkbox"/> RETAVASE <input type="checkbox"/> GI BLEED <input type="checkbox"/> RAPID TRANSFUSION <input type="checkbox"/> STROKE TRANSFER <input type="checkbox"/> TPA STROKE														
	1.	4:													
2.	R 11 C														
3.	5:														
RESULTS	Handwritten notes: Headache, pain, etc.														
	RESPONSE		Handwritten notes: Headache, pain, etc.												
	EVENTS &		Handwritten notes: Headache, pain, etc.												
	PROCEDURES		Handwritten notes: Headache, pain, etc.												
SERVICES: Crit Care		Med Command		Independent visualization of <input type="checkbox"/> x-rays <input type="checkbox"/> EKG <input type="checkbox"/> Discussion of imaging tests with Radiologist											
DIAGNOSIS	S/ PTE F		Pain		Admit Dr.		<input type="checkbox"/> reg. <input type="checkbox"/> 23 hr.								
			TIME:		Room #:		<input type="checkbox"/> ICU <input type="checkbox"/> Telm								
			Discharge Cond:		<input type="checkbox"/> Improved <input type="checkbox"/> Stable <input type="checkbox"/> Eloped										
			Transfer to:		<input type="checkbox"/> AMA										
Referred to:		<input type="checkbox"/> DOA: <input type="checkbox"/> Exp ED <input type="checkbox"/> LWBS		Discussed with Dr. at											
Instruction sheets:		Temp	Lacerations	V & D	URI	Head Inj.	Concussion	Flu	Mononucleosis	Croup	Nosebleed	Eye Injury			
Conjunctivitis		Kidney Stone	Tick Bite	Back Pain	Cast	Sprain/Fracture	Ectopic								
<input type="checkbox"/> If your symptoms progress, worsen, or if you develop new symptoms, return to the emergency department.															
<input type="checkbox"/> Follow instruction sheet[s] given.															
<input type="checkbox"/> New Medication list.															
<input type="checkbox"/> Follow up with <input type="checkbox"/> your Doctor <input type="checkbox"/> Other:															
<input type="checkbox"/> Special instructions:															
<input type="checkbox"/> OFF WORK / SCHOOL / GYM FOR		<input type="checkbox"/> WORK RESTRICTIONS GIVEN													
I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THESE DISCHARGE INSTRUCTIONS															
NURSE SIGNATURE		TIME		PHYSICIAN ASSISTANT SIGNATURE								PATIENT SIGNATURE			
<input type="checkbox"/> NON-EMERGENCY				FERGUSON, THOMAS								03/31/01 12:44			
PHYSICIAN SIGNATURE		Clearfield Hospital												EMERGENCY DEPARTMENT RECORD	

38-P481-664

FERGUSON

Good Afternoon. My name is Denise Serbin. I'm a Claim Representative with State Farm Fire & Casualty in Altoona, PA. Today is Monday, March 19, 2001. It is currently 2:40PM and I'm interviewing Mr. Thomas Ferguson.

Q: Mr. Ferguson, can you please say your full name, address, and phone number?

A: Thomas Guy Ferguson, 907 Walton Street, Phillipsburg, PA 16866

Q: And your phone number?

A: 814-342-2499

Q: And can you ugh, is this recording being made with your full knowledge and consent?

A: Excuse me?

Q: Is this recording being made with your full knowledge and consent?

A: Yes

Q: And are you aware that we are taping this recording?

A: Yes

Q: Mr. Ferguson can you please give me your age and date of birth?

A: It's 2/5/63

Q: And that makes you?

A: 38

Q: 38. Mr. Ferguson can you please give me a description of what happened um, including the date and time when you were injured?

A: It was on the 13th of March this year and I don't know the exact time. I'm gonna guess between 7:30 & 8:00. And yea. It was about between 7:30 & 8:00 I would say.

Q: Ok. And what happened?

A: I was walking down the sidewalk and ugh, it was snowing pretty heavy snow, like a wet snow, and I was, when I was walking down the sidewalk, this driveway that I came to it like the sidewalk stops and then the driveway starts. You have to walk across the driveway and then once you're across the other side, then the sidewalk starts again.

Q: Ok. So the driveway basically extends from the road all the way up to the house or to the garage?

A: Yea like the highway, the roads right beside the sidewalk and the driveway comes out onto the road and it crosses over the sidewalk. But it's like there's no more sidewalk there. It's just like driveway first.

Q: Ok.

A: After the sidewalk ends then it's driveway and then the sidewalk starts back up again.

Q: Ok

A: And right there were it starts, there's a slope there. A bit of a slope to go down onto the roadway. And I slipped there and fell

Q: Ok. And did you break anything? Or where did you injure yourself?

A: My right ankle bone. The bone going to the ankle. I think it's called the fibular. I broke it in two. Ugh, the driveway is a lot smoother than the sidewalk too. It's not the same, like the sidewalk is like brick in different patterns, you know. And the driveway is like a blacktop, smooth blacktop.

Q: Ok.

A: And how I noticed it was my ankle well, of course I felt the pain but when I looked at it was completely turned the whole way the opposite way it was supposed to turn and it was locked in place there.

Q: Wow

A: And I thought ewe it shouldn't look that way and I grabbed a hold of it and I popped it back in to where it was straight. And then the pain really shot up through me and I just layed there and I hollered and screamed and hollered a lot and it just ugh, I don't know. I must have laid there for 15-20 minutes till somebody helped me up.

Q: Did anybody actually see you fall?

A: I don't know. A boy helped me up.

Q: Do you know the persons name?

A: His last name is Mann. I don't know his first name.

Q: Is he a neighbor of yours?

A: They live around the corner from me

Q: Ok

A: Or actually they live just down the street from me on the corner. Ugh, I can't remember her name. His mother's name. Ugh, I could probably find it in the phone book.

Q: Did the boy just help you? Did other people come out or?

A: The boy could only help me so much cause I'm pretty heavy

Q: Ok

A: And he like maybe helped me maybe about 15 feet or so and he couldn't really help me any further and he says could you just balance yourself right there for just a minute until my mother he says, my mother has a walker. He says maybe that will work much better and his mother came out with a walker. It's like a, you see elderly people use them. It's like four legs on them.

Q: Ok. I know what you're talking about.

A: and I tried that and I got about the same distance with that and it was really going slow. His mother was on one side of me and him on the other side of me and they were both trying to help me and it just ugh, it was going to slow so his mother said why don't we get the car and take you on the back seat of the car. We'll just try and sit you on the back sit of the car and ugh, take you that way and then we'll get the walker back out and help you up to your house and ugh, help me into my house. They offered to call an ambulance and I said, ugh yea why don't I see if I can get my Dad first. They said, "yea, try and get your Dad first or brother or whoever you can get, you know, that's closest to ya." And ugh, if you can't get anybody they said to let them know and they would call an ambulance for me. And ugh, my father was able to make it and he took me to the emergency room.

Q: Ok. And what's your father's name?

A: Thomas Ferguson

Q: Is he a Sr.

A: Actually his name is like Thomas Ferguson, III

Q: Oh alright. And what's his phone number?

A: 814-342-1934

Q: Alright and does he live near you?

A: Close by. Not too far away, no.

Q: In Phillipsburg area?

A: Yea, Yea

Q: So he actually picked you up and took you to the hospital then?

A: right. He put in his back seat of his car and then he got a wheelchair from the hospital. They got me in a wheelchair and moved me in the hospital.

Q: And which hospital did you go to?

A: Phillipsburg

Q: Ok. And then what did they do for you when you went to the hospital?

A: Ugh, they took and x-ray, ugh, I'm trying to think. First they, it's hard to remember everything in order. I don't know if they. I'm trying to think here how they did that. Yea, they took me tox-ray first. They wanted to, they tried to get my shoe off but it was pretty swelled up and it was hard to get my shoe off but they did get it off by unlacing it and ugh, I'm trying to think what they did next. If they ugh, I don't know if they x-rayed me first then took the shoe off or if they took the shoe off and then x-rayed me. I can't remember which was first.

Q: Ok. Did they give you any pain medication that evening?

A: Yea, they put a splint on it and then they gave me a shot for inflammation and pain and ugh, they said the doctor that was on call will be in Clearfield the next day to call the next morning to see him. I thought well Jesus if he's on call why can't you just call him in right now. You know.

A: right

Q: And they said well it's only for extreme emergencies. I'm thinking well gees this is an extreme emergency you should call them. And ugh they said well we have nobody else but him and he's not here.

Q: Do you know that Drs. name?

A: Politan

Q: P-u-l-t-o-n?

A: Ugh, just a second here I got it. It's ugh, P-o-l-i-n-t-a-n.

Q: And what's his first name?

A: Well I can't say it but I'll spell it to ya, r-o-d-o-l-f-o

Q: Rodolfo or something?

A: Something like that

Q: Ok. And he's the one that saw you the next day?

A: Yes. He saw me the next day and he had taken my splint off and put ugh, an ace bandage on and then he put the splint over top of that cause it was pretty uncomfortable. And then ugh, he reviewed my x-rays and he said that there is two things you can do. The operation is one of them where they make an incision and put a plate on the bone and put screws into the bone so the plate holds the bone stationary. And then after that, after they do that, they have to wait a couple weeks for the swelling to go down and put a cast on or just put a cast on. He says but if I put a cast on chances are your bone is going to heal funny. It's going to be shifting forward and the bigger bone is going to be shifting to the side. It's just gonna heal slower and it's going to make you walk funny and you're gonna have much more pain. He said he would rather do the operation and I said the operation sounded kind of scary to me. I said, I really, can I get a second opinion. But ugh, he says really you need to have this tended to right away. You really don't have time for that. It was kind of scaring me and making me nervous and he says why don't you just do this. He says think it over. I'm going to give you some pain medication for the night and if you want it don't eat or drink after midnight and says call us at 6:00am and will get you in for the operation. He says or we'll get you in for the cast either one. So he gave me some pain medication, I went home that day, called him at 6:00AM. Told them I would take the operation. And I got the operation that day.

Q: And that was that Thursday?

A: Yes

Q: And then you were overnight at the hospital until Friday?

A: I was at the hospital and he came in to see me after the surgery and he even mentioned that if I wanted to I could spend another day there at the hospital. I don't know, there is something about hospitals that I just get really sick and queasy in the stomach. I would of rather been home in bed and ugh, I just said well and he said it was up to me it doesn't matter if I wanted to stay another day or I could leave that day so I went home that day.

Q: Ok. So you went home on Friday the 16th?

A: Yes. Before I went home. Before they would leave me go home I had to take some kind of physical therapy to show that I can use the crutches ok.

Q: Oh, Ok.

A: They got to make sure you can use these crutches ok, you know, keep your balance because if you can't, they got to keep you. Because if you go home and you lose your balance and you fall on that injured leg you could do a lot more damage to it and mess up the surgery.

Q: And um, do they have you scheduled for any follow-up visits at this point?

A: Yes I'm supposed to go in on the 28th

Q: Of March?

A: Yes and they're going to take the stitches and they're going to put a cast on over top of it.

Q: Ok. So you don't have a cast on at this point?

A: No. What they did was they put some kind of ugh, it's like a cast. It's got like cotton against my skin and then it's got some kind of other stuff. It's almost as tough as a cast and then they got a splint over top of that and then an ace bandage over top of that. It feels as hard as a cast. But it's not exactly the same as a cast. It's something just to keep me safe for a couple weeks.

Q: Until they can do the final cast?

A: Right. They'll put the final cast. He's probably going to want to see an x-ray before he puts it on to see how it did in two weeks. That's probably another reason why they want to wait for the casting. That and the swelling needs to go down and the stitches has to come out before they can put the final cast on.

Q: Alright now this physician, this is the person you're going to be seeing again? Correct?

A: Yes

Q: Ok. And you said you had your surgery actually in Clearfield Hospital?

A: yes. As a matter fact, his office is connected to the hospital

Q: Oh ok. And then what did he say as far as how long are you going to be in the cast?

A: Ugh, that's not really been determined yet. It's going to be more than a couple months I would assume. I think he told me it could be, I don't know if he told me it could be 3-4 months, I can't remember exactly.

Q: Ok. Did you discuss anything for like physical therapy or anything after the cast is off or he hasn't talked to you?

A: Somebody said there might be some after the cast is put on. I think maybe

End of tape

Continuation of the recording with Mr. Thomas Ferguson.

Q: Ok so you might have physical therapy during when the cast is put on?

A: Ugh, no I'm thinking it's going to be after the cast is taken off. I'm not sure. They told me, I thought they told me after it's taken off or when it's put on. I can't remember which. More than likely I'm gonna guess after they take it off because if you're going to start to walk. You know, you're going to have to walk a little different because it's probably a little tender or something.

A: Ok. Alright. Now let's kind of back track a little bit here. Um, you said you were walking around 7:30-8:00 on the evening of the 13th?

Q: Yea. I was wondering did that tape, did it take up where I left off?

Q: ughha

A: Oh it you knew where it left off? Where it quit?

Q: yep. Yep. Yep.

A: I was wondering if we got everything when it shut off

Q: yep we do. We watch and then it turns over and we can start up again.
A: Oh ok.

Q: Can you tell me was it daylight? Was it dark?
A: It was dark

Q: Ok. And you said you slipped right where the sidewalk turns into the driveway correct?
A: Yea but it was on the driveway

Q: But you slipped right into the driveway?
A: Yea I slipped in the driveway. As soon as it turned into the driveway is where I fell.

Q: And it was snowing?
A: yea it was snowing

Q: Was the ground covered?
A: No. not really completely covered. It was just like a glaze or something or what not. It was just a heavy wet snow

Q: So the ground was kind of wet?
A: Oh yea, definitely. I even had an umbrella cause I had it over my head while I was laying there to keep my head dry.

Q: Ok. Were you on your way home or....
A: Yes

Q: And what was the reasons for your walking?
A: What was the reason for my walking?

Q: Yea. Was it for exercising or walking your dog or?
A: Yea it was while walking my dog

Q: And you said you have a Doberman Pincher?
A: yea he's pretty obedient. He ugh, as a matter of fact when I fell down, he stood there and he had his head over top of me looking at me like he knew I was hurt and he was ugh, he stayed right beside me. I didn't even have to hold onto the leash or nothing. He stood right there and watched over me. He knew I was hurt. He's a very intelligent dog.

Q: And male or female?

A: Male

Q: And how much do you think he weights

A: Oh he probably weighs, I think the lasttime he weighed in at 77lbs or something like that.

Q: And how old is he?

A: He's 7.

Q: Ok. And do you walk your dog pretty much daily? Weekly?

A: yea everyday

Q: Do you walk it by the same spot?

A: mmmhm

Q: so you have like a pretty set schedule exactly where you walk? What streets you go up and down?

A: Not actually no. I don't actually walk him in the same spot all the time. I was just thinking, sometimes we take like an alley road. There's an alley route that I take that usually brings me right around back to my house. And ugh, sometimes we don't. Sometimes we only have to go up to as far as the corner or like two blocks down or something.

Q: Right. But you

A: Usually I like to take him toward the woods or something like that. I just thought for a change I would go down that route. Now, I don't always use that route but what I usually do, I stay on the highway because it inaudible the side street. I should say not a Highway. I usually try to stay where we have lots of room and ugh, when we get to the part that turns into the sidewalk, When I told you about where the sidewalk goes turns into the driveway and then back into the sidewalk. Usually when we see that, I usually get on the sidewalk. Usually I try to walk around that.

Q: And why is that?

A: I don't know. It just doesn't seem like a good place to walk all the time. It's ugh, ok. I mean I don't like to go over somebody's driveway. I don't know there's just something about it. I generally don't go over somebody's

driveway . I just stay on the sidewalk, you know, public property. And I just happen to cross the driveway at that time.

Q: Yep. Have you walked, you know, in the area of the Johnson residence? You know with their sidewalks and driveways in the past?

A: Ugh, Have I walked passed their place?

Q: Yea walked, you know, when you take your walks? Use that area?

A: Yea. Sometimes I use the other side though

Q: Ok. Ok.

A: Sometimes I use the other side of the street

Q: Ok. It's just whenever you feel

A: And then no and then when I see the sidewalk where it turns into sidewalk? Then we'll go over to the sidewalk. It's just like I said, I don't like to go on peoples property if I can help it with my dog. Cause you know Could you hold? There is somebody at my door.

Continuation of this statement.

Q: Ugh, where was I. I wanted to ask you

A: You were saying about the passing by there. Why I chose to walk across their driveway? Sometimes, you know, like in the summertime I usually do cross it and it's in the daytime in the summer if I do cross it. And ugh, it's just ugh, there is a slope there and I just didn't think about, you know, that there was a slope there. But generally like I said I don't like to take the dog on other peoples property. But then I got to thinking well geeze, this sidewalk turns into the driveway and then the driveway turns into a sidewalk. It just, I mean it only makes sense that there should be a sidewalk there. You know, that's like part of the sidewalk in a way. You know, it only makes sense even thought I have a dog, I should be able to walk a crossed it.

Q: Sure. Now tell me

A: Must have been a streak of bad luck that it was wet and with the snow and all and with that slope there. The slopes what really did it. When I hit the slope it just took me right down. You got to be careful. The slopes in a funny place. You know some places it's ok and some places it's not. And, you can't really judge that all the time.

Q: Tell me the condition of the driveway? Were there a lot of potholes in it? Was it freshly paved or?

A: I can't really picture it in my mind to well. All I know is that it's a really smooth driveway at some point and then at another point I'd have to look at it again to see where the rough spots are. Where they're at and everything. It's just hard for me to tell without looking at it again cause like I said, I don't usually always go that way. It's usually a very rare route that I take. I normally go up around back around my home. There's a place if I go up the street and turn down a side street I can go down in the woods like and let my dog walk around there.

Q: Right.

A: And he can walk pretty freely there. But ugh, like I said, this is just a rare route. Once in a great blue moon that I ever take that. So that's why I can't really picture it to much in my mind. I just no that it goes from sidewalk to the driveway to the sidewalk and it has a slope in it.

Q: Ok. And can you tell me um, your height and weight?

A: I'm 6'2" around 242LBs

Q: Ok. Alright and are you employed?

A: No. I'm disabled

Q: And what's the disability?

A: I had a ugh, back in September of last year I had a hemorrhage and ugh, and it ugh, it's called cavernous malformation. You probably wouldn't know what it means.

Q: No. I'm not familiar with that.

A: It's ugh, something that's genetic and it's in the brain. And I had a hemorrhage in the brain in September of last year

Q: September of 2000?

A: Yea. It sort of gave me bad headaches and things like that.

Q: Ok. Are you able to go back to work at all or are you permanently disabled?

A: So far no. Well I don't know about permanently but so far I'm not allowed to go back to work, no.

Q: Ok. So you were not working obviously before this accident?

A: No.

Q: Ok. Are you married?

A: Yes

Q: And what's your wife's name?

A: Barbara

Q: And how long have you been married?

A: I would say 14 years. It would have been March of 87. Wouldn't that be 14 years?

Q: Yep. That makes it 14. Ok. Let me look to see if there's any other. And the Johnson's neither Charles or Margaret saw you when you fell?

A: No. It's funny they didn't come out and hear me or anything because I laid in their driveway for quite awhile and I hollered a lot. I was hollering pretty loud.

Q: Yea

A: And it just seemed like nobody heard me except ugh, the neighbor lady and her boy. They helped me and then ugh, Mrs. Mann, the neighbor lady, called Mr. Johnson or I don't know if she called him or stopped over but ugh, she told Mr. Johnson that I fell in his driveway.

Q: Ok. So that's how he found out that you had fallen?

A: Mrs. Mann, right.

Q: Alright at this point I don't have any additional questions for this statement. Do you wish to add anything to this recording?

A: Um, I just can't understand why the Insurance Company said that they can only have up to \$1,000 worth of medical expenses on that

Q: Right. It's based on the line of coverage and what they have to do is they have to determine what the policyholder purchased but that's something we can discuss after this statement. Again for the purpose of this recording was it made with your full knowledge and consent?

A: Yea

Q: And everything that was given to me was it true and accurate to the best of your knowledge?

A: Say that again

Q: Was everything that you've given me true and accurate to the best of your knowledge?

A: Yes

Q: Ok.

A: And ugh, One question that I had. In this type of situation, is there, do I need an attorney.

Q: It's up to you. Um, It's up to you what you want to do. You don't have to have an attorney but if you feel like you want to it's whatever your choice is ultimately.

A: yea I didn't know being that you were taping this and all that it sounded almost like I maybe should have one.

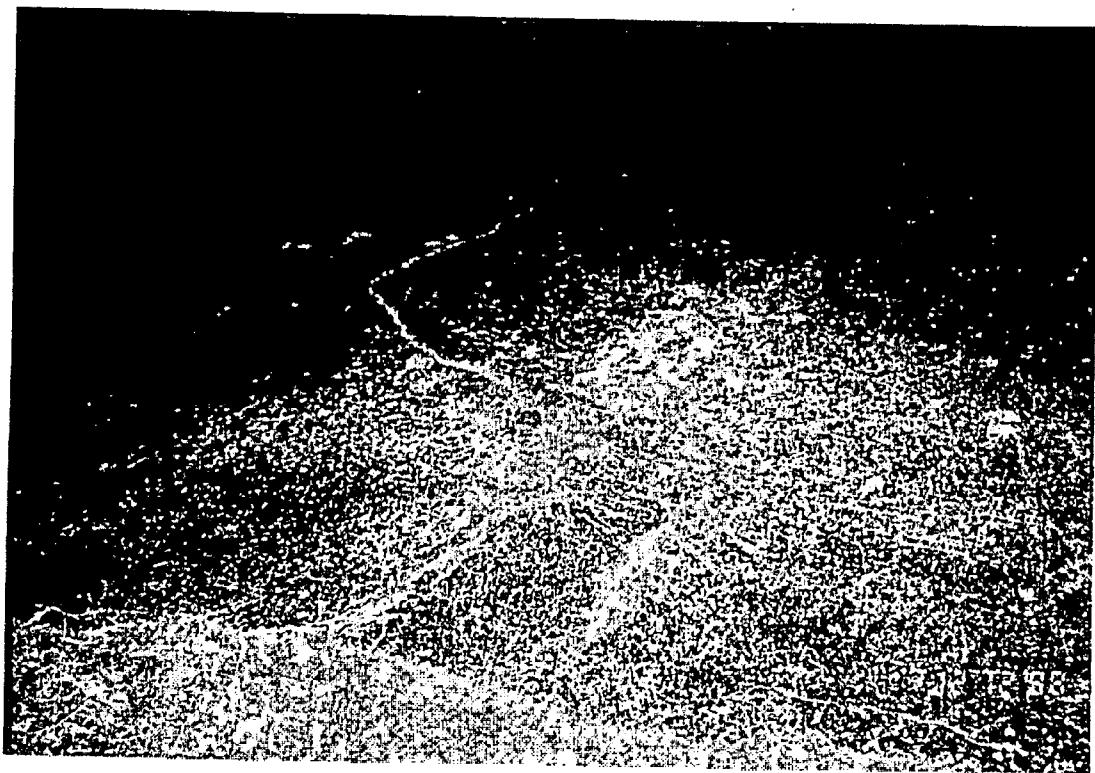
Q: This is a formality. I am required to get a statement from people that are involved. Any witnesses things like that I have to have that so.

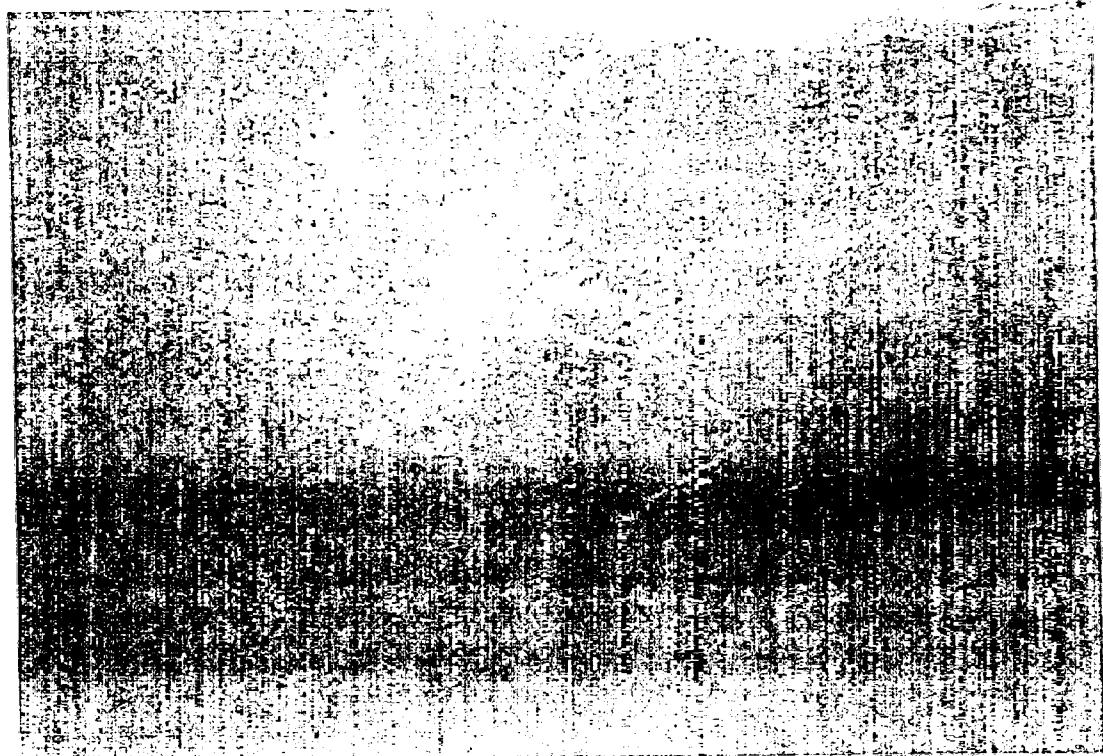
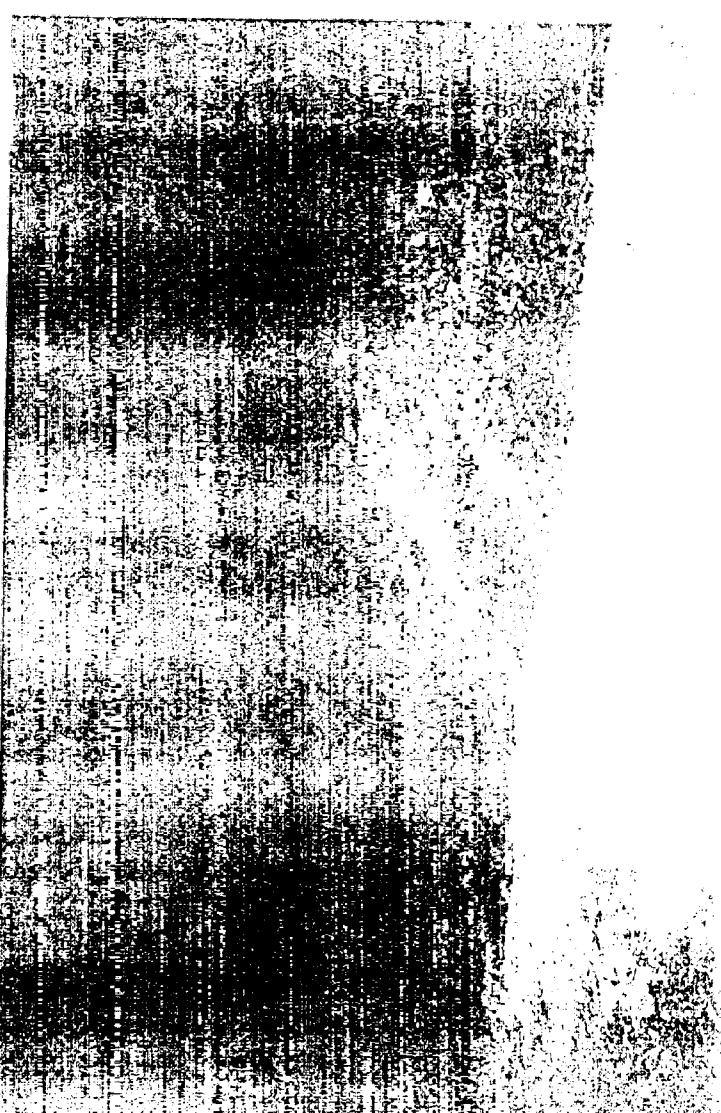
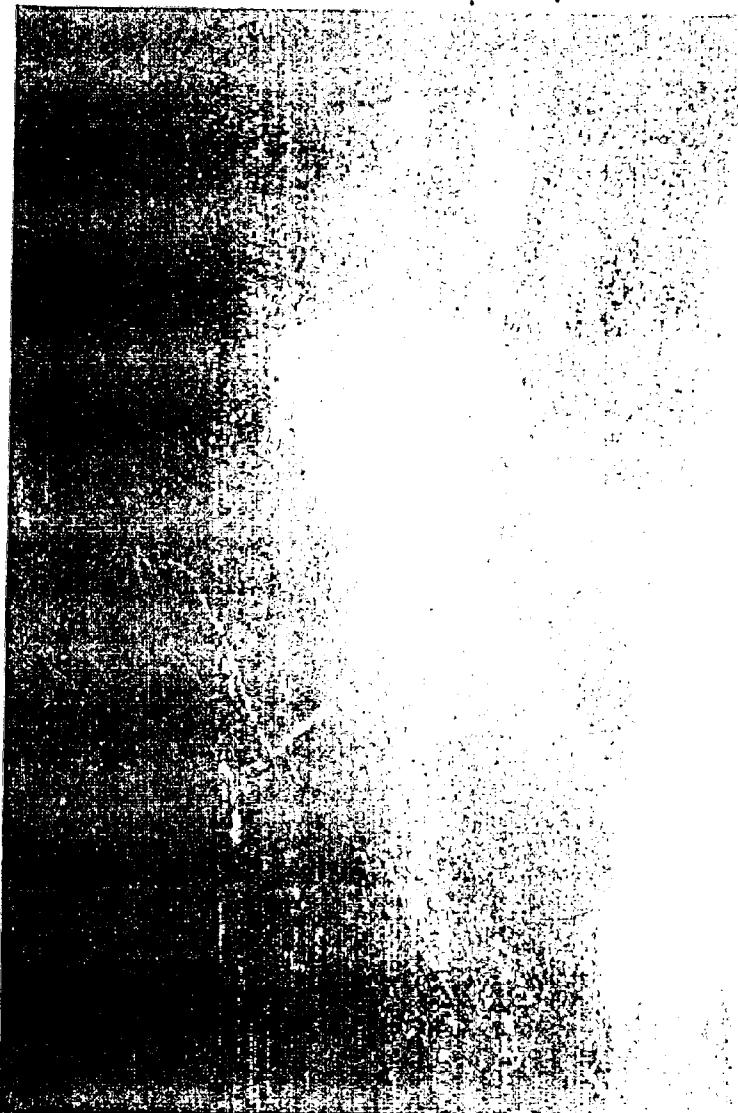
A: Yea. Also I wanted to add ugh, I have a lot of times with my disability short term memory as far as ugh, you know. There might, to what I remember, I mean, the things I told you I do remember. But there might be other things that's in there that I don't remember.

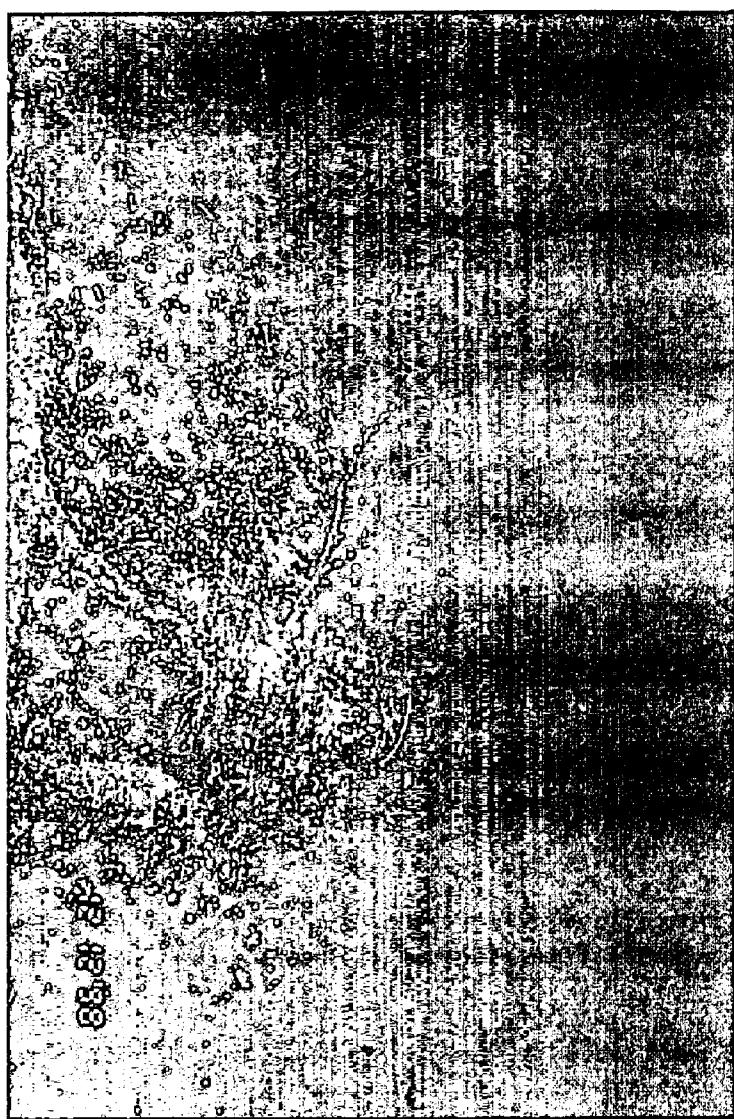
Q: Right. Well that true and accurate to the best of your knowledge.

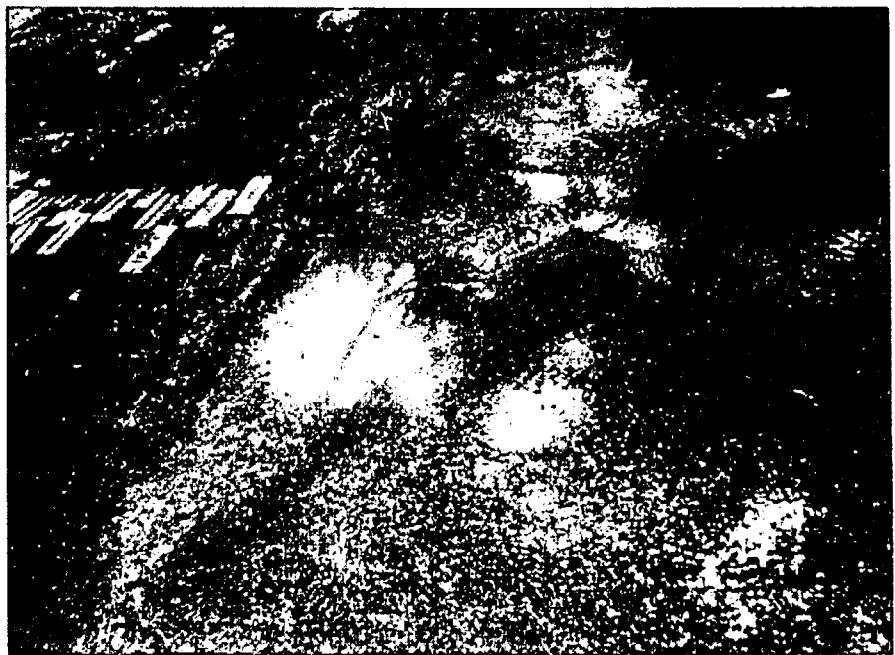
A: Right exactly. And it's as much as I can recall.

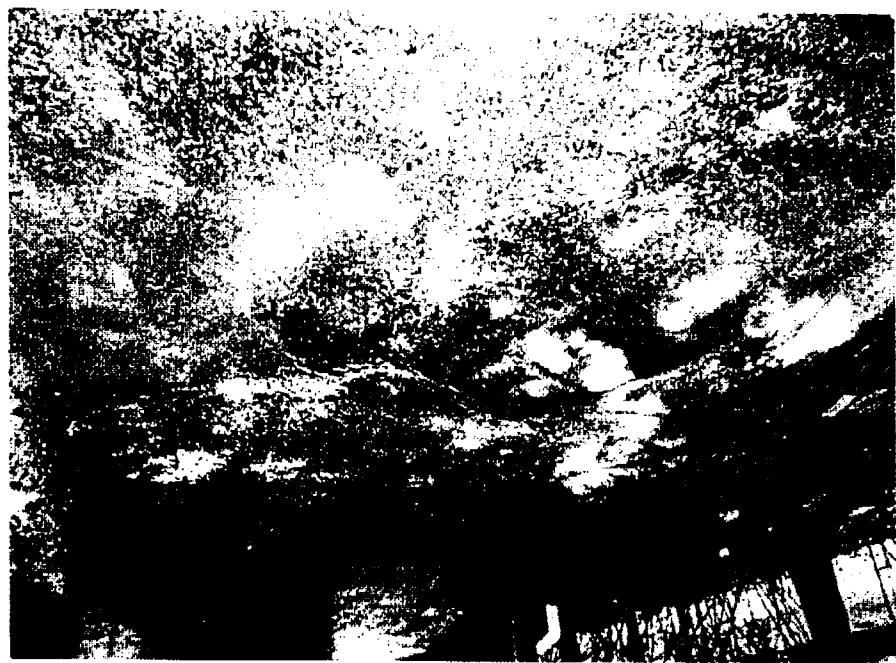
Q: That's right. Ok. End of recording.

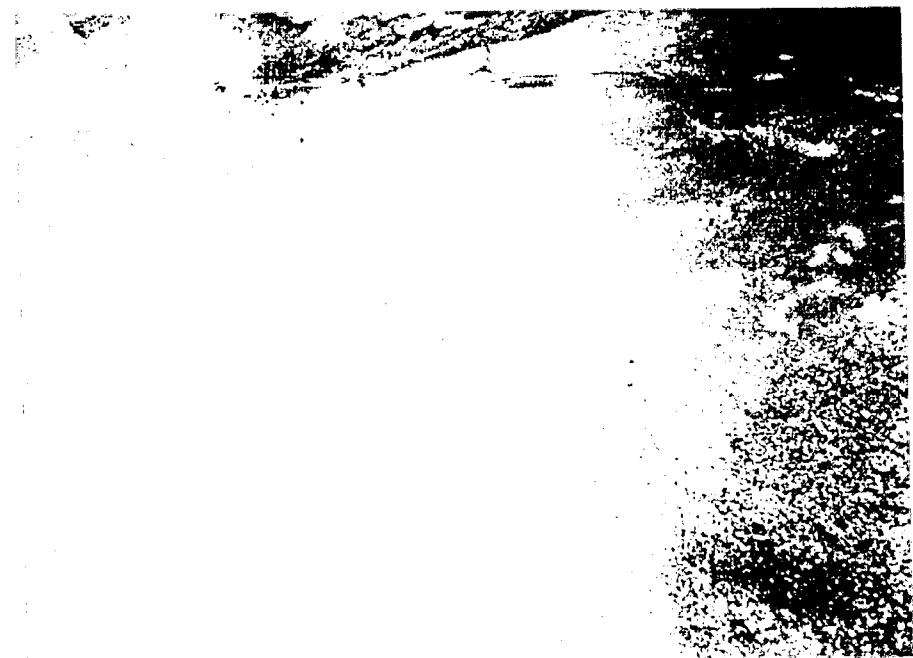


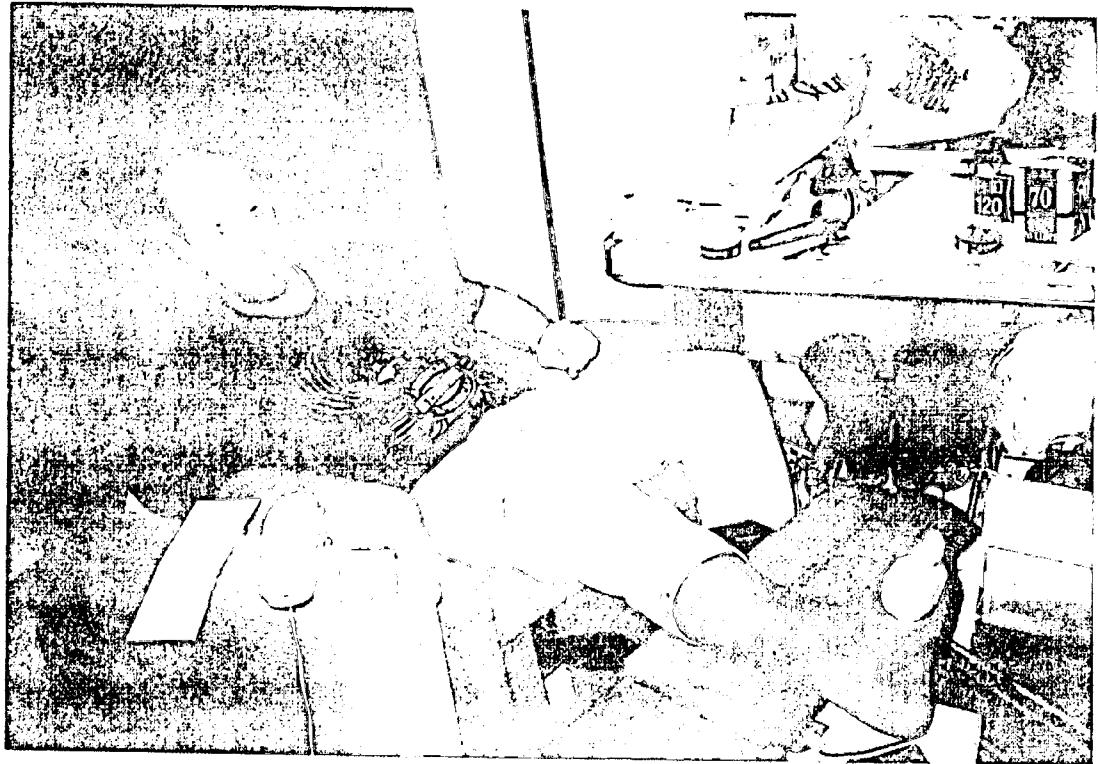












VERIFICATION

I, Thomas G. Ferguson having personal knowledge of the factual statement made in this Answers To Interrogatories, verify that these statements are true to the best of my information, knowledge and belief. I Understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

X Thomas G. Ferguson

Date: 7-21-03

CERTIFICATE OF SERVICE

I, Michael E. Metro, hereby certify that the within document, ANSWERS TO
INTERROGATORIES, was served upon the following by U.S. first Class mail, postage
prepaid this 21st day of July, 2003:

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



Michael E. Metro, Esquire

FILED

NO
CC
REB
M 11:00 AM
JUL 23 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

CIVIL DIVISION

NO: 2003-00220-CD

Plaintiffs,

CODE:

vs.

NOTICE OF DEPOSITION

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

Filed on Behalf of Plaintiffs:

Defendants.

Counsel of Record for this Party:

MICHAEL E. METRO, ESQUIRE
Pa. I.D. No. 62185

VILLANOVA LAW OFFICES, P.C
16 Chatham Square
Pittsburgh, PA 15219

A JURY TRIAL IS DEMANDED.

(412) 471-1933

FILED

SEP 11 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

CIVIL DIVISION

NO: 2003-00220-CD

Plaintiffs,

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

NOTICE OF DEPOSITION

TO: Charles L. Johnson and
Margaret Johnson
c/o Dennis J. Stofko, Esquire
969 Eisenhower Boulevard, Suite E
P.O. Box 5500
Johnstown, PA 15904

Please take notice that the Plaintiffs, Thomas G. Ferguson and Barbara G. Ferguson, his wife, by attorneys, Villanova Law Offices, P.C. and Michael E. Metro, Esquire, will take the depositions of Charles L. Johnson and Margaret Johnson, as authorized and provided for by Pennsylvania Rule of Civil Procedure 4007.1 at the offices of Sargent's Court Reporting, 106 North Second Street, Clearfield, PA, on Wednesday, October 1, 2003, immediately following the deposition of Plaintiffs, Thomas G. Ferguson and Barbara G. Ferguson.

The oral examination will be taken before a Court Report, duly authorized to administer oaths.

Villanova Law Offices, P.C.,



Michael E. Metro, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Michael E. Metro, hereby certify that the within document, NOTICE OF DEPOSITION, was served upon the following by U.S. first Class mail, postage prepaid this 18th day of August, 2003:

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



Michael E. Metro, Esquire

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

JAN 27 2004

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

William A. Shaw
Prothonotary/Clerk of Courts

Plaintiffs

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

CERTIFICATE OF READINESS

Filed on Behalf of: Defendants

1. Type of Case: Simple Complex _____ Companion Case _____

2. Type of Trial: Jury Nonjury _____ Arbitration _____

3. Estimate Trial Time 2 days _____ hours _____ minutes

Estimated Arbitration Time _____ days _____ hours _____ minutes

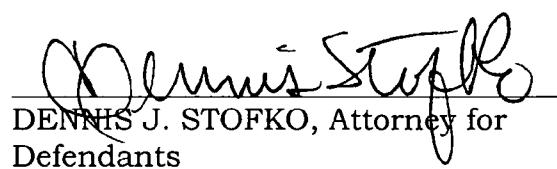
4. Trial Counsel: List Name and address and telephone number for each party
and name, address and telephone number of person responsible for each
unrepresented party.

Michael E. Metro, Attorney for Plaintiffs
16 Chatham Square
Pittsburgh, Pa. 15219
412 471-1933

Dennis J. Stofko, Attorney for Defendants
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064

I certify on behalf of Defendants that the pleadings are complete, that all preliminary motions have been resolved, that all discovery has been completed and that the case is in all respects ready for trial except: a) motions in limine X; b) expert depositions X.

Date: 26 Jan 04


DENNIS J. STOKO, Attorney for
Defendants

FILED

No ac

MJ 1-25-04

JAN
27 2004

copy to CIA

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

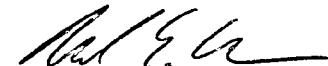
No. 03-220 CD

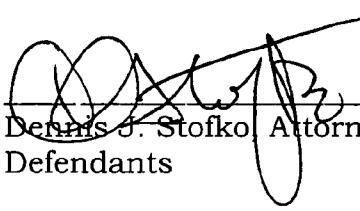
CHARLES L. JOHNSON and MARGARET
JOHNSON,

Defendants

STIPULATION

It is hereby agreed by and between the parties hereto that the certificate of readiness filed by the Defendants shall be withdrawn until further filing by either party.


Michael E. Metro, Attorney for
Plaintiffs


Dennis J. Stofko, Attorney for
Defendants

FILED NO
01/11/00 8:11 AM CC
MAR 03 2004
WES

William A. Shaw
Prothonotary/Clerk of Courts

FERGUSON, THOMAS G. and BARBARA 7/8/03
G. FERGUSON, his wife
vs
JOHNSON, CHARLES L. and MARGARET JOHNSON
No. 03-220-CD

7/8/03-Mo. to Cmpl.-def. 7-803
1/27/04-Cert. of Rdns.-jury trial list-def.

P-Michael E. Metro, Esq., Villanova Law Offices,
P.C., 16 Chatham Square, PGH 15219 412-471-1933
D-Dennis J. Stofko, Esq.

Judge A.

Is this sufficient to remove from the
trial list? Will you issue an order?

me —

Just
put it on
the ~~fall~~ trial
list

STOKO LAW OFFICES

DENNIS J. STOKO

ANDREW L. HORVATH

969 EISENHOWER BOULEVARD, SUITE E

P.O. BOX 5500

JOHNSTOWN, PENNSYLVANIA 15904

TELEPHONE 814-262-0064 or 814-262-7341

FAX 814-262-0905

E-MAIL stokoesq@stokolaw.com

March 1, 2004

Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830

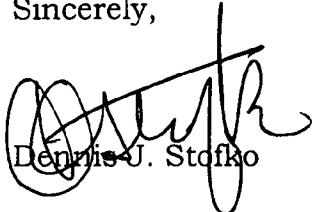
Re: Ferguson vs. Johnson
No. 03-220 CD

Dear Sir:

Pursuant to your request, I enclose herewith a stipulation between the parties to withdraw the certificate of readiness in the above matter.

Thank you for your cooperation.

Sincerely,


Dennis J. Stokoe

DJS/dd
Enclosure

cc: Michael E. Metro, Esquire

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

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

Plaintiffs,

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

CIVIL DIVISION

NO: 2003-00220-CD

CODE:

NOTICE OF SERVICE

Filed on Behalf of Plaintiffs:

Counsel of Record for this Party:

MICHAEL E. METRO, ESQUIRE
Pa. I.D. No. 62185

VILLANOVA LAW OFFICES, P.C
16 Chatham Square
Pittsburgh, PA 15219

A JURY TRIAL IS DEMANDED.

(412) 471-1933

FILED

APR 22 2004

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife
Plaintiffs,

CIVIL DIVISION
NO: 2003-00220-CD

VS.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

NOTICE OF SERVICE

We hereby certify that true and correct photocopies of two (2) Notices of Deposition (Andrea Shirey and Connie Mann) were mailed by U.S. First Class Mail, postage prepaid, to the following, this 19th day of April, 2004.

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

Villanova Law Offices, P.C.,



Michael E. Metro
Attorney for Plaintiff

FILED NO
APR 22 2004
CC

William A. Shaw
Prothonotary Clerk of Courts

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

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife

Plaintiffs,

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

CIVIL DIVISION

NO: 2003-00220-CD

CODE:

**NOTICE OF SERVICE
OF NOTICES OF DEPOSITION
(Andrea Shirey and Connie Mann)**

Filed on Behalf of Plaintiffs:

Counsel of Record for this Party:

MICHAEL E. METRO, ESQUIRE
Pa. I.D. No. 62185

VILLANOVA LAW OFFICES, P.C.
16 Chatham Square
Pittsburgh, PA 15219

A JURY TRIAL IS DEMANDED.

(412) 471-1933

FILED

JUN 25 2004

William A. Shirey
Prothonotary, Court of Common Pleas

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. FERGUSON and
BARBARA G. FERGUSON, his wife
Plaintiffs,

CIVIL DIVISION
NO: 2003-00220-CD

vs.

CHARLES L. JOHNSON and
MARGARET JOHNSON,

Defendants

NOTICE OF SERVICE

We hereby certify that true and correct photocopies of two (2) Notices of Deposition (Andrea Shirey and Connie Mann) were mailed by U.S. First Class Mail, postage prepaid, to the following, this 2nd day of June, 2004.

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

Villanova Law Offices, P.C.,


Michael E. Metro
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Michael E. Metro, hereby certify that the within document, NOTICE OF SERVICE OF
NOTICES OF DEPOSITION (Andrea Shirey and Connie Mann), was served upon the
following by U.S. first Class mail, postage prepaid this 2nd day of June, 2004:

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



Michael E. Metro, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

THOMAS G. FERGUSON and BARBARA
G. FERGUSON, his wife,

Plaintiffs

vs.

No. 03-220 CD

CHARLES L. JOHNSON and MARGARET JOHNSON,

Defendants

PRAECLPE

Please mark the above captioned matter ended, settled and forever discontinued.

Michael E. Metro, Attorney for
Plaintiffs

Dennis J. Stofko, Attorney for
Defendants

11/22/04 Rec'd by ^{Atty + Cert.}
copy to CB
OCT 21 2004

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Thomas G. Ferguson
Barbara G. Ferguson**

Vs.
**Charles L. Johnson
Margaret Johnson**

No. 2003-00220-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 October 21, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$139.77 have been paid in full by Attorney Metro.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of October A.D. 2004.

William A. Shaw, Prothonotary