

03-418-CD  
DAVID LAUX, ET AL. VS. RODGER A. FREDERICK

Date: 04/28/2005

Time: 12:55 PM

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Clearfield County Court of Common Pleas

User: CROWLES

ROA Report

Case: 2003-00418-CD

Current Judge: Fredric Joseph Ammerman

David Laux, Sarah Laux vs. Rodger A. Frederick

Civil Other

Date	Judge
03/24/2003 ✓ Filing: Praeclipe for Writ of Summons Paid by: Joshua P. Geist, Esq. ✓ Receipt number: 1857535 Dated: 03/24/2003 Amount: \$85.00 (Check) 1 CC & 2 Summons to Sheriff.	No Judge
04/17/2003 ✓ Complaint filed by s/Joshua P. Geist, Esquire Certificate of Service ✓ Verification s/David A. Laux no cc	No Judge
04/28/2003 ✓ Entry of Appearance of Katherine V. Oliver, Esq. for the Defendant. ✓	No Judge
05/27/2003 ✓ Answer With New Matter. filed by s/James M. Horne, Esquire Verification s/Roger A. Frederick Certificate of Service no cc ✓	No Judge
05/30/2003 ✓ NOW, April 2, 2003 Shff. of Elk Co. served summons on defendant at residence. Shff. Hawkins \$27.74, Surcharge \$10.00, Shff. Elk Co. \$27.60, paid by Atty.	No Judge
06/09/2003 ✓ Certificate of Service, Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiffs (Set One) upon: JOSHUA P. GEIST, ESQUIRE filed by s/Katherine V. Oliver, Esquire no cc ✓	No Judge
X ✓ Certificate of Service, Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiffs on Behalf the Defendant Roger A. Frederick upon: JOSHUA P. GEIST, ESQUIRE filed by s/Katherine V. Oliver, Esquire no cc	No Judge
X 06/16/2003 ✓ Certificate of Service, Notice of Intent to Serve Subpoena Directed to Launa R. Hallsstrom, M.D., Anderson Physical Therapy, DuBois Regional Medical Center, and Mark W. Malone, D.O. upon: JOSHUA P. GEIST, ESQUIRE. filed by s/Katherine V. Oliver, Esquire no cc ✓	No Judge
X 06/23/2003 ✓ Reply To New Matter. filed by s/Joshua P. Geist, Esquire Certificate of ✓ Service no cc	No Judge
X 06/26/2003 ✓ Certificate Prerequisite To Service Of Subpoenas Pursuant To Rule 4009.22. filed by s/Katherine V. Oliver, Esq. no cc ✓	No Judge
X ✓ Certificate of Service, Subpoena Duces Tecum Directed To LAUN R. HALLSTROM, M.D. upon: Joshua P. Geist, Esquire filed by s/Katherine V. Oliver, Esquire no cc	No Judge
X ✓ Certificate of Service, Subpoena Duces Tecum Directed to ANDERSON PHYSICAL THERAPY upon: Joshua P. Geist, Esquire. filed by s/Katherine V. Oliver no cc	No Judge
X ✓ Certificate of Service, Subpoena Duces Tecum Directed to DU BOIS REGIONAL MEDICAL CENTER, upon: Joshua P. Geist, Esquire filed by s/Katherin V. Oliver, Esquire no cc	No Judge
X ✓ Certificate of Service, Subpoena Duces Tecum Directed To MARK W. MALONE, D.O. upon: Joshua P. Geist, Esquire filed by s/Katherine V. Oliver no cc	No Judge
X 10/21/2003 ✓ Certificate of Service, Notice of Intent to Serve Subpoenas Directed to Dr. ✓ Martin Shaffer, Southwestern PA Orthopedics Association, Dr. Kenneth Cherry, Blair Orthopedics, Dr. Mark Baratz, Dr. John Markley, Dr. Gregory Rosco, William Fernan, Ph.D. and Paul Fritz, M.D. upon: JOSHUA P. GEIST, ESQUIRE filed by s/Katherine V. Oliver, Esquire no cc	No Judge
X 11/03/2003 ✓ Certificate of Service of Defendant's Answers and Objection to Plaintiff's Request for Production of Documents directed to Defendant. filed by Atty. Oliver No cc.	No Judge
X ✓ Certificate of Service of Answers and Objections to Plaintiff's First Set of Interrogatories Directed to Defendant. filed by Atty. Oliver. No cc.	No Judge

Date: 04/28/2005

Time: 12:55 PM

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Clearfield County Court of Common Pleas

User: CROWLES

ROA Report

Case: 2003-00418-CD

Current Judge: Fredric Joseph Ammerman

David Laux, Sarah Laux vs. Rodger A. Frederick

Civil Other

Date	Judge
11/12/2003	Certificate Prerequisite To Service Of Subpoenas Pursuant To Rule 4009.22. filed by, s/Katherine V. Oliver, Esquire Certificate of Service no cc ✓ No Judge
	Certificate of Service, Subpoena Duces Tecum Directed to William Fernan, ✓ No Judge Ph.D upon: Joshua P. Geist, Esquire. s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Dr. Jon Markley, ✓ No Judge upon: Joshua P. Geist, Esquire s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Dr. Mark Baratz, ✓ No Judge upon: Joshua P. Geist, Esquire s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Paul Fritz, M.D., ✓ No Judge upon: Joshua P. Geist, Esquire. s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Blair Orthopedic, ✓ No Judge Associates & Sports Medicine upon: Joshua P. Geist, Esquire s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Dr. Kenneth Cherry, ✓ No Judge upon: Joshua P. Geist, Esquire s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Southwestern Orthopedics Associates upon: Joshua P. Geist, Esquire s/Katherine V. Oliver, Esquire no cc ✓ No Judge
	Certificate of Service, Subpoena Duces Tecum Directed to Dr. Martin Shaeffer, ✓ No Judge upon: Joshua P. Geist, Esquire s/Katherine V. Oliver, Esquire no cc
	Certificate of Service, Subpoena Duces Tecum Directed to Dr. Gregory Roscoe, ✓ No Judge upon: Joshua P. Geist, Esquire. s/Katherine V. Oliver, Esquire no cc
12/12/2003	Certificate of Service Filed by Atty. Oliver no Cert. Copies. ✓ No Judge Served copy of Notice of Intent to Serve Subpoenas Directed to DRMC-Behavioral Health Center on Att. Geist
01/06/2004	Certificate Prerequisite To Service Of A Subpoena Pursuant To Rule 4009.22. filed by, s/Katherine V. Oliver, Esquire no cc ✓ No Judge
	Certificate of Service, Subpoena Duces Tecum Directed To DRMC-Behavioral Health Center upon: JOSHUA P. GEIST, ESQUIRE. filed by, s/Katherine V. Oliver, Esquire no cc ✓ No Judge
03/03/2004	Miscellaneous Payment: Subpoena Paid by: McQuaide Blasko Receipt number: 1874796 Dated: 03/03/2004 Amount: \$6.00 (Check) ✓ No Judge
	Certificate of Service, Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things upon Joshua P. Geist, Esquire filed by, s/Katherine V. Olliver, Esquire no cc ✓ No Judge
03/10/2004	Certificate Prerequisite To Service Of Subpoenas Pursuant To Rule 4009.22. filed by, s/Katherine V. Oliver, Esquire Notice of Intent To Serve Subpoenas To Produce Documents And Things For Discovery Pursuant to Rule 4009.21. filed by, s/Katherine V. Oliver, Esq. no cc ✓ No Judge
	Certificate of Service, Defendant's Certificate Prerequisite to Service of Subpoenas for Production of Documents and Things upon Joshua P. Geist, Esquire. filed by, s/Katherine V. Oliver, Esquire no cc ✓ No Judge

Date: 04/28/2005

**Clearfield County Court of Common Pleas**

User: CROWLES

Time: 12:55 PM

**ROA Report**

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Case: 2003-00418-CD

Current Judge: Fredric Joseph Ammerman

David Laux, Sarah Laux vs. Rodger A. Frederick

**Civil Other**

Date	Judge
X 03/16/2004	X Certificate of Service, Defendant's Notice of Intent to Serve Subpoenas for ✓ No Judge Production of Documents and Things upon Joshua P. Geist, Esquire. filed by, s/Katherine V. Oliver, Esquire no cc
X 03/18/2004	X Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22. ✓ No Judge filed by, s/James M. Horne, Esquire Certificate of Service no cc
X 03/19/2004	X Certificate of Service, Defendant's Notice of Intent to Serve Subpoenas for ✓ No Judge Production of Documents and Things upon, Joshua P. Geist, Esquire filed by, s/Katherine V. Oliver, Esquire no cc
X 03/24/2004	X Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22. ✓ No Judge filed by, s/Katherine V. Oliver, Esquire no cc
X 03/30/2004	X Certificate of Service, Defendant's Notice of Plaintiffs' Deposition And ✓ No Judge Request For Production Of Documents upon Joshua Geist, Esquire. filed by, s/Katherine V. Oliver, Esquire no cc
X 04/26/2004	X Certificate of Service, Notice of Intent to Serve Subpoenas Directed to ✓ No Judge Office of Vocational Rehabilitation upon Joshua P. Geist, Esquire. filed by, s/Katherine V. Oliver, Esquire
X	X Certificate of Service., Notice of Intent to Serve Subpoenas Directed to ✓ No Judge Victoria Smith, M.D. upon Joshua P. Geist, Esquire filed by, s/Katherine V. Oliver, Esquire
X 05/10/2004	X Certificate Prerequisite To Service Of A Subpoena Pursuant To Rule ✓ No Judge 4009.22. filed by, s/Katherine V. Oliver, Esquire Certificate of Service no cc
X 07/12/2004	X Certificate of Service, Defendant's Third Request for Production of ✓ No Judge Documents and Tangible Things Directed to Plaintiffs on behalf of Defendant. Mailed by US, First Class, postage prepaid, on the 9th of July 2003 to the attorney. no cc
X 12/01/2004	X Certificate of Service, copy of Defendant's notice of Intent to Serve a ✓ No Judge Subpoena for Production of Documents and Things directed to Andrew Primerano, Esquire mailed on Nov. 30, 2004 to the attorney of record: Joshua Geist, Esquire. Filed by s/ Katherine V. Oliver, Esquire. No CC
X 12/08/2004	X <del>Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P.</del> ✓ No Judge 4009.21 filed by Atty. Oliver. No cc.
X	X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. ✓ No Judge 4009.22, Filed by s/ Katherine V. Oliver, Esquire. No CC
X	X Certificate of Service: Copy of Defendant's notice of Intent to Serve ✓ No Judge Subpoenas for Production of Documents and Things, sent to Joshua Geist, Esquire on Nov. 30, 2004. Filed by s/Katherine V. Oliver, Esquire. No CC
X 12/15/2004	X Certificate of Service, copy of Defendant's Notice of Intent to Serve a ✓ No Judge Subpoena for Production of Documents and Things Directed to the Clfd. Hospital, by mail the 14th of Dec., 2004, to Joshua Geist, Esquire. Filed by s/Katherine V. Oliver, Esquire. No CC
X 12/22/2004	X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. ✓ No Judge 4009.21 No cc.
X 01/10/2005	X Certificate of Service, copy of defendant's Notice of Intent to Serve a ✓ No Judge Subpoena for Production of Documents and Things to Horace Mann Insurance Company, on Jan. 5, 2005 to Joshua Geist, Esquire. Filed by s/ Katherine V. Oliver, Esquire. No CC
X 01/11/05	X Certificate of Prerequisite. ✓

Date: 04/28/2005

Time: 12:55 PM

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**Clearfield County Court of Common Pleas**

User: CROWLES

ROA Report

Case: 2003-00418-CD

Current Judge: Fredric Joseph Ammerman

David Laux, Sarah Laux vs. Rodger A. Frederick

Civil Other

Date	Judge
01/17/2005 <i>not in file</i>	Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/ Katherine V. Oliver, Esquire. No CC
04/01/2005	Motion to Compel Expert Discovery, filed by s/Katherine V. Oliver, Esq. No CC
04/04/2005	Rule. AND NOW, this 1st day of April, 2005, Plaintiffs are requested to show cause why Defendant's Motion to Compel Expert Discovery should not be granted. Rule returnable the 4th day of May, 2005, at 1:30 p.m. in courtroom 1. BY THE COURT: /s/ Fredric J. Ammerman, Judge. 1CC Atty Oliver
04/06/2005	Certificate of Service, copy of Rule to Show Cause dated April 1, 2005, to ✓ Fredric Joseph Ammerman Joshua Geist, Esquire, on April 5, 2005. Filed by s/ Katherine V. Oliver, Esquire. No CC

Date: 1/17/2007

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 12:48 PM

ROA Report

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Case: 2003-00418-CD

Current Judge: Paul E. Cherry

David Laux, Sarah Laux vs. Rodger A. Frederick

Civil Other

Date	Selected Items	Judge
5/6/2005 ✓	✓ Order, NOW this 4th day of May, 2005, upon agreement of the parties, Defendant's motion to Compel Expert Discovery be and is hereby GRANTED. Plaintiff shall be required to serve reports from any physician or other expert to be called at trial of this case within no more than 60 days from the date of this Order. BY THE COURT, /s/ Fredric J. Ammerman, President Judge. 1CC Atty: J. Geist, K. Oliver	✓ Fredric Joseph Ammerman
8/4/2005 ✓	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things to Highmark Blue Cross/Blue Shield, Erie Insurance Company and State Farm Insurance Companies on August 2, 2005 filed by s/ Katherine V. Oliver Esquire. No CC.	✓ Fredric Joseph Ammerman
8/17/2005 ✓	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ James M. Horne Esquire. No CC.	✓ Fredric Joseph Ammerman
8/31/2005 ✓	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-captioned matter was mailed on August 29, 2005 to Joshua Geist Esq., filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
9/15/2005 ✓	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
12/16/2005 ✓	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to Southwestern PA Orthopedic Associates in the above-referenced matter to Joshua Geist Esq., filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
12/29/2005 ✓	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
2/6/2006 ✓	✓ Certificate of Service, filed. That a true and correct copy of the Defendant's Notice of Intent to Serve a Subpoena for Production and Things Directed to Charles A. Reese, DDS, filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
2/10/2006 ✓	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
7/3/2006 ✓	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to Laun R. Hallstrom MD in the above-referenced matter to Joshua Geist Esq., filed by s/ Katherine V Oliver Esq. NO CC.	✓ Fredric Joseph Ammerman
7/18/2006 ✓	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.	✓ Fredric Joseph Ammerman
8/29/2006 ✓	✓ Certificate of Readiness for Trial, filed by Atty. Oliver no cert. copies.	✓ Fredric Joseph Ammerman
7/28/2007 ✓	Cert of Service	/
X-24-2007	Order, dated 1-24-2007	✓
X-24-2007	Order, dated 1-24-2007	✓

Date: 01/05/2006  
Time: 02:27 PM  
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**Clearfield County Court of Common Pleas**  
Cases by Filing Date  
CT COMMON PLEAS,  
Case Type: CD, All Subtypes  
From 11/01/2000 to 12/30/2005  
All Judges

User: BHUDSON

**Judge: Reilly, John K. Jr.**

Case	Filed	Entered	Party	Status
1999-01188-CD <i>10-19-99</i>	11/28/2000	11/28/2000	Nationwide Insurance Company, Plaintiff Gillen, James Richard, Defendant Gardner, Gail R., Defendant Denochick, Jimmie L., Defendant	Pending
1999-01196-CD <i>10-21-99</i>	02/12/2003	02/12/2003	Marien, Ruth Ilene, Plaintiff Allstate Insurance Company, Defendant	Stricken
1999-01216-CD <i>10-25-99</i>	11/08/2000	11/08/2000	American Refining and Exploration Co., Plaintiff Viking Resources Corp., et al, Defendant Viking Resources 1996 Limited Partnership, Defendant Viking Resources 1996 Limited Partnership, Defendant	Reopened
1999-01218-CD <i>10-26-99</i>	02/12/2003	02/12/2003	Martella, Dennis C., Plaintiff Britton Construction, Tim, Defendant Britton Construction, Tim, Defendant	Pending
1999-01224-CD <i>10-27-99</i>	12/12/2000	12/12/2000	Harter, Sandra K., Plaintiff Kephart, Jeanette Louise, Defendant	Settled and/or Disc. and Ended
1999-01229-CD <i>10-27-99</i>	02/02/2001	02/02/2001	Cooper Township Municipal Authority, Plaintiff Dobo, Michael, Defendant Dobo, Carolyn, Defendant	Pending
1999-01268-CD <i>11-4-99</i>	07/13/2001	07/13/2001	Pollock, Jean A., Plaintiff Klotz, Ronald Lee, Plaintiff Pollock, Micah James, Plaintiff Callahan, Andrew Joseph, Defendant Callahan, Joseph Jr., Defendant Callahan, Cherrie, Defendant	Pending
1999-01380-CD <i>11-24-99</i>	05/02/2001	05/02/2001	Anthony, Eileen M., Plaintiff Charles, Marilyn B., Defendant	Settled and/or Disc. and Ended
1999-01392-CD <i>12-1-99</i>	01/31/2003	01/31/2003	Rainey, William E., Plaintiff Prisk, James L., Plaintiff Dutra, J. A., Defendant Dutra, Jacob Allison, Defendant Dutra, Carrie Mcdevitt, Defendant	Pending
1999-01508-CD <i>12-29-99</i>	03/28/2001	03/28/2001	Baney, Durrel A., Plaintiff Baney, Mona L., Plaintiff Phillips, Ronald L. Sr., Defendant Phillips, Jacqueline A., Defendant Shimmel, Steward, Defendant Shimmel, Gimeng, Defendant	Pending
2000-00326-CD <i>3-15-00</i>	01/09/2001	01/09/2001	Churner, Kay, Plaintiff Dimmick, John, Plaintiff Cox, Clifford, Defendant Estrada, Linda, Defendant Southwest Guaranty Trust Company, Defendant	Settled and/or Disc. and Ended
2000-00367-CD <i>3-24-00</i>	12/12/2000	12/12/2000	Welch, Robert B., Plaintiff Wadding, Barbara Richter, Defendant	Pending
2000-00374-CD <i>3-27-00</i>	12/19/2000	12/19/2000	Treasure Lake Property Owners Association, Inc., Plaintiff Kestler, Sharon, Defendant	Terminated by Court Order
2000-00393-CD <i>3-28-00</i>	01/26/2001	01/26/2001	Ellis, Connie, Plaintiff Clearfield Hospital, Defendant Acock, Philip J. MD, Defendant	Pending
2000-00384-CD <i>3-28-00</i>	12/05/2000	12/05/2000	TMS Mortgage, Inc., Plaintiff Money Store, The, Plaintiff Homecomings Financial Network, Inc., Plaintiff Fulmer, Rockland L., Defendant	Pending

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID LAUX and SARAH  
LAUX, his wife,

Plaintiffs,

vs.

RODGER A. FREDERICK,

Defendant.

CIVIL DIVISION

Case No. 03-418-CD

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

Code: 001

Filed on behalf of Plaintiffs,  
DAVID LAUX

Counsel of Record for  
this Party:

JOSHUA P. GEIST, ESQUIRE  
PA I.D. #85745

**JURY TRIAL DEMANDED**

GOODRICH, GOODRICH & LAZZARA, P.C.  
Suite 1400  
Law & Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219  
(412) 281-1455

**FILED**

MAR 24 2003

William A. Shaw  
Prothonotary

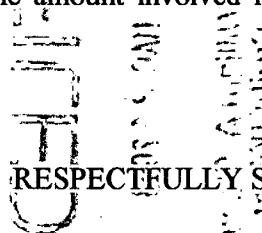
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DAVID LAUX and SARAH )  
LAUX, his wife, )  
Plaintiffs, )  
vs. ) Case No.  
RODGER A. FREDERICK, ) **JURY TRIAL DEMANDED**  
Defendant. )

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

TO: PROTHONOTARY OF CLEARFIELD COUNTY, PA:

Kindly issue a Writ of Summons against the Defendant, ROGER A. FREDERICK, with regard to the above captioned matter. The amount involved is in excess of the jurisdictional arbitration limit.

  
RESPECTFULLY SUBMITTED:

GOODRICH, GOODRICH & LAZZARA, P.C.,

BY:

  
JOSHUA P. GEIST, ESQUIRE

Attorney for Plaintiffs,  
David Laux and Sarah Laux,  
his wife

FILED

Any pd.  
85.00

112-14701  
MAR 24 2003

1cc & 2 summons

William A. Shaw  
Prothonotary

to Sheriff

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

COPIED

**SUMMONS**

**David Laux and  
Sarah Laux, his wife**

**Vs.**

**NO.: 2003-00418-CD**

**Rodger A. Frederick**

**TO: RODGER A. FREDERICK**

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: 03/24/2003**

\_\_\_\_\_  
**William A. Shaw  
Prothonotary**

**Issuing Attorney:  
Joshua P. Geist, Esq.  
Goodrich, Goodrich & Lazzara, P.C.  
Ste. 1400, Law and Finance Building  
429 Fourth Ave.  
Pittsburgh, PA 15219  
(412) 281-1455**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID A. LAUX, and SARAH,  
LAUX, his wife,

Plaintiffs,

vs.

ROGER A. FREDERICK,

Defendant.

CIVIL DIVISION

Case No. 03-418-CD

**COMPLAINT**

Code:

Filed on behalf of Plaintiffs,  
DAVID A. LAUX, and SARAH LAUX,  
his wife

Counsel of Record for  
this Party:

WILLIAM F. GOODRICH, ESQUIRE  
PA. I.D. #30235

JOSHUA P. GEIST, ESQUIRE  
PA I.D. #85745

**JURY TRIAL DEMANDED**

GOODRICH, GOODRICH & LAZZARA, P.C.  
Suite 1400  
Law & Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219

(412) 281-1455

**FILED**

APR 17 2003

William A. Shaw  
Prothonotary

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

DAVID A. LAUX, and SARAH )  
LAUX, his wife, )  
Plaintiffs, ) Case No. 03-418-CD  
vs. )  
ROGER A. FREDERICK, )  
Defendant. )

**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 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 PHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
CLEARFIELD COUNTY COURTHOUSE  
ONE NORTH SECOND STREET  
CLEARFIELD, PA 16830

(814) 765-2641

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

DAVID A. LAUX, and SARAH )  
LAUX, his wife, )  
Plaintiffs, ) Case No.  
vs. )  
ROGER A. FREDERICK, )  
Defendant. )

**COMPLAINT IN CIVIL ACTION**

AND NOW, come the Plaintiffs, DAVID A. and SARAH LAUX, by and through their attorneys, GOODRICH, GOODRICH & LAZZARA, P.C. and JOSHUA P. GEIST, ESQUIRE, and file the following Complaint:

1. Plaintiffs, David A. and Sarah Laux, are married individuals residing at 849 Treasure Lake, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant Roger A. Frederick is an adult individual residing at 99 Sandberg Street, Dagus Mines, Elk County, Pennsylvania, 15831.
3. At all times relevant hereto, Plaintiff David A. Laux was covered by the full tort option of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1705.
4. On August 25, 2001, at or around 1:00 p.m., Plaintiff, David A. Laux, Plaintiff was traveling on Schaeffer Road near Route 255 in DuBois, Clearfield County, and was stopped at a stop

light, when suddenly and without warning his vehicle was struck from behind by a vehicle operated by Defendant, Roger A. Frederick.

5. The accident was caused by the Defendant in general, and in the following particulars:

- a.) In failing to maintain proper control of his vehicle;
- b.) In failing to keep an appropriate lookout for surrounding traffic;
- c.) In failing to maintain an assured clear distance ahead;
- d.) In failing to obey prevailing traffic signals;
- e.) In failing to stop the vehicle prior to impacting Plaintiff's vehicle;
- f.) In striking Plaintiff's vehicle from behind;
- g.) In failing to take proper note of, and precautions for, the road conditions then and there existing and the prevailing traffic conditions;
- h.) In failing to avoid the collision or lessen its impact; and
- i.) In otherwise failing to use the due and proper care as required under the circumstances.

6. As a result of the accident, Plaintiff, David A. Laux, suffered, among other things, the following injuries:

- a.) Right sacroiliitis;
- b.) Acute lumbar back strain;
- c.) Persistent low back pain and back spasms;
- d.) Right lumbosacral pain radiating into the right leg;
- e.) Pain between the shoulder blades;
- f.) Left knee pain;

- g.) Headaches and shortness of breath;
- h.) Nervousness, depression and anxiety; and
- i.) Right shoulder pain.

7. As a result of the aforesaid injuries, Plaintiff, David A. Laux, has suffered the following damages:

- a.) He has suffered, and will suffer, great pain, inconvenience, embarrassment and mental anguish;
- b.) He has been, and will be, required to expend large sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;
- c.) He has been, and will be, deprived of his earnings;
- d.) His earning capacity has been reduced and may be permanently impaired;
- 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, Plaintiff, David A. Laux, demands judgment be entered in his favor and against Defendant Roger A. Frederick in an amount in excess of \$25,000.00, plus interest and costs.

**COUNT II-LOSS OF CONSORTIUM**

8. Each of the above Paragraphs is incorporated herein by reference.

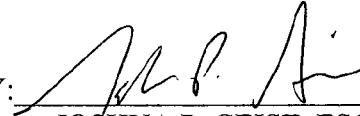
9. As a result of the injuries to her husband, the wife Plaintiff, Sarah Laux, has lost the society, comfort and services of her spouse.

WHEREFORE, the wife Plaintiff, Sarah Laux, demands judgment against the Defendant Roger A. Frederick in an amount in excess of \$25,000.00, plus interest and costs.

JURY TRIAL DEMANDED.

RESPECTFULLY SUBMITTED:

GOODRICH, GOODRICH & LAZZARA, P.C.

BY: 

JOSHUA P. GEIST, ESQUIRE  
Attorney for Plaintiffs,  
David A. and Sarah Laux

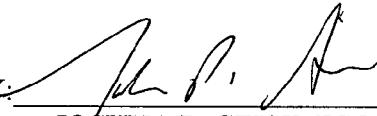
## CERTIFICATE OF SERVICE

I hereby certify that on this 15 day of April, 2003, a true and correct copy of the within Complaint was served upon Defendants by forwarding same by regular first class mail, postage prepaid to the their last know addresses as follows:

Roger A Frederick  
99 Sandburg Street  
Dagus Mines, PA 15831

Howard C. Shaffer  
State Farm Insurance  
383 Rolling Ridge Drive  
State College, PA 16801-7676

GOODRICH, GOODRICH & LAZZARA, P.C.

BY: 

JOSHUA P. GEIST, ESQ.  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA )  
 )  
 COUNTY OF ALLEGHENY )  
 )

BEFORE ME, the undersigned authority, a Notary Public in and for said County and Commonwealth, personally appeared David A. Laux, who, being duly sworn according to law, deposes and says that the averments of fact contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

X ~~part~~ a. Lay

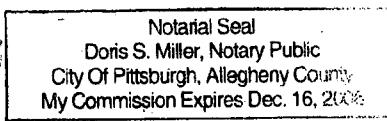
SWORN TO and subscribed before  
me this 15<sup>th</sup> day of

April 1, 2003.

Paul Mire

~~Notary Public~~

My commission expires: 12-16-06



Member, Pennsylvania Association Of Notaries

FILED

NO  
CC

12:54 PM  
APR 17 2003

5  
FEB

William A. Shaw  
Prothonotary



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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.  
: TYPE OF PLEADING:  
: **PRAECIPE FOR ENTRY**  
: **OF APPEARANCE**  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

**FILED**

*M 2:26 BA incc*

APR 28 2003

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,  
v.  
ROGER A. FREDERICK,  
Defendant.

: No. 03-418-C.D.  
: TYPE OF PLEADING:  
: **PRAECIPE FOR ENTRY  
OF APPEARANCE**  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

**FILED**  
*m 2:26 BA jncc*  
APR 28 2003

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

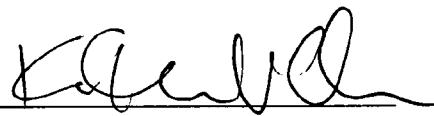
**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, ROGER A. FREDERICK, in the  
above-captioned matter.

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

Dated: April 24, 2003

By: 

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

Attorneys for Defendant

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Praeclipe for Entry of Appearance on behalf the Defendant Roger A. Frederick in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 25 day of April, 2003, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: Katherine V. Oliver

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

Attorneys for Defendant

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,  
v.  
ROGER A. FREDERICK,  
Defendant.

TYPE OF PLEADING:  
**ANSWER WITH NEW MATTER**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX# (814) 238-9624

FILED

MAY 27 2003

William A. Shaw  
Prehistoric

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

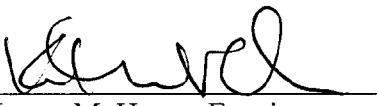
NOTICE TO PLEAD

TO: David A. Laux and Sarah Laux  
c/o Joshua P. Geist, Esquire

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

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

Dated: May 28, 2003

By: 

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

Attorneys for Defendant

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**ANSWER WITH NEW MATTER**

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

1. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1. The same are therefore denied and strict proof thereof demanded.
2. Admitted.
3. Denied. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 3. The same are therefore denied and strict proof thereof demanded.
4. Admitted in part and denied in part. It is admitted only that on the time and date stated, Roger Frederick's vehicle came into contact with the rear of Plaintiffs' vehicle near a traffic light on Shaeffer Road near 255 in DuBois, Clearfield County. The balance of the averments of paragraph 4 are denied.
5. Denied. The allegations of paragraph 5 are denied pursuant to Pa.R.C.P. 1029(e).

6. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments regarding Plaintiffs' alleged injuries and damages. The same are therefore denied and strict proof thereof demanded.

7. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments regarding Plaintiffs' alleged injuries and damages. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant, Roger A. Frederick, respectfully requests that Plaintiffs' Complaint against him be dismissed, with prejudice and costs of suit.

**COUNT II - LOSS OF CONSORTIUM**

8. The averments of paragraphs 1-7, inclusive, are incorporated herein as though set forth at length.

9. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of Plaintiffs' alleged injuries, losses, and damages. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant, Roger A. Frederick, respectfully requests that Plaintiffs' Complaint against him be dismissed, with prejudice and costs of suit.

**NEW MATTER**

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

11. To the extent Plaintiffs selected and/or were insured under a policy of insurance bearing a limited tort option, Plaintiffs' claims herein are barred or reduced accordingly.

12. To the extent Plaintiffs' alleged medical expenses and/or wage losses were paid or

payable under a policy or policies of insurance, the same may not be pled, proven or recovered in the instant action.

13. Defendants hereby raise and assert all those defenses and/or limitations of damages available to them by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

14. Plaintiffs' claims should be barred or reduced to the extent Plaintiffs failed to mitigate any and all claimed losses and damages.

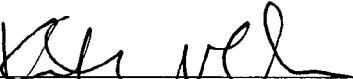
WHEREFORE, Roger A. Frederick, respectfully requests that Plaintiffs' Complaint against him be dismissed, with prejudice and costs of suit.

Respectfully submitted,

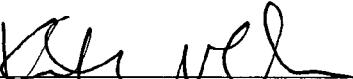
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.

Dated: May 23, 2003

By:

  
James M. Horne, Esquire

I.D. No. 26908

  
Katherine V. Oliver, Esquire  
I.D. No. 77069

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

Attorneys for Defendant

**VERIFICATION**

The undersigned verifies that he is authorized to make this verification on his own behalf; and that the statements made in the foregoing ANSWER WITH NEW MATTER are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S.A. §4904, related to unsworn falsification to authority.

  
\_\_\_\_\_  
ROGER A. FREDERICK

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Answer with New Matter on behalf the Defendant Roger A. Frederick in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 23 day of May, 2003, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

FILED NO CC  
MAY 18 2003  
MAY 27 2003  
CST

William A. Shaw  
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania  
LAUX, DAVID & SARAH  
VS.  
FREDERICK, RODGER A.  
SUMMONS

Sheriff Docket # 13835

03-418-CD

### SHERIFF RETURNS

NOW MARCH 26, 2003, THOMAS KONTES, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON RODGER A. FREDERICK, DEFENDANT.

NOW APRIL 2, 2003 SERVED THE WITHIN SUMMONS ON RODGER A. FREDERICK, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY. THE RETURN OF SHERIFF KONTES IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED DENNIS FISHER, ADULT AT RESIDENCE.

FILED  
11:58 AM  
MAY 30 2003

William A. Shaw  
Prothonotary

---

#### Return Costs

Cost	Description
27.74	SHERIFF HAWKINS PAID BY: ATTY CK# 4771
10.00	SURCHARGE PAID BY: ATTY
27.60	ELK CO. SHERIFF PAID BY; ATTY.

---

Sworn to Before Me This

30 Day Of May 2003  
William A. Shaw

So Answers,

Chester A. Hawkins  
by  
Deputy Sheriff  
Chester A. Hawkins  
Sheriff

13835

# Affidavit of Service

David & Sarah Laux

vs.

Roger A. Frederick

}

No. 418 Term, 20 03

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW April 2, 2003 at 9:51 o'clock A.M.

served the within Writ of Summons on Roger A. Frederick

at 99 Sandberg St., Dagus Mines, Elk County, PA

by handing to Dennis Fisher, cousin who resides at 99 Sandberg St., Dagus Mines and adult in charge of residence,

a true and attested copy of the original Writ of Summons and made

known to him the contents thereof. Sheriff's Costs - \$27.60 PAID

Sworn to before me this 7th

day of April A.D. 20 03

Sandra J. Assalme  
Deputy Prothonotary  
My Commission Expires  
January 5, 2004

118.11-010

So answers,

Thomas C. Korte

Carl C. Pontious

Sheriff

Deputy



# Sheriff's Office Clearfield County

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-5915

CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

Robert Snyder  
CHIEF DEPUTY

Cynthia Aughenbaugh  
OFFICE MANAGER

MARILYN HAMM  
DEPT. CLERK  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Pg. 13835

DAVID & SARAH LAUX

TERM & NO. 03-418-CD

VS

DOCUMENT TO BE SERVED:

RODGER A. FREDERICK

SUMMONS

SERVE BY: 04/23/2003

**MAKE REFUND PAYABLE TO:** GOODRICH, GOODRICH & LAZZARA, Attys.

**SERVE:** RODGER A. FREDERICK

**ADDRESS:** 99 Sandberg St., Dagus Mines, Pa. 15831

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 26th Day of MARCH 2003

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

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

COPY

**SUMMONS**

**David Laux and  
Sarah Laux, his wife**

**Vs.**

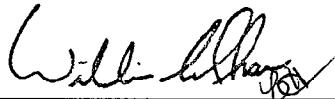
**NO.: 2003-00418-CD**

**Rodger A. Frederick**

**TO: RODGER A. FREDERICK**

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: 03/24/2003

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary

Issuing Attorney:  
Joshua P. Geist, Esq.  
Goodrich, Goodrich & Lazzara, P.C.  
Ste. 1400, Law and Finance Building  
429 Fourth Ave.  
Pittsburgh, PA 15219  
(412) 281-1455

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

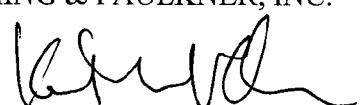
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiffs (Set One) in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 10 day of June, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

Katherine V. Oliver  
I.D. No. 77069  
Attorneys for Defendant  
ROGER A. FREDERICK  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Fax: (814) 238-9624

**FILED**  
m 11/11 2011 No  
JUN 09 2003  
E  
William A. Shaw  
Prothonotary

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

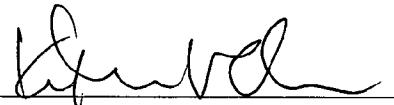
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiffs on behalf the Defendant Roger A. Frederick in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 6/12 day of June, 2003, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

FILED  
m 11/11/01 No CC  
JUN 09 2003 E  
William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas  
Directed to Laun R. Hallstrom, M.D., Anderson Physical Therapy, Dubois Regional Medical  
Center, and Mark W. Malone, D.O. in the above-captioned matter was mailed by regular mail,  
postage prepaid, at the Post Office, State College, Pennsylvania, on this 12<sup>th</sup> day of  
June, 2003, to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

**FILED**

11:16 AM  
JUN 16 2003  
K2

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID A. LAUX and  
SARAH LAUX, his wife,

Plaintiffs,

vs.

ROGER A. FREDERICK,

Defendant.

CIVIL DIVISION

Case No. 03-418-CD

**REPLY TO NEW MATTER**

Filed on behalf of Plaintiffs,  
DAVID A. LAUX and  
SARAH LAUX, his wife

Counsel of Record for  
this Party:

WILLIAM F. GOODRICH, ESQUIRE  
PA I.D. #30235

JOSHUA P. GEIST, ESQUIRE  
PA I.D. #85745

GOODRICH, GOODRICH & LAZZARA, P.C.  
Suite 1400  
Law & Finance Building  
429 Fourth Avenue  
Pittsburgh, PA 15219

(412) 281-1455

**FILED**

JUN 23 2003

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and )  
SARAH LAUX, his wife, )  
 )  
Plaintiffs, )  
 )  
vs. ) Case No. 03-418-CD  
 )  
ROGER A. FREDERICK, )  
 )  
Defendant. )

**REPLY TO NEW MATTER**

AND NOW, come the Plaintiffs, DAVID A. LAUX and SARAH LAUX, his wife, by and through their attorneys, GOODRICH, GOODRICH & LAZZARA, P.C. and JOSHUA P. GEIST, ESQUIRE, and for their Reply to New Matter, respectfully represent the following:

1. No response to the allegations contained in Paragraph 10 of Defendant's New Matter is required. However, if a response is deemed necessary, Plaintiffs specifically deny the allegations of Paragraphs 1 through 9 of Defendant's Answer to the extent that they imply liability on the part of the Plaintiffs, and incorporate by reference herein, all of the allegations of the Complaint in Civil Action as though set forth at length again.

2. The allegations contained in Paragraph 11 of Defendant's New Matter are conclusions of law to which no reply is necessary. To the extent a reply is required, said allegations are specifically denied. To the contrary, the injuries and damage claimed herein are being sought on the basis of full tort election made by the Plaintiffs herein with Erie Insurance

Group, which was in full force and effect on the date of the accident. Strict proof of Defendant's allegations is demanded at the time of trial.

3. The allegations contained in Paragraph 12 and Paragraph 13 of Defendant's New Matter are conclusions of law to which no reply is necessary. To the extent a reply is required, said allegations are admitted in that the rights of the Plaintiffs are governed by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. §1701 et. seq. It is denied that the rights of the Plaintiffs are restricted, diminished or barred by the provisions of the MVFRL. Strict proof of Defendant's allegations is demanded at the time of trial.

4. The allegations contained in Paragraph 14 of Defendant's New Matter are conclusions of law to which no reply is necessary. To the extent a reply is required, said allegations are specifically denied. To the contrary, Plaintiffs did all that they could to mitigate their damages. Strict proof of Defendant's allegations is demanded at the time of trial.

WHEREFORE, Plaintiffs, DAVID A. LAUX and SARAH LAUX, his wife, respectfully request judgment in their favor, and against the Defendant, ROGER A. FREDERICK, plus interest and costs.

RESPECTFULLY SUBMITTED:

GOODRICH, GOODRICH & LAZZARA, P.C.,

BY:



JOSHUA P. GEIST, ESQUIRE  
Attorney for Plaintiffs,  
David A. Laux and  
Sarah Laux, his wife

CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of June, 2003, a true and correct copy of the within Reply to New Matter was served upon the Defendant by mailing the same by regular first class mail, postage prepaid to his counsel of record as follows:

KATHERINE V. OLIVER, ESQUIRE  
McQUAIDE BLASKO  
811 University Drive  
State College, PA 16801-6699.

GOODRICH, GOODRICH & LAZZARA, P.C.,

BY: 

JOSHUA P. GEIST, ESQUIRE  
Attorney for Plaintiffs,  
David A. Laux and  
Sarah Laux, his wife

FILED

M-1-25-Y  
JUN 23 2003

no cc  
G  
fba

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

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

1. a Notice of Intent to Serve Subpoenas with copies of the subpoenas attached thereto was mailed or delivered to each party at least 20 days prior to the date on which the subpoenas are sought to be served;
2. a copy of the Notice of Intent, including the proposed subpoenas, are attached to this Certificate;
3. Plaintiff's attorney has waived the 20 day notice period; and,
4. the subpoenas which will be served are identical to the subpoenas which are attached to the Notice of Intent to Serve the Subpoenas.

Respectfully submitted,

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

By:

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

Dated: June 25, 2003

**FILED**

*m/10:40 AM  
JUN 26 2003 MJC*

William A. Shaw  
Prothonotary 

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

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

Defendant intends to serve subpoenas identical to those that are attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objections to the subpoenas. If no objections are made, the subpoenas may be served.

Respectfully submitted,

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

By:

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

Dated: June 12, 2003

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux

Sarah Laux

Plaintiff(s)

Vs.

\*

No. 2003-00418-CD

Rodger A. Frederick

Defendant(s)

\*

\*

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

TO: Laun R. Hallstrom, M.D.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached, to the offices of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive  
State College, PA 16801

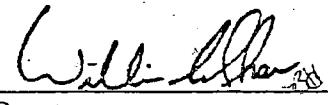
TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

DATE: Monday, June 09, 2003

Seal of the Court

*Lauri R. Hallstrom, M.D.*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*

\*

No. 2003-00418-CD

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

TO: Anderson Physical Therapy

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached, to the offices of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College, PA 16801

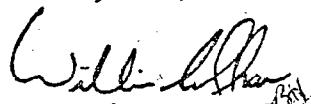
TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, June 09, 2003  
Seal of the Court

*Anderson Physical Therapy*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*  
\*  
\*  
No. 2003-00418-CD

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

TO: DuBois Regional Medical Center  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached, to the offices of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive

State College, PA 16801

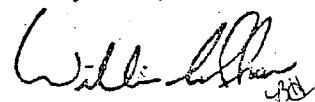
TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Monday, June 09, 2003

Seal of the Court

*DuBois Regional Medical Center*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux

Sarah Laux

Plaintiff(s)

Vs.

\*

No. 2003-00418-CD

Rodger A. Frederick

Defendant(s)

\*

\*

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

TO: Mark W. Malone, D.O.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached, to the offices of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College, PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

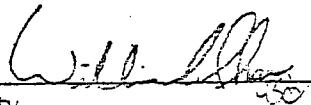
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, June 09, 2003

Seal of the Court

Deputy



*Mark W. Malone, D.O.*

**DOCUMENTS TO BE PRODUCED**

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Laun R. Hallstrom, M.D., Anderson Physical Therapy, DuBois Regional Medical Center, and Mark W. Malone, D.O. in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 25 day of June, 2003, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
Laun R. Hallstrom, M.D. in the above-captioned matter was mailed by regular mail, postage  
prepaid, at the Post Office, State College, Pennsylvania, on this 25<sup>th</sup> day of June,  
2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

**FILED**  
m10:40-61  
JUN 26 2003 No. CC

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
Anderson Physical Therapy in the above-captioned matter was mailed by regular mail, postage  
prepaid, at the Post Office, State College, Pennsylvania, on this 25<sup>th</sup> day of June,  
2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: Katherine V. Oliver

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

FILED  
10:40 AM  
JUN 26 2003 NO  
cc

William A. Shaw  
Prothonotary



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

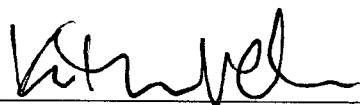
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
DuBois Regional Medical Center in the above-captioned matter was mailed by regular mail,  
postage prepaid, at the Post Office, State College, Pennsylvania, on this 25<sup>th</sup> day of  
June, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

**FILED**

110:4061  
JUN 26 2003 No  
cc

William A. Shaw  
Prothonotary 

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
Mark W. Malone, D.O. in the above-captioned matter was mailed by regular mail, postage  
prepaid, at the Post Office, State College, Pennsylvania, on this 25<sup>th</sup> day of June,  
2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: Katherine V. Oliver

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

FILED  
m110:4041  
JUN 26 2003 NO  
cc

William A. Shaw   
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas Directed to Dr. Martin Shaeffer, Southwestern PA Orthopedics Associates, Dr. Kenneth Cherry, Blair Orthopedics, Dr. Mark Baratz, Dr. John Markley, Dr. Gregory Rosco, William Fernan, Ph.D., and Paul Fritz, M.D. in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 20 day of October, 2003, to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

**FILED**

OCT 21 2003  
m/l:oul/wy  
William A. Shaw  
Prothonotary  
No. CCR  


**FILED**

OCT 21 2003

William A. Shaw

Prothonotary

**FILED**

OCT 21 2003

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the **Defendant's Answers and Objections to Plaintiffs' Request for Production of Documents Directed to Defendant** in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 31<sup>st</sup> day of October, 2003, to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: Katherine V. Oliver

Katherine V. Oliver  
I.D. No. 77069  
Chena L. Glenn-Hart  
I.D. No. 82750  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendant  
ROGER FREDERICK

FILED  
NOV 14 2003  
NOV 03 2003  
cc

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, his wife, Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the **Answers and Objections to Plaintiffs' First Set of Interrogatories Directed to Defendant** in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 31<sup>st</sup> day of October, 2003, to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: Chena L. Glenn-Hart  
Katherine V. Oliver  
I.D. No. 77069  
Chena L. Glenn-Hart  
I.D. No. 82750  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Attorneys for Defendant  
ROGER FREDERICK

FILED NO  
6 11 46 81  
NOV 03 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

FILED NO  
113081  
NOV 12 2003  
E  
KEDS

William A. Shaw  
Prothonotary/Clerk of Courts

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

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

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

Respectfully submitted,

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

By:



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

Dated: 11-10, 2003

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,

No. 03-418-C.D.

v.

ROGER A. FREDERICK,

Defendant.

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

Defendant intends to serve subpoenas identical to those that are attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objections to the subpoenas. If no objections are made, the subpoenas may be served.

Respectfully submitted,

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

By:



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

Dated: Oct. 20, 2003

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux

Sarah Laux

Plaintiff(s)

Vs.

\*

No. 2003-00418-CD

Rodger A. Frederick

Defendant(s)

\*

\*

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

TO: DR. MARK BARATZ

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: SEE ATTACHED,  
to the offices of McQuaide Blasko, 811 University Drive, State College  
PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive  
State College PA 16801

TELEPHONE: (814) 238-4926

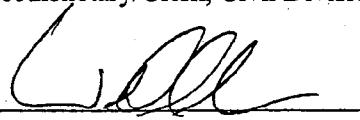
SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

  
Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

DATE: Tuesday, October 14, 2003

Seal of the Court

*Dr. Mark Baratz*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*  
\*  
\*  
No. 2003-00418-CD

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

TO: DR. GREGORY ROSCOE

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: SEE ATTACHED SHEET,  
to the offices of McQuaide Blasko, 811 University Drive, State  
College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

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

DATE: Tuesday, October 14, 2003  
Seal of the Court

*Dr. Gregory Roscoe.*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*

\*

No. 2003-00418-CD

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

TO: Paul Fritz, M.D.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached,  
to the offices of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive  
State College, PA 16801

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

Deputy

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

DATE: Tuesday, October 14, 2003

Seal of the Court

*Paul Fritz, M.D.*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux

Sarah Laux

Plaintiff(s)

Vs.

\*

No. 2003-00418-CD

Rodger A. Frederick

Defendant(s)

\*

\*

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

TO: William Fernan, Ph.D.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached, the office of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive  
State College, PA 16801

TELEPHONE: (814) 238-4926

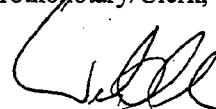
SUPREME COURT ID #77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan., 2006

Clearfield Co., Clearfield, PA

DATE: Tuesday, October 14, 2003

Seal of the Court

*William Fernan, Ph.D.*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*

\*

No. 2003-00418-CD

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

TO: Jon Markley, M.D.

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached,  
to the offices of McQuaide Blasko, 811 University Drive,  
State College, PA 16801

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College, PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 14, 2003

Seal of the Court

Deputy

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

*Dr. John Markley*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*

\*

No. 2003-00418-CD

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

TO: Blair Orthopedic Associates & Sports Medicine  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things. See attached,  
to the offices of McQuaide Blasko, 811 University Drive,  
State College, PA 16801.

(Address)

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

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

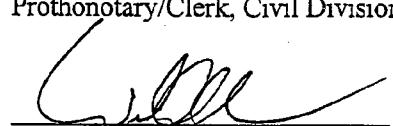
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College, PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

Deputy

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

DATE: Tuesday, October 14, 2003  
Seal of the Court

*Blair Orthopedic Associates & Sports Medicine*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux

Sarah Laux

Plaintiff(s)

Vs.

\*

No. 2003-00418-CD

Rodger A. Frederick

Defendant(s)

\*

\*

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

TO: Dr. Kenneth Cherry

(Name of Person or Entity)

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

to the offices of McQuaide Blasko, 811 University Drive,  
State College, PA 16801.

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive  
State College, PA 16801

TELEPHONE: (814) 238-4926

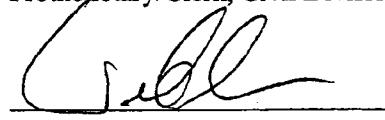
SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

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

*Dr. Kenneth Cherry*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*  
\*  
\*  
No. 2003-00418-CD

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

TO: Southwestern PA Orthopedics' Associates

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached,  
to the offices of McQuaide Blasko, 811 University Drive,  
State College PA 16801.

(Address)

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

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

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

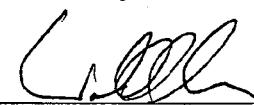
NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 14, 2003

Seal of the Court

  
Deputy

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

*Southwestern PA Orthopedics Associates*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

\*

\*

No. 2003-00418-CD

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

TO: Dr. Martin Shaaffer

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: See attached, the offices of McQuaide Blasko, 811 University Drive, State College, PA 16801.

(Address)

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

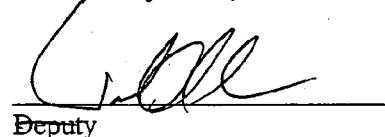
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive  
State College PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME COURT ID # 77069  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

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

DATE: Tuesday, October 14, 2003  
Seal of the Court

*Dr. Martin Shaeffer*

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

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

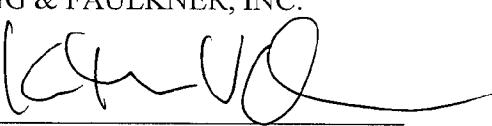
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Dr. Martin Shaeffer, Southwestern PA Orthopedics Associates, Dr. Kenneth Cherry, Blair Orthopedics, Dr. Mark Baratz, Dr. John Markley, Dr. Gregory Rosco, William Fernan, Ph.D., and Paul Fritz, M.D. in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 10<sup>th</sup> day of November, 2003, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

No. 03-418-C.D.

FILED NO  
M 11:30 AM  
NOV 12 2003 cc  
S. E. G.  
E. G.

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to William Fernan, Ph.D., in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 16th day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

FILED  
M 11/30/2003 NO  
NOV 12 2003 CC  
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EAS

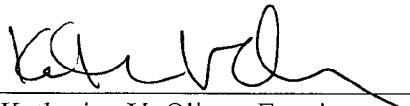
William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Dr. Jon Markley in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 16<sup>th</sup> day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

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William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Dr. Mark Baratz in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 10 day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

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NOV 12 2003 E  
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William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
Paul Fritz, M.D in the above-captioned matter was mailed by regular mail, postage prepaid, at the  
Post Office, State College, Pennsylvania, on this 10<sup>th</sup> day of November, 2003 to the  
attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

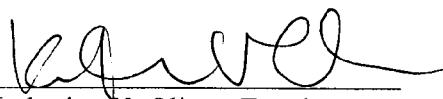
FILED NO  
11:30 AM CC  
NOV 12 2003 KKL  
William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Blair Orthopedic Associates & Sports Medicine in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 10<sup>th</sup> day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

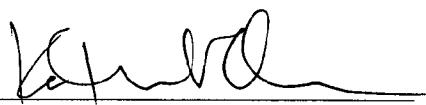
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M 11.30.03  
NOV 12 2003  
William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Dr. Kenneth Cherry in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 10 day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

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KEL

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to  
Southwestern Orthopedics Associates in the above-captioned matter was mailed by regular mail,  
postage prepaid, at the Post Office, State College, Pennsylvania, on this 10<sup>th</sup> day of  
November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: Katherine V. Oliver

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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NOV 12 2003  
[Signature]

William A. Shaw  
Prothonotary/Clerk of Courts

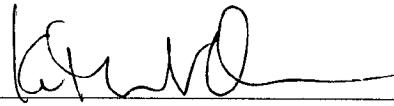
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duccs Tecum Directed to Dr. Martin Shaeffer in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 10<sup>th</sup> day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

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

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: :  
Defendant. : William A. Shaw  
: Prothonotary/Clerk of Courts

FILED NO  
m/13/2003 CC  
NOV 12 2003  
2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Subpoena Duces Tecum Directed to Dr. Gregory Roscoe in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 16<sup>th</sup> day of November, 2003 to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.  
:  
: TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE OF  
: NOTICE OF INTENT TO SERVE A  
: SUBPOENA DIRECTED TO DRMC,  
: BEHAVIORAL HEALTH CENTER  
:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: DEFENDANT  
:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

**FILED**

**DEC 12 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

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

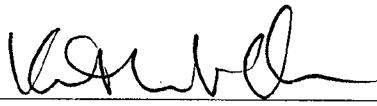
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas  
Directed to DRMC - Behavioral Health Center in the above-captioned matter was mailed by  
regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 11 day  
of December, 2003, to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

FILED NOCC

11:25 AM  
DEC 12 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

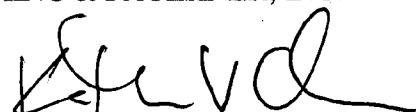
As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:

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

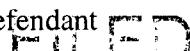
Respectfully submitted,

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

By:



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



Dated: Jan 5, 2004

JAN 06 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,

No. 03-418-C.D.

v.  
ROGER A. FREDERICK,

Defendant.

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

Defendant intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

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

By: 

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

Dated: 12-11, 2003

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

David Laux  
Sarah Laux  
Plaintiff(s)

Vs.

Rodger A. Frederick  
Defendant(s)

No. 2003-00418-CD

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

TO: DRMC, BEHAVIORAL HEALTH CENTER

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things: SEE ATTACHED, TO THE OFFICES OF MCQUAIDE BLASKO, 811 UNIVERSITY DRIVE, STATE COLLEGE, PA 16801.

(Address)

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

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

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

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

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 14, 2003

Seal of the Court

  
Deputy

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

DOCUMENTS TO BE PRODUCED

Any and all medical records for as long as you retain same and regardless of treating physician on David D. Laux, (SS#197-42-1296; DOB:12/02/1949), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to David D. Laux's health status (regardless of source), etc.

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

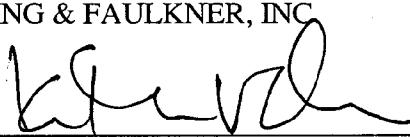
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to DRMC, Behavioral Health Center in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 5 day of January, 2004, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC

By: 

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

FILED NO. 130404-0

JAN 6 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

CERTIFICATE OF SERVICE

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

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC

By: 

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

**FILED**

JAN 06 2004

William A. Shaw  
Prothonotary Clerk of Courts

FILED  
M 1:30 PM  
JAN 06 2004  
FCC  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
: TYPE OF PLEADING:  
: **Certificate of Service**  
:  
v. :  
:  
ROGER A. FREDERICK, :  
Defendant. : TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

FILED

MAR 03 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 2 day of March, 2004, to the attorneys/parties of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC

By: 

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

Attorneys for Defendant

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
Prerequisite to Service of Subpoenas  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: DEFENDANT  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

FILED

MAR 10 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

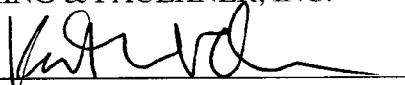
**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENAS**  
**PURSUANT TO RULE 4009.22**

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) by correspondence dated March 4, 2004, Plaintiffs' counsel has waived the 20-day objection period,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

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

Date: March 9, 2004

By:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926  
Attorney for Defendant

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

Defendant intends to serve subpoenas identical to those attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoenas. If no objection is made, the subpoenas may be served.

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

Date: March 2, 2004

By: 

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *P&G Physical Therapy*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to David A. Laux, SS#197-42-1296, Date of Birth 12/02/1949.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

---

William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

COPY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs,  
v.  
ROGER A. FREDERICK, :  
Defendant.

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

TO: *Erie Insurance Company*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all first party benefits documents in your possession pertaining to Claim #010110409863 and David A. Laux, SS#197-42-1296, Date of Birth 12/02/1949.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

---

William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

FILED  
MAY 10 2004  
MAR 10 2004  
NO  
CC  
E  
KAS

William A. Shaw  
Prothonotary/Clerk of Courts

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

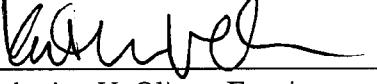
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 9<sup>th</sup> day of March, 2004, to the attorneys/parties of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

**FILED**

**MAR 10 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

FILED 10:35 AM  
MARCH 10 2004  
EAS  
William A. Shaw  
Prothonotary/Clerk of Courts

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

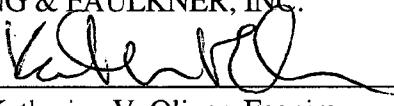
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 15<sup>th</sup> day of March, 2004, to the attorneys/parties of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

**FILED**

MAR 16 2004

William A. Shaw  
Prothonotary

**FILED**

*M 10:30 AM NOCC*  
MAR 16 2004 *ES*  
*ES*

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.  
:  
: TYPE OF PLEADING:  
: **Certificate Prerequisite to Service of**  
: **Subpoena Pursuant to Rule 4009.22**  
:  
:  
:  
:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
:  
:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

**FILED**

**MAR 18 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

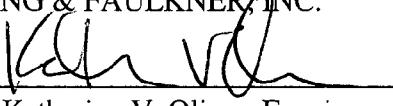
CERTIFICATE  
PREREQUISITE TO SERVICE OF SUBPOENA  
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Telephone call of March 17, 2004, Plaintiffs' counsel has waived the 20-day objection period,
- 4) the subpoena which will be served are identical to the subpoena which is attached to the notice of intent to serve the subpoena.

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

Date: March 17, 2004

By:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorney for Defendant

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

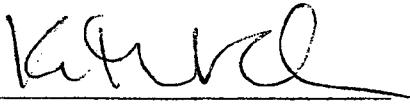
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

Defendant intends to serve subpoena identical to that attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

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

Date: March 15, 2004

By:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Dr. Susan I. Harchak*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to David A. Laux, SS#197-42-1296, Date of Birth 12/02/1949.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

---

William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

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

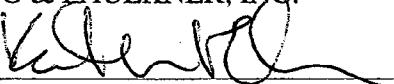
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 15<sup>th</sup> day of March, 2004, to the attorneys/parties of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

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

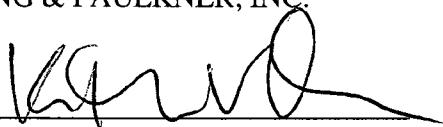
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Dr. Susan I. Harchak in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 17<sup>th</sup> day of March, 2004, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

FILED NO  
m/j:2784 ac  
MAR 18 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: DEFENDANT  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

FILED

MAR 19 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 18<sup>th</sup> day of March, 2004, to the attorneys/parties of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.

: TYPE OF PLEADING:

: **Certificate Prerequisite to Service of  
Subpoena Pursuant to Rule 4009.22**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

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

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX# (814) 238-9624

**FILED**

MAR 24 2004

William A. Shaw  
Prothonotary

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

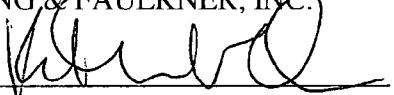
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) telephone call of March 17, 2004, Plaintiffs' counsel has waived the 20-day objection period,
- 4) the subpoena which will be served are identical to the subpoena which is attached to the notice of intent to serve the subpoena.

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

By: 

Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Date: March 22, 2004

Attorney for Defendant

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

No. 03-418-C.D.

**TYPE OF PLEADING:  
CERTIFICATE OF SERVICE**

V.

ROGER A. FREDERICK,

Defendant.

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
DEFENDANT

COUNSEL OF RECORD FOR  
FOR THIS PARTY:

JAMES M. HORNE, ESQ.

L.D. NO. 26908

KATHERINE V. OLIVER, ESO

KATHERINE V. OLIVER, ESQ.  
ID. NO. 77069

I.D. NO. 77089  
McQUAIDE E.

MCQUAIDE, BLASKO, SCHWAK  
FLEMING & FAULKNER, INC.  
811 University Drive

811 University Drive  
State College, PA 16801

State College, PA 16801  
DIII (214) 222-4626

PH# (814) 238-49

FAX# (814) 238-9624

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

Defendant intends to serve subpoena identical to that attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

MCQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC

Date: March 18, 2004  
By:   
Katherine V. Oliver, Esquire  
I.D. No. 77069  
811 University Drive  
State College, PA 16801-6699  
(814) 238-4926

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.

Plaintiffs, :

v.

ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Dr. D. Patrick Williams, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to David A. Laux, SS#197-42-1296, Date of Birth 12/02/1949.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

---

William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: \_\_\_\_\_

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

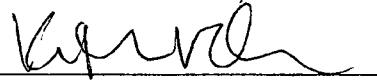
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 18<sup>th</sup> day of March, 2004, to the attorneys/parties of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Dr. D. Patrick Williams, M.D. in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 22<sup>nd</sup> day of March, 2004, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

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

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

**FILED**

A 1:02-cv-00001  
GCP

MAR 24 2004

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
: :  
: : TYPE OF PLEADING:  
: : **Certificate of Service**  
: :  
: :  
v. :  
: :  
: :  
ROGER A. FREDERICK, :  
Defendant. : TYPE OF CASE: CIVIL  
: : FILED ON BEHALF OF:  
: : **DEFENDANT**  
: :  
: : COUNSEL OF RECORD FOR  
: : FOR THIS PARTY:  
: : JAMES M. HORNE, ESQ.  
: : I.D. NO. 26908  
: : KATHERINE V. OLIVER, ESQ.  
: : I.D. NO. 77069  
: : McQUAIDE, BLASKO, SCHWARTZ,  
: : FLEMING & FAULKNER, INC.  
: : 811 University Drive  
: : State College, PA 16801  
: : PH# (814) 238-4926  
: : FAX# (814) 238-9624

FILED

MAR 30 2004

William A. Shaw  
Prothonotary

**FILED**

M 1:10 am NOCC  
10:00

MAR 30 2004

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

**Plaintiffs,**

•

ROGER A. FREDERICK,

Defendant.

No. 03-418-C.D.

## TYPE OF PLEADING: **Certificate of Service**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:

JAMES M. HOE

I.D. NO. 26908

KATHERINE V.

I.D. NO. 77069

MCQUAIDE, BLASKO, SCHWARTZ

FLEMING & FAULKNER  
811 Union Street, Seattle

## 811 University

State College, PA 16801  
DIN# (81-1) 622-1825

PH# (814) 238-4926  
FAX# (814) 238-0624

FAX# (814) 238-9627

FILED

MAR 30 2004

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
Plaintiffs, : No. 03-418-C.D.  
:  
VS. :  
:  
ROGER A. FREDERICK, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice Of Plaintiffs'  
Depositions And Request For Production Of Documents in the above-captioned matter was  
mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this  
29<sup>th</sup> day of March, 2004, to the attorney(s) of record:

Joshua Geist, Esquire  
Goodrich, Goodrich and Lazzara, PC  
429 Fourth Avenue  
Pittsburgh, PA 15219

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

By: Katherine V. Oliver

Katherine V. Oliver  
Attorneys for Defendant  
811 University Drive  
State College, PA 16801  
(814) 238-4926

FILED

M 1:10 am rec'd  
MAR 30 2004  
HKL

William A. Shaw  
Prothonotary

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

FILED

APR 26 2004  
m/1:30 p.m. <sup>8</sup>  
William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas Directed to Office of Vocational Rehabilitation in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 23<sup>rd</sup> day of April, 2004, to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

FILED

APR 26 2004

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.

: TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

:  
:  
:  
:  
TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

: COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926  
FAX# (814) 238-9624

**FILED**

APR 26 2004

4/1/04  
William A. Schaeffer  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoenas  
Directed to Victoria Smith, M.D. in the above-captioned matter was mailed by regular mail,  
postage prepaid, at the Post Office, State College, Pennsylvania, on this 23<sup>rd</sup> day of April, 2004,  
to the attorney(s) of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

**FILED**

APR 26 2004

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.  
:  
: TYPE OF PLEADING:  
: **Certificate Prerequisite to Service of**  
: **Subpoena Pursuant to Rule 4009.22**  
:  
:  
:  
:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
:  
:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX# (814) 238-9624

FILED

MAY 10 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

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

1. a Notice of Intent to Serve Subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least 20 days prior to the date on which the subpoena is sought to be served;
2. a copy of the Notice of Intent, including the proposed subpoena, is attached to this Certificate;
3. Plaintiff's attorney has waived the 20 day notice period; and
4. the subpoena which will be served is identical to the subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

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

By: 

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

Dated: May 7, 2004

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

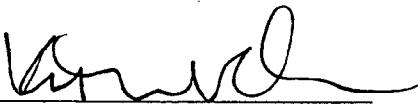
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

Defendant intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

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

By: 

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

Dated: April 23, 2004

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

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

TO: Victoria T. Smith, M.D.  
US Veterans Affairs Dept.  
2907 Pleasant Valley Blvd., Altoona, PA 16602

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to David A. Laux, SS#197-42-1296, Date of Birth 12/02/1949.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

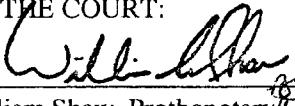
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: Katherine V. Oliver, Esquire  
ADDRESS: 811 University Drive, State College, PA 16801  
TELEPHONE: (814) 238-4926  
SUPREME CT ID# 77069  
ATTORNEY FOR: Defendant

BY THE COURT:

  
\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court] WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: 3119104

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

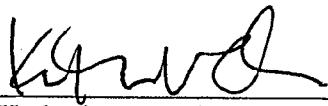
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

Defendant intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

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

By: 

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

Dated: April 23, 2004

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: Office of Vocational Rehabilitation  
199 Beaver Drive  
DuBois, PA 15801

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records in your possession pertaining to David A. Laux, SS#197-42-1296, Date of Birth 12/02/1949.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

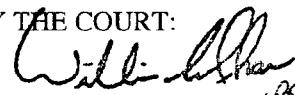
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

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

Dated: 31.19.04

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoena Directed to Office of Vocational Rehabilitation and Victoria T. Smith, M.D. in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 7<sup>th</sup> day of May, 2004, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

FILED NO  
MAY 10 2004  
cc  
KES

William A. Shaw  
Prothonotary/Clerk of Courts

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

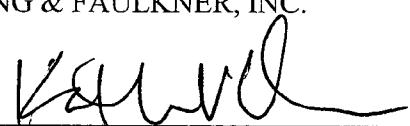
DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
: :  
v. :  
: :  
ROGER A. FREDERICK, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Third Request For Production of Documents and Tangible Things Directed to Plaintiffs on behalf the Defendant Roger A. Frederick in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 9<sup>th</sup> day of July, 2003, to the attorney of record:

Joshua P. Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building  
429 4<sup>th</sup> Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 281-1455

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

By: 

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

Attorneys for Defendant

FILED  
M 11 3 2004  
JUL 12 2004  
EAS

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**JUL 12 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, : No. 03-418-C.D.  
his wife, :  
Plaintiffs, : TYPE OF PLEADING:  
 : CERTIFICATE OF SERVICE

v.  
ROGER A. FREDERICK,  
Defendant.

: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: DEFENDANT  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED *EW*  
*11:03 AM NO CC*  
DEC 01 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to Andrew Primerano, Esquire in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 30<sup>th</sup> day of November, 2004, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By: 

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

Dated: November 30, 2004

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

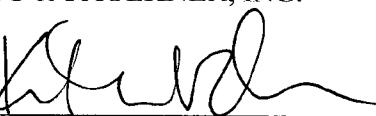
CERTIFICATE  
PREREQUISITE TO SERVICE OF SUBPOENA  
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully submitted,

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

By: 

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

Dated: December 6, 2004

FILED

DEC 07 2004  
125  
William A. Shaw  
Prothonotary/Clerk of Courts  
w/c/c

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK :  
Defendant. :

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

Defendant intends to serve a subpoena identical to that attached to this notice to Andrew Primerano, Esquire. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

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

By:



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

Dated: November 30, 2004

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Andrew Primerano, Esquire  
200 West Chapel Street  
Hazelton, PA 18201*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *any and all documents pertaining to your representation of David Laux with respect to Social Security benefits, including, but not limited to, all correspondence, applications, pleadings, testimony, transcripts, reports, evaluations, medical records, statements, decisions, orders, and any and all other documents pertaining to Mr. Laux's claim(s) for Social Security benefits.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

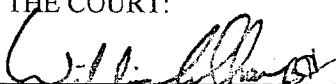
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: 12/11/04

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

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

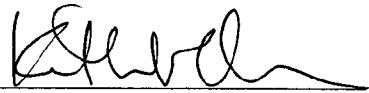
I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoena Directed to Andrew Primerano, Esquire, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 6<sup>th</sup> day of December, 2004, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By:



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

Dated: December 6, 2004

**FILED**

**DEC 07 2004**

William A. Shaw  
Prothonotary/Clerk of Courts

2004-07-07 08:53:15.000  
2004-07-07 08:53:15.000

2004-07-07 08:53:15.000

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.

: TYPE OF PLEADING:  
**CERTIFICATE PREREQUISITE**

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:  
**DEFENDANT**

: COUNSEL OF RECORD FOR  
FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

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

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

664 FILED NO CC  
M11:45674  
DEC 08 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

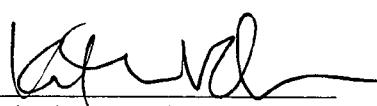
**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENAS**  
**PURSUANT TO RULE 4009.22**

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

Respectfully submitted,

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

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

Dated: December 7, 2004

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

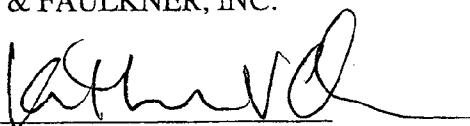
**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendants intend to serve subpoenas identical to those attached to this notice to Laun Hallstrom, M.D., Penfield Physicians, University Orthopedics & Sports Medicine, D. Patrick Williams, M.D., Dr. Rodolfo S. Polintan, M.D., William Fernan, Ph.D., Horace Mann Insurance Company and Allstate Insurance Company. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

Respectfully submitted,

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

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

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

Dated: November 30, 2004

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant.

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

TO: *Penfield Physicians*  
Attention: *Records Custodian*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

Dated: 12/1/04

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records related to care from June 1, 2003 through present regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Allstate Insurance Company*  
4 Sheraton Drive  
Altoona, PA 16601

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all documents in your possession pertaining to David A. Laux, SS# 197-42-1296, Date of Birth 12/02/49, Date of Loss 4/26/95.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:  


William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]   
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: 12/11/04

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

TO: *Horace Mann Insurance Company*  
9841 Broken Land Parkway  
Suite 303  
Columbia, MD 21046

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all documents in your possession pertaining to Claim No. C54229, Date of Loss 10/16/92 and David A. Laux, SS# 197-42-1296, Date of Birth 12/02/49.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT  


William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court] WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: 12/11/04

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

TO: *William Fernan, Ph.D.*  
Attention: *Records Custodian*  
*90 Beaver Drive, Box 10*  
*DuBois, PA 15801*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

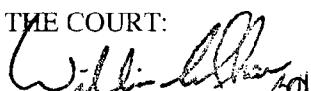
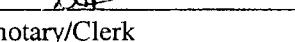
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]   
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: 12/1/04

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records related to care from December 1, 2003 through present regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

TO: *Laun Hallstrom, M.D.*  
Attention: *Records Custodian*  
*145 Hospital Avenue, Suite 101*  
*DuBois, PA 15801*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

Dated: 12/1/04

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records related to care from May 1, 2003 through present regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

TO: *University Orthopedics & Sports Medicine*  
*Attention: Records Custodian*  
*101 Regent Court*  
*State College, PA 16801*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

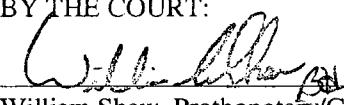
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk

Civil Division  
[Seal of the Court]

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

Dated: 12/1/04

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Rodolfo S. Polintan, M.D.*  
Attention: Records Custodian  
807 Turnpike Avenue  
Suite 120  
Clearfield, PA 16830

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

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

Dated: 12/11/04

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

TO: *D. Patrick Williams, M.D.*  
*Attention: Records Custodian*  
*300 State Street, Suite 205*  
*Erie, PA 16507*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

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

Dated: 12/1/04

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX,  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Laun Hallstrom, M.D., Penfield Physicians, University Orthopedics & Sports Medicine, D. Patrick Williams, M.D., Rodolfo S. Polintan, M.D., William Fernan, Ph.D., Horace Mann Insurance Company and Allstate Insurance Company, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 7<sup>th</sup> day of December, 2004, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By: 

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

Dated: December 7, 2004

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,  
v.  
ROGER A. FREDERICK,  
Defendant.

TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO, SCHWARTZ,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926

EGK FILED NO  
M 11 45811 CC  
DEC 08 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve  
Subpoenas for Production of Documents and Things Directed to Laun Hallstrom, M.D., Penfield  
Physicians, University Orthopedics & Sports Medicine, D. Patrick Williams, M.D., Rodolfo S.  
Polintan, M.D., William Fernan, Ph.D., Horace Mann Insurance Company and Allstate Insurance  
Company in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this  
30<sup>th</sup> day of November, 2004, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By: 

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

Dated: November 30, 2004

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

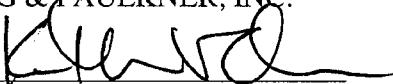
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to the Clearfield Hospital in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 14<sup>th</sup> day of December, 2004, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By: 

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

Dated: December 14, 2004

EGP  
m 11-5761  
FILED  
NO CC  
DEC 15 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

FILED  
M 12:55 PM 8A NOCC  
DEC 22 2004

William A. Shaw  
Prothonotary

CERTIFICATE  
PREREQUISITE TO SERVICE OF SUBPOENA  
PURSUANT TO RULE 4009.22

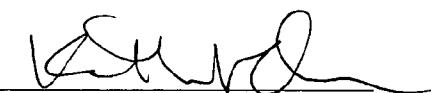
As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully submitted,

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

By:



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

Dated: December 21, 2004

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

No. 03-418-C.D.

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

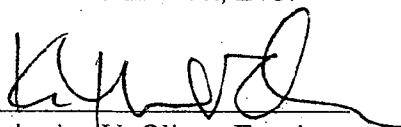
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that attached to this notice to the Clearfield Hospital. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

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

By:

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

Dated: December 14, 2004

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

No. 03-418-C.D.

ROGER A. FREDERICK,

Defendant.

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

TO: *Clearfield Hospital*  
Attention: *Medical Records Custodian*  
*809 Turnpike Avenue*  
*P.O. Box 992*  
*Clearfield, PA 16830*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

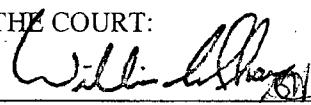
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: December 15, 2004

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

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

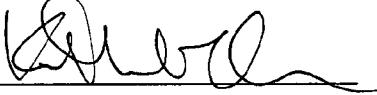
I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to the Clearfield Hospital, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 21<sup>st</sup> day of December, 2004, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By:



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

Dated: December 21, 2004

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,  
v.  
ROGER A. FREDERICK,  
Defendant.

: No. 03-418-C.D.  
: TYPE OF PLEADING:  
: **CERTIFICATE OF SERVICE**  
:  
:  
:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED <sup>no</sup> cc  
611 m/135/01  
JAN 10 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things to Horace Mann Insurance Company in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 5<sup>th</sup> day of January, 2005, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By: 

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

Dated: January 5, 2005

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.

: TYPE OF PLEADING:

**CERTIFICATE PREREQUISITE**

:

:

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

**DEFENDANT**

:

: COUNSEL OF RECORD FOR  
FOR THIS PARTY:

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: McQUAIDE, BLASKO, SCHWARTZ,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

60  
m 11:46 AM  
JAN 14 2005  
**FILED NO CC**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

Defendant intends to serve a subpoena identical to that attached to this notice to Horace Mann Insurance Company. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

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

By: 

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

Dated: January 5, 2005

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

*TO:* Horace Mann Insurance Company  
Attention: Fabio Aguzzi  
Casualty Manager  
235 Saint Charles Way  
Suite 250  
York, PA 17402

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all documents in your possession pertaining to David A. Laux, SS# 197-42-1296, Date of Birth 12/02/49, Claim No. C54229 and Date of Loss 10/16/92*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

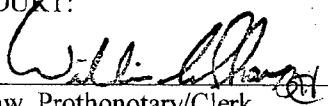
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

Dated: 11/01/05

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully submitted,

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

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

Dated: January 13, 2005

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

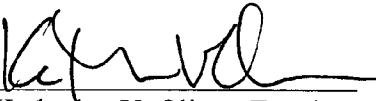
I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to Horace Mann Insurance Company in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 13<sup>th</sup> day of January, 2005, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By:

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

Dated: January 13, 2005

(A)

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

: No. 03-418-C.D.  
:  
: TYPE OF PLEADING:  
: **MOTION TO COMPEL EXPERT  
DISCOVERY**  
:  
:  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
:  
:  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED *no cc*  
APR 10 2005  
APR 01 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**MOTION TO COMPEL EXPERT DISCOVERY**

AND NOW, comes Defendant, Roger A. Frederick, by and through his counsel, McQuaide, Blasko, Schwartz, Fleming & Faulkner, Inc., and files the following Motion to Compel Expert Discovery. In support of this Motion, Defendant avers as follows:

1. This action sounds in motor vehicle negligence, and arises from a very minor rear-end accident that occurred on August 25, 2001.
2. Plaintiff filed a Complaint on or about April 15, 2003, to which Defendant filed an Answer with New Matter on May 23, 2003. Plaintiff filed a Reply to New Matter on June 19, 2003, thereby closing the pleadings.
3. Written discovery has been exchanged, and Defendant has issued subpoenas to Plaintiff David Laux's numerous medical providers and for records related to Mr. Laux's pre-existing physical and mental disabilities, his vocational rehabilitation counseling from before the accident at issue, his social security disability claims, and injury claims made as a result of various other incidents over the years.
4. The aforementioned records show that Mr. Laux claims to have been disabled since at least 1992 on account of various injuries, including knee injuries, low back, neck and

shoulder injuries, left hand injuries, and on account of substantial, ongoing, psychological/psychiatric conditions.

5. Mr. Laux's injury claims in this law suit have been ill defined and inconsistent, and remain so despite defense attempts to discover the precise nature of the injuries claimed and to be supported at trial.

6. In their Complaint, Plaintiffs identify the following alleged injuries to Mr. Laux as a result of the August 25, 2001 accident: right sacroiliitis; acute lumbar back strain; persistent low back pain and back spasms; right lumbosacral pain radiating into the right leg; pain between the shoulder blades; left knee pain; headaches and shortness of breath; nervousness, depression and anxiety; and right shoulder pain. (See Complaint, Exhibit "A" hereto, at ¶ 6 a-i).

7. In response to written interrogatories inquiring into the injuries allegedly suffered, Plaintiffs simply refer to medical records previously provided and obtained via subpoena. (See Plf's. Resp. to Def's. Interrog, No. 33, attached hereto as Exhibit "B").

8. As noted above, however, Plaintiff's medical records document a host of medical conditions and pre-existing complaints, which begin at least as early as 1988 and continue fairly consistently over the years until the accident at issue in this case and thereafter.

9. By the time of Plaintiff David Laux's deposition on April 20, 2004, he appeared to concede that he had not injured his left knee and/or right shoulder in the August 25, 2001 vehicle accident at issue. (See Plaintiff David Laux Depo, at 75-85, attached hereto as Exhibit "C").

10. At his deposition, Mr. Laux testified that his injuries were to his right sacroiliac joint (which he described as his tailbone), with pain into his right leg and radiating up into his shoulder blades, and anxiety and depression. By that time, he also added a left elbow injury that

was not identified in his Complaint, and for which there is no medical documentation until approximately two years after the accident. (Id).

11. Although Plaintiff claims to have seen various medical providers on account of injuries he relates to the August 25, 2001 accident, including Dr. Hallstrom for back pain complaints and Dr. Williams for elbow complaints, records subpoenaed from these providers do not contain statements to the effect that any of the providers believe, or will testify, that Mr. Laux's complaints and conditions are a result of the August 25, 2001 accident.

12. In light of Mr. Laux's extensive past medical history, pre-existing physical and mental conditions, and resulting prior disabilities, identification of any experts Plaintiffs will call to support Mr. Laux's claims of injury from the August 25, 2001 vehicle accident is essential so that Defendant can prepare to defend the claims against him, including making a determination as to whether defense experts will be necessary in this case, and if so, the appropriate medical specialty for review of the case.

13. Defendant served Interrogatories and Requests for Production of Documents on Plaintiffs on June 6, 2003, seeking to establish the identity of any experts to be called in support of Plaintiffs' claims and requesting reports from any such experts. (See Exhibit "B" hereto, at Nos. 29 through 32).

14. Plaintiffs responded to Defendant's expert discovery requests by stating that they would provide the information by way of pre-trial statement. (See Exhibit "D" hereto, at Nos. 29 through 32).

15. Particularly in light of Mr. Laux's extensive pre-accident medical and disability history, Defendant cannot meaningfully assess whether a defense medical evaluation is necessary

until Plaintiffs provide expert reports identifying those injuries/conditions that will be causally related to the motor vehicle accident in question through competent medical testimony.

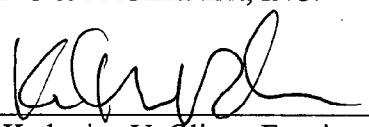
16. Plaintiffs, as the party with the burden of proving a causal relationship between any injuries/conditions claimed as a result of the August 25, 2001 motor vehicle accident, must be required to come forward with reports from any experts to be called at trial so as to apprise Defendant of those injuries and/or conditions that Plaintiffs can actually support with competent testimony at the trial.

17. Until such time as Plaintiffs have produced reports of any experts to be called, Defendant will be virtually forestalled in completing trial preparation and moving ahead toward resolution of this case.

18. Accordingly, pursuant to Pennsylvania Rule of Civil Procedure 4003.5 and 4019, Defendant hereby respectfully requests that his Motion to Compel Expert Discovery be granted, and that Plaintiffs be required to serve reports from any physician or other expert to be called at the trial of this case within 30 days from the date of the Order.

Respectfully submitted,

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

By: 

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

Dated: March 31, 2005

---

# EXHIBIT A

/24/03 THU 10:01 FAX 814 231 5105

STATE COLLEGE ESTIMATING

4000Z

23-03 WED 10:01 AM MARTHA DEMORE

FAX NO. 814 231 0584

3

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

DAVID A. LAUX and SARAH  
LAUX, his wife,

Plaintiffs,

vs.

ROGER A. FREDERICK,

Defendant.

Case No. 03-418-CD

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 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 PHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK  
CLEARFIELD COUNTY COURTHOUSE  
ONE NORTH SECOND STREET  
CLEARFIELD, PA 16830

(814) 765-2641

APR-23-03 WED 10:01 AM MARTHA E. MORE

FAX NO. 814 231 0584

P. 5

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

DAVID A. LAUX, and SARAH )  
LAUX, his wife, )  
Plaintiffs, ) Case No.  
vs. )  
ROGER A. FREDERICK, )  
Defendant. )

COMPLAINT IN CIVIL ACTION

AND NOW, come the Plaintiffs, DAVID A. and SARAH LAUX, by and through their  
attorneys, GOODRICH, GOODRICH & LAZZARA, P.C. and JOSHUA P. GEIST, ESQUIRE, and  
file the following Complaint:

1. Plaintiffs, David A. and Sarah Laux, are married individuals residing at 849 Treasure  
Lake, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant Roger A. Frederick is an adult individual residing at 99 Sandberg Street,  
Daggs Mines, Elk County, Pennsylvania, 15831.
3. At all times relevant hereto, Plaintiff David A. Laux was covered by the full tort  
option of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1705.
4. On August 25, 2001, at or around 1:00 p.m., Plaintiff, David A. Laux, Plaintiff was  
traveling on Schaeffer Road near Route 255 in DuBois, Clearfield County, and was stopped at a stop

APR-23-03 WED 10:02 AM MARTEA, MORE

FAX NO. 814 231 0584

P. 6

light, when suddenly and without warning his vehicle was struck from behind by a vehicle operated by Defendant, Roger A. Frederick.

5. The accident was caused by the Defendant in general, and in the following particulars:

- a.) In failing to maintain proper control of his vehicle;
- b.) In failing to keep an appropriate lookout for surrounding traffic;
- c.) In failing to maintain an assured clear distance ahead;
- d.) In failing to obey prevailing traffic signals;
- e.) In failing to stop the vehicle prior to impacting Plaintiff's vehicle;
- f.) In striking Plaintiff's vehicle from behind;
- g.) In failing to take proper note of, and precautions for, the road conditions then and there existing and the prevailing traffic conditions;
- h.) In failing to avoid the collision or lessen its impact; and
- i.) In otherwise failing to use the due and proper care as required under the circumstances.

6. As a result of the accident, Plaintiff, David A. Lax, suffered, among other things, the

following injuries:

- a.) Right sacroiliitis;
- b.) Acute lumbar back strain;
- c.) Persistent low back pain and back spasms;
- d.) Right lumbosacral pain radiating into the right leg;
- e.) Pain between the shoulder blades;
- f.) Left knee pain;

APR-23-03 WED 10:02 AM MARTIN MORE

FAX NO. 814 231 0584

P. 7

- g.) Headaches and shortness of breath;
- h.) Nervousness, depression and anxiety; and
- i.) Right shoulder pain.

7. As a result of the aforesaid injuries, Plaintiff, David A. Laux, has suffered the following damages:

- a.) He has suffered, and will suffer, great pain, inconvenience, embarrassment and mental anguish;
- b.) He has been, and will be, required to expend large sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;
- c.) He has been, and will be, deprived of his earnings;
- d.) His earning capacity has been reduced and may be permanently impaired;
- 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, Plaintiff, David A. Laux, demands judgment be entered in his favor and against Defendant Roger A. Frederick in an amount in excess of \$25,000.00, plus interest and costs.

#### COUNT II-LOSS OF CONSOITIUM

8. Each of the above Paragraphs is incorporated herein by reference.

9. As a result of the injuries to her husband, the wife Plaintiff, Sarah Laux, has lost the society, comfort and services of her spouse.

APR-23-03 WED 10:03 AM MARTIN EMMORE

FAX NO. 5 35 0584

P. 8

COMMONWEALTH OF PENNSYLVANIA )

COUNTY OF ALLEGHENY )

sc

BEFORE ME, the undersigned authority, a Notary Public in and for said County and Commonwealth, personally appeared David A. Land who, being duly sworn according to law, deposes and says that the avenments of fact contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief.

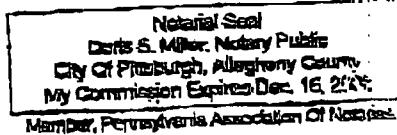
David A. Land

SWORN TO and subscribed before  
me this 15<sup>th</sup> day of

April 2003.

David A. Land  
Notary Public

My commission expires: 12-16-06



APR-23-03 WED 10:03 AM MARY LEMORE

FAX NO. 814 231 5105 0584

P. Y.

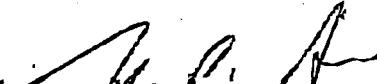
**CERTIFICATE OF SERVICE**

I hereby certify that on this 23 day of Apr 1 2003, a true and correct copy of the within Complaint was served upon Defendants by forwarding same by regular first class mail, postage prepaid to the their last known addresses as follows:

Roger A Frederick  
99 Sandburg Street  
Daggs Mines, PA 15831

Howard C. Shaffer  
State Farm Insurance  
383 Rolling Ridge Drive  
State College, PA 16801-7676

GOODRICH, GOODRICH & LAZZARA, P.C.

BY 

JOSHUA P. GEIST, ESQ.  
Attorney for Plaintiffs

APR-23-03 WED 10:04 AM MARY...MORE

FAX NO. 814-5105 0584

P. 10

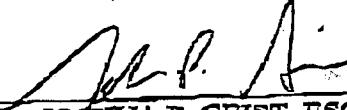
WHEREFORE, the wife Plaintiff, Sarah Laux, demands judgment against the Defendant Roger A. Frederick in an amount in excess of \$25,000.00, plus interest and costs.

JURY TRIAL DEMANDED.

---

RESPECTFULLY SUBMITTED:

GOODRICH, GOODRICH & LAZZARA, P.C.

BY: 

JOSHUA P. GEIST, ESQUIRE  
Attorney for Plaintiffs,  
David A. and Sarah Laux

---

# EXHIBIT B

33. If you received any treatment with respect to the injuries allegedly suffered state:

- (a) The name and address of each hospital at which you were treated or admitted;
- (b) The dates on which said treatment was rendered, including the dates of entry into and discharge from said hospital or hospitals;
- (c) Itemize the charges rendered by each of the hospitals listed above;
- (d) State the name and address of each doctor or medical practitioner of any type whatsoever who has examined or treated Plaintiff or conferred with you with respect to the injuries alleged;
- (e) Itemize the cost and expenses of such examinations or treatments by the doctors listed above.

**ANSWER:**

34. Since the date of the accident referred to in your Complaint, have you been treated by or examined by or have you conferred with or consulted with any other doctor or medical practitioner of any type whatsoever whose name you have not heretofore supplied?

**ANSWER:**

17. See Complaint

18. No

19. N/A

20. Yes

21. a. Howard Shaffer, State Farm;  
Erie Insurance

b - e. Plaintiff does not recall.

---

22. None, other than Defendant

23. N/A

24. None

25. N/A

26. N/A

27. None

28. N/A

29. Plaintiff has not yet determined. Plaintiff will provide in Pre-Trial statement.

30. See # 29

31. See # 29

32. See # 29

33. See medical records, previously provided and obtained by Defendant with subpoenas.

34. No

35. N/A

36. Plaintiff will provide by way of supplement. First party benefits have been

---

# EXHIBIT C

1 Q. It looks we're going to take a  
2 break. It's 2:30. We'll take a break  
3 now.

4 A. Could you go back and ask your  
5 question again. I forgot what it was.

6 Q. We're going to take a break now.

7 A. All right.

8 SHORT BREAK TAKEN

9 BY ATTORNEY OLIVER:

10 Q. You told me you had a UIM claim;  
11 right?

12 A. This is from the 1992 accident?

13 Q. You tell me. Was it?

14 A. I had one in the 1992 accident.

15 Q. Did your insurance company fight  
16 that claim at all?

17 A. Well, they didn't offer me money  
18 until we went to arbitration and then  
19 they offered me money, we didn't go to  
20 arbitration.

21 Q. Did you give any kind of sworn  
22 testimony as a part of that UIM claim?

23 A. Yes, I did.

24 Q. Now, tell me what injuries you  
25 claim that you sustained in the 2001

1 car accident that you brought this  
2 lawsuit about?

3 A. My sacroiliac joint with the  
4 right side of that or whatever and into  
5 the right leg, pain into the right leg.

6 Q. Where is your sacroiliac joint?

7 A. That's your tail bone.

8 Q. You're saying the right side of  
9 your tail bone; is that correct?

10 A. Yes.

11 Q. And into your right leg?

12 A. Into my right leg.

13 Q. What other injuries do you claim  
14 you sustained?

15 A. Left elbow.

16 Q. And where else?

17 A. More depression.

18 Q. Where else?

19 A. That's all.

20 Q. Now, in your Complaint you say  
21 pain between your shoulder blades. Are  
22 you making a claim for that in this  
23 accident, the 2001 accident?

24 A. The pain --- I would say yes,  
25 because the pain radiates upward from

1 my lower back, the sacroiliac joint and  
2 it goes up in between my shoulder  
3 blades.

4 Q. I'm sorry. So your answer is  
5 yes, you are saying that?

6 A. Yes, I am.

7 Q. Have you ever had pain of that  
8 nature before, pain between your  
9 shoulder blades?

10 A. I believe so.

11 Q. Have you ever treated for that  
12 kind of pain before?

13 A. It may have been part of my  
14 first two automobile accidents.

15 Q. What about your 1985 or '86  
16 assault?

17 A. No. No.

18 Q. Your Complaint --- did you ever  
19 look at your Complaint in this car  
20 accident from 2001?

21 A. I don't remember.

22 Q. Well, you say that you have left  
23 knee pain in that Complaint and that  
24 that's something that's from the 2001  
25 accident. Is that accurate or not?

1 A. I would say that's not accurate.

2 Q. So you're not making any claim  
3 for left knee pain from the 2001  
4 accident?

5 A. That's correct. I'm making no  
6 claim for my left knee.

7 Q. What about right shoulder pain?  
8 Are you making any claim for right  
9 shoulder pain as a result of the 2001  
10 accident?

11 A. No.

12 Q. That's not something you've had  
13 a problem with; right?

14 A. The right shoulder is fine,  
15 that's correct.

16 Q. What about headaches?

17 A. I've had some headaches.

18 Q. Did you have headaches before  
19 the 2001 accident?

20 A. I had some headaches back at the  
21 '92 accident.

22 Q. How about after your '95  
23 accident?

24 A. No. I don't remember. I don't  
25 specifically remember.

1 Q. I'm looking at your Complaint  
2 here, okay.

3 A. Which Complaint?

4 Q. From the 2001 accident that  
5 we're here about.

6 A. Okay.

7 Q. You write here, right  
8 sacroiliacitis. What is that?

9 A. Doctor Hallstrom calls it  
10 sacroiliacitis.

11 Q. And what is that? Is that what  
12 you've already told me about where you  
13 have the right side of your tail bone  
14 injury?

15 A. Yes, that's a medical term.

16 It's swelling and tenderness caused by  
17 trauma to that joint area of the body.

18 Q. Is that what you've already  
19 described to me, though?

20 A. Yes, it is.

21 Q. Is it something other than the  
22 right side of your tail bone?

23 A. Yes, it is.

24 Q. Then you have another injury you  
25 list as acute lumbar back strain. What

1 does that mean to you?

2 A. It means that there's some sort  
3 of strain of the sacroiliac joint.

4 Q. And that's something you claim  
5 happened in the 2001 accident?

6 A. It was exacerbated.

7 Q. But you don't say that. Is that  
8 what you mean?

9 A. That's what I mean.

10 Q. Because you had back strain in  
11 that area even before ---.

12 A. Even though I had bad back  
13 problems before.

14 Q. Wait until I ask the question.

15 A. Sorry.

16 Q. You had back pain in that area  
17 even before the 2001 accident; right?

18 A. Yes, ma'am.

19 Q. And it had not completely  
20 resolved before the 2001 accident  
21 happened, had it?

22 A. Probably not.

23 Q. Well, had it or had it not?

24 A. I'd say it hadn't completely  
25 resolved.

1 Q. Back to your Complaint, you say  
2 persistent low back pain and back  
3 spasms. Is that different than the  
4 other two things we talked about?

5 A. I'd say the back pain and back  
6 spasms are the same thing.

7 Q. And where was that? Is it  
8 different from the lumbar area?

9 A. No, it's the same.

10 Q. Now, the next thing you say in  
11 your Complaint is a right lumbosacral  
12 pain radiating into the right leg?

13 A. Yes.

14 Q. Is that something we've already  
15 talked about?

16 A. Yes. It's a new injury from the  
17 2001 accident.

18 Q. That's your testimony that  
19 you've never had pain there before the  
20 2001 accident?

21 A. I can't remember ever in my life  
22 having pain there until that accident.

23 Q. I'm just reading down the list  
24 from your Complaint. We've talked  
25 about the shoulder blades. You're

1 saying left knee pain you don't have  
2 any claim here for that. Headaches,  
3 what kind of headaches? I mean, are  
4 you having a real problem with that or  
5 is that sort of a transient thing?

6 A. I could say that, but I don't  
7 know what the word transient means. In  
8 your case it would be a transient  
9 thing. When the back gets going and  
10 the spasms get going, pain just comes  
11 right up your back and through your  
12 neck and up on top of your head and it  
13 gives you a headache.

14 Q. What does transient mean to you?

15 A. It comes and goes.

16 Q. How often do you get headaches?

17 A. Two or three times a week.

18 Q. And how often before the 2001  
19 accident did you get headaches?

20 A. About the same, but maybe less.

21 Q. What about shortness of breath.  
22 Is that a problem you're having that  
23 you claim is related to the 2001 car  
24 accident?

25 A. Panic attacks and anxiety

1 attacks.

2 Q. Did you have those even before  
3 the 2001 car accident?

4 A. I had some of that. Yes, I had  
5 some of that.

6 Q. Nervousness, depression,  
7 anxiety, are you claiming that you have  
8 suffered those things because of the  
9 2001 car accident?

10 A. I'm saying that they were  
11 aggravated.

12 Q. Because you had all those three  
13 things even before the 2001 accident;  
14 right?

15 A. Yes.

16 Q. And those symptoms had never  
17 completely resolved before our 2001  
18 accident, had they?

19 A. No.

20 Q. We just talked about right  
21 shoulder pain. You're not even making  
22 that complaint, are you?

23 A. No.

24 Q. When did you start to feel the  
25 pain in the right side of your tail

1 bone and into your right leg? How long  
2 after the accident of 2001?

3 A. A couple of seconds.

4 Q. When did you first go to see any  
5 kind of medical provider for that  
6 problem?

7 A. Several days later I called and  
8 made some appointments.

9 Q. Who did you call?

10 A. I know I called Doctor Maloney.

11 Q. Did you go see Doctor Maloney?

12 A. I believe I did, yeah.

13 Q. Is he with Doctor Parlavecchio's  
14 office?

15 A. Yeah, he took over for him. He  
16 replaced him.

17 Q. When I look at Doctor  
18 Parlavecchio's records, it looks like  
19 that was actually about a month later.  
20 Does that sound right to you?

21 A. Yeah, it could have been. It  
22 takes time to even get an appointment.

23 Q. What were you doing in that  
24 month?

25 A. Nothing.

1 Q. When is the first time that you  
2 had any left elbow pain after the 2001  
3 accident?

4 A. I had it instantly when he rear  
5 ended me.

6 Q. You felt that right away?

7 A. Yeah. My elbow went back like  
8 this and hit the frame of the window.  
9 It was like a stinger or --- they call  
10 it a stinger or a funny bone type  
11 thing.

12 Q. And when's the first time you  
13 went to talk to any doctor about that?

14 A. It would have been Doctor  
15 Maloney or Doctor Hallstrom.

16 Q. So I could look at their records  
17 to see when that is first referenced,  
18 would that be fair?

19 A. That's where I went, yes.

20 Q. And can you tell me whether you  
21 talked to them about it a month later,  
22 two months later, a year later, any  
23 idea?

24 A. As soon as I got the appointment  
25 and they set the appointment up and I

---

# EXHIBIT D

28. If so, state:

- (a) The name and address of the person from whom any such statements were taken;
- (b) The dates on which such statements were taken;
- (c) The names and addresses of the persons and employers of such persons who took such statements;
- (d) The names and addresses of the persons having custody of such statements;
- (e) Whether such statements were written, by recording device, by court reporter or stenographer.

**ANSWER:**

29. For each expert witness you intend to call at the trial of this case, please list:

- (a) Name, business address, and home address;
- (b) Date of birth, technical schools attended, dates of attendance, date of graduation and degree attained;
- (c) The specialties in which the witness has received certification by and board or professional organization, the date of such certification, and the identity of the board issuing such certification;

- (d) All professional societies, academies, associations or other organized professional groups of which this expert is a member;
- (e) All states in which the witness has ever been licensed and the states in which the witness is currently licensed;
- (f) Whether any state board of licensure has ever revoked or suspended the witness's license and if so, the date of such revocation or suspension and the name of the state board of licensure imposing such revocation or suspension;
- (g) Whether any professional or governmental agency or body has ever had occasion to investigate the witness pursuant to any complaint calling into question the professional conduct or professional ethics of the witness and if so, the name of such investigative body, the date of investigation, and the outcome or disposition of such investigation;
- (h) All lawsuits in which this expert has ever testified as an expert witness, and for each, whether he testified on behalf of the Plaintiff or Defendant, the Court term and number of each action, and the area of expertise to which this expert testified in each case;
- (i) All textbooks, treatises, papers, articles, or other writings which this witness has ever authored, and for each, the name of the article, publication, citation of the publication and date of publication;
- (j) If the witness is not self-employed, state each address where the witness is

employed.

**ANSWER:**

30. For each such expert witness you intend to call at the trial of this case, state the subject matter on which the expert is expected to testify.

**ANSWER:**

31. For each such expert witness, state the substance of each and every fact which each expert is expected to utilize during his/her testimony.

**ANSWER:**

32. For each such expert witness, state the substance of each and every opinion to which the expert is expected to testify and for each opinion give a complete statement of the ground for such opinion.

**ANSWER:**

17. See Complaint

18. No

19. N/A

20. Yes

21. a. Howard Shaffer, State Farm;  
Erie Insurance

b - e. Plaintiff does not recall.

---

22. None, other than Defendant

23. N/A

24. None

25. N/A

26. N/A

27. None

28. N/A

29. Plaintiff has not yet determined. Plaintiff will provide in Pre-Trial statement.

30. See # 29

31. See # 29

32. See # 29

33. See medical records, previously provided and obtained by Defendant with subpoenas.

34. No

35. N/A

36. Plaintiff will provide by way of supplement. First party benefits have been

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Motion to Compel Expert Discovery in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 31<sup>st</sup> day of March, 2005, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

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

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

Dated: March 31, 2005

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

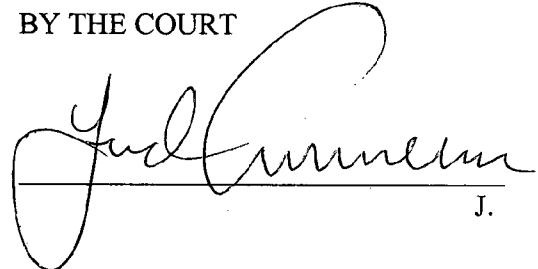
DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**RULE TO SHOW CAUSE**

AND NOW, this 1<sup>st</sup> day of April, 2005, Plaintiffs are  
requested to show cause why Defendant's Motion to Compel Expert Discovery should not be  
granted.

Rule returnable the 4<sup>th</sup> day of May, 2005, at 1:30 p.m. in  
Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



J. F. William Shaw

FILED <sup>1CC</sup>  
04/06/05 Atty Oliver  
APR 01 2005 (WP)

William A. Shaw  
Prothonotary, Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of  
Defendant's Motion to Compel Expert Discovery, Defendant's Motion is hereby GRANTED.  
Within 30 days from the date of this Order, Plaintiffs shall identify any physicians and/or trial  
experts to be called at the trial of this matter in support of their injury claims, and shall provide  
expert reports for any such witnesses to be called. No extensions of this deadline shall be  
granted absent compelling circumstances demonstrated by Plaintiffs. Plaintiffs shall be  
precluded from calling any witnesses at trial that are not identified in accordance with the terms  
of this Order.

BY THE COURT

---

J.

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

DAVID A. LAUX and SARAH LAUX, : No. 03-418-C.D.  
his wife, :  
:

Plaintiffs, : TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE

V.

ROGER A. FREDERICK, : TYPE OF CASE: CIVIL  
Defendant. : FILED ON BEHALF OF:  
 : DEFENDANT

1 COUNSEL OF RECORD FOR  
2 FOR THIS PARTY:  
3 JAMES M. HORNE, ESQ.  
4 I.D. NO. 26908  
5 KATHERINE V. OLIVER, ESQ.  
6 I.D. NO. 77069  
7 McQUAIDE, BLASKO, SCHWARTZ,  
8 FLEMING & FAULKNER, INC.  
9 811 University Drive  
10 State College, PA 16801  
11 PH# (814) 238-4926

FILED  
m 110:52/301 NO CC  
APR 06 2005 (6)

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Rule to Show Cause dated April 1, 2005 scheduling argument on Defendant's Motion to Compel Expert Discovery in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 5<sup>th</sup> day of April, 2005, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

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

By: 

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

Dated: April 5, 2005

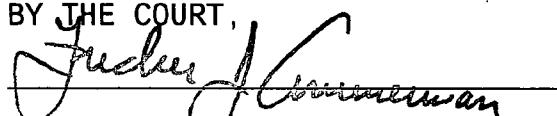
CA

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

DAVID A. LAUX AND :  
SARAH LAUX, :  
PLAINTIFFS :  
VS : NO. 03-418-CD  
ROGER A. FREDERICK, :  
DEFENDANT :  
:

O R D E R

NOW, this 4th day of May, 2005, upon agreement of the parties, it is the Order of this Court that the Defendant's Motion to Compel Expert Discovery be and is hereby GRANTED. Plaintiff shall be required to serve reports from any physician or other expert to be called at trial of this case within no more than Sixty (60) Days from the date of this Order.

BY THE COURT,  
  
President Judge

64  
FILED <sup>1CC</sup>  
04:00 PM MAY 06 2005  
MAY 06 2005  
S. Gest  
K. Oliver

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**MAY 06 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

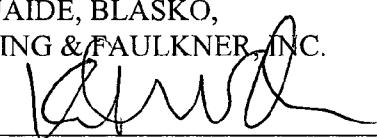
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things to Highmark Blue Cross/Blue Shield, Erie Insurance Company and State Farm Insurance Companies in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 2<sup>nd</sup> day of August, 2005, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

Dated: August 2, 2005

FILED *no cc*

*m/12/30/04*  
AUG 04 2005 *57*

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,  
v.  
ROGER A. FREDERICK,  
Defendant.

: No. 03-418-C.D.  
: TYPE OF PLEADING:  
: **CERTIFICATE PREREQUISITE**  
: **COUNSEL OF RECORD FOR**  
: **FOR THIS PARTY:**  
: **JAMES M. HORNE, ESQ.**  
: **I.D. NO. 26908**  
: **KATHERINE V. OLIVER, ESQ.**  
: **I.D. NO. 77069**  
: **McQUAIDE, BLASKO, SCHWARTZ,**  
: **FLEMING & FAULKNER, INC.**  
: **811 University Drive**  
: **State College, PA 16801**  
: **PH# (814) 238-4926**

FILED <sup>NO CC</sup>  
m/12/45 AM  
AUG 17 2005  
(M)

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant.

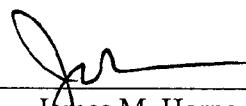
**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENAS**  
**PURSUANT TO RULE 4009.22**

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served;
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate;
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

Dated: August 16, 2005

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

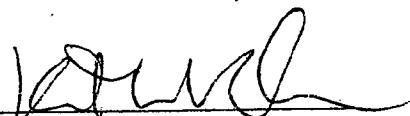
DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

Defendant intends to serve a subpoena identical to that attached to this notice to Highmark Blue Cross/Blue Shield, Erie Insurance Company and State Farm Insurance Companies. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

Dated: August 2, 2005

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
- - -

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

TO: *Highmark Blue Cross/Blue Shield*  
*Attention: Records Custodian*  
*120 5<sup>th</sup> Avenue, Suite P3105*  
*Pittsburgh, PA 15222-3099*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records from 8/1/99 to present in your possession pertaining to David A. Laux, SS# 197-42-1296, Date of Birth 12/02/49, included, but not limited to, any and all contracts, plans, or policies providing coverage to David A. Laux, and all payout logs and medical records pertaining to David A. Laux from 8/1/99 to present.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

WILLIAM A. SHAW

Prothonotary

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

Dated: 8/4/05

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

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

TO: *State Farm Insurance Companies*  
*Attention: Records Custodian*  
*555 Southpointe Blvd., Fourth Floor*  
*Canonsburg, PA 15317-8592*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of the third-party file in your possession pertaining to David A. Laux, SS# 197-42-1296, Date of Birth 12/02/49, Claim No. 38-K643-739, Date of Loss 3/27/05.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

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

Dated: 8/4/05

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :  
:

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

TO: *Erie Insurance Company*  
*Attention: Records Custodian*  
*3410 West 12<sup>th</sup> Street*  
*Erie, PA 16505*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of the first-party file in your possession pertaining to David A. Laux, SS# 197-42-1296, Date of Birth 12/02/49, Claim No. 010110548665001, Date of Loss 3/27/05.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

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

Dated: 8/4/05

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

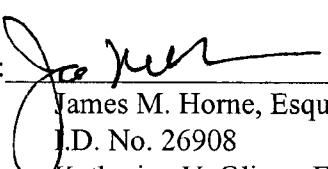
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to Highmark Blue Cross/Blue Shield, Erie Insurance Company and State Farm Insurance Companies in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 16<sup>th</sup> day of August, 2005, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
: **CERTIFICATE OF SERVICE**  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED *no ce*  
*m 110:35/01*  
AUG 31 2005  
*LM*

William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

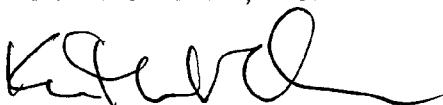
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 29<sup>th</sup> day of August, 2005, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

Dated: August 29, 2005

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**  
COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926

FILED *no cc*  
M 11.02.01  
SEP 15 2005  
JR  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

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

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

Dated: September 14, 2005

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

DAVID A. LAUX and SARAH LAUX,  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

No. 03-418-C.D.

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

Defendant intends to serve subpoenas identical to those attached to this notice to Thomas J. Bradley, M.D., Ahmad Nabatchi, M.D., Washington Hospital and Falk Clinic. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By:



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

Dated: August 29, 2005

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

No. 03-418-C.D.

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

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

TO: *Thomas J. Bradley, M.D.*  
*Attention: Medical Records Custodian*  
*Phebe Reed Tyler Building*  
*DuBois, PA 15801*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

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

Dated: August 31, 2005

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Falk Clinic*  
*Attention: Medical Records Custodian*  
*3601 Fifth Avenue*  
*Pittsburgh, PA 15213*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]   
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: August 31, 2005

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

No. 03-418-C.D.

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

TO: *Washington Hospital*  
*Attention: Medical Records Custodian*  
*155 Wilson Avenue*  
*Washington, PA 15301*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

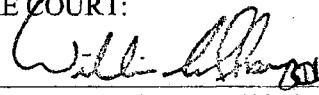
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk  
Civil Division WILLIAM A. SHAW  
[Seal of the Court] Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: August 31, 2005

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : : : : :  
Plaintiffs, : : : : :  
v. : : : : :  
ROGER A. FREDERICK, : : : : :  
Defendant. : : : : :

No. 03-418-C.D.

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

TO: *Ahmad Nabatchi, M.D.*  
*Attention: Medical Records Custodian*  
*248 Allegheny Blvd.*  
*Brookville, PA 15825*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

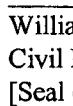
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]   
WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

Dated: August 31, 2005

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

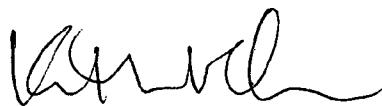
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Thomas J. Bradley, M.D., Ahmad Nabatchi, M.D., Washington Hospital and Falk Clinic, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 14<sup>th</sup> day of September, 2005, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

: No. 03-418-C.D.

: TYPE OF PLEADING:  
**CERTIFICATE OF SERVICE**

v.

ROGER A. FREDERICK,

Defendant.

: TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

: COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926

FILED  
m/1:35pm No. 88  
DEC 16 2005 

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to Southwestern PA Orthopedic Associates in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 15<sup>th</sup> day of December, 2006, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

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

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

Dated: December 15, 2005

**FILED**

DEC 16 2005

William A. Shaw  
Prothonotary



## MCQUAIDE BLASKO

811 University Drive, State College, Pennsylvania 16801-6699  
Additional offices in Hershey and Hollidaysburg

ATTORNEYS AT LAW

(814) 238-4926

FAX (814) 234-5620

[www.mqblaw.com](http://www.mqblaw.com)

December 15, 2005

Clearfield County Courthouse  
William Shaw, Prothonotary  
230 East Market Street  
Clearfield, PA 16830

**Re: David A. Laux and Sarah Laux v. Roger A. Frederick**  
**No.: 03-418-CD**

Dear Mr. Shaw:

Enclosed please find our check for \$3.00, together with a subpoena to produce documents or things in the above-referenced matter. Kindly sign and seal the enclosed subpoena and return the same to me at your earliest convenience in the enclosed self-addressed, postage paid envelope.

Also enclosed for filing is Defendant's Certificate of Service of Notice of Intent to Serve a Subpoena Directed to Southwestern PA Orthopedic Associates.

Thank you for your attention to this matter.

Very truly yours,

McQUAIDE BLASKO

By:



Katherine V. Oliver

KVO/nlc

Enclosures

cc: Carol Chiodo (Claim No. 38-J763-497)  
Joshua Geist, Esquire

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright Paul J. Tomczuk Janine C. Giromondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Britt D. Russell

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs,  
v.  
ROGER A. FREDERICK,  
Defendant.

TYPE OF PLEADING:  
**CERTIFICATE PREREQUISITE**

TYPE OF CASE: CIVIL  
FILED ON BEHALF OF:  
**DEFENDANT**

COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
KATHERINE V. OLIVER, ESQ.  
I.D. NO. 77069  
JAMES M. HORNE, ESQ.  
I.D. NO. 26908  
McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.  
811 University Drive  
State College, PA 16801  
PH# (814) 238-4926

FILED NOCC  
M 12:45 PM  
DEC 29 2005  
LS

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

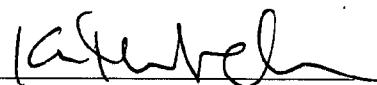
**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENA**  
**PURSUANT TO RULE 4009.22**

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

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

Dated: December 28, 2005

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

Plaintiffs,

v.

No. 03-418-C.D.

ROGER A. FREDERICK,

Defendant.

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

Defendant intends to serve a subpoena identical to that attached to this notice to Southwestern PA Rehabilitation Associates. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By:

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

Dated: December 15, 2005

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

DAVID A. LAUX and SARAH LAUX,  
his wife,

No. 03-418-C.D.

Plaintiffs,

v.

ROGER A. FREDERICK,

Defendant.

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

TO: *Southwestern PA Rehabilitation Associates  
Attention: Medical Records Custodian  
5000 Waterdam Plaza Drive, Suite 240  
McMurray, PA 15317*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

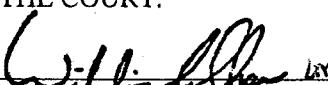
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: 12/28/05

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records from October 18, 1996 to present, regardless of treating physician, on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's health status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, his wife,	:	
Plaintiffs,	:	No. 03-418-C.D.
v.	:	
ROGER A. FREDERICK,	:	
Defendant.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Southwestern PA Rehabilitation Associates, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 28<sup>th</sup> day of December, 2005, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: DEFENDANT  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: McQUAIDE, BLASKO,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED  
m/146 cm No CC.  
FEB 06 2006 *jm*

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to Charles A. Reese, DDS in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 2<sup>nd</sup> day of February, 2006, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

**FILED**

**FEB 06 2006**

**William A. Shaw  
Prothonotary**

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
: **CERTIFICATE PREREQUISITE**  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: McQUAIDE, BLASKO,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED  
m 11:47 AM NO  
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William A. Shaw  
Prothonotary/Clerk of Courts

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By:



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

Dated: February 9, 2006

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant.

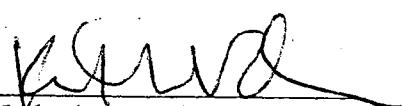
NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Defendant intends to serve a subpoena identical to that attached to this notice to Charles A. Reese, DDS. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By:

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

Dated: February 2, 2006

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Charles A. Reese, DDS*  
*Attention: Records Custodian*  
*23 Beaver Drive, Suite 2*  
*DuBois, PA 15801*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

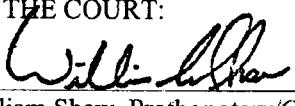
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID#: *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: February 6, 2006

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating provider on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/examinations, progress notes, laboratory reports, x-rays, consultation reports, progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

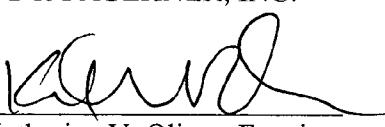
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Charles A. Reese, DDS, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 9<sup>th</sup> day of February, 2006, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. : TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE  
: TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: DEFENDANT  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: McQUAIDE, BLASKO,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED No CC,  
7/12/06 LM (MM)  
JUL 03 2006

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to Laun R. Hallstrom, M.D. in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 30<sup>th</sup> day of June, 2006, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

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

July 14, 1928 372 120 7.15  
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FILED

JUL 03 2006

William A. Shaw  
Prothonotary

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
: TYPE OF PLEADING:  
: **CERTIFICATE PREREQUISITE**  
:   
: v.  
:   
ROGER A. FREDERICK,  
Defendant. : TYPE OF CASE: CIVIL  
: FILED ON BEHALF OF:  
: **DEFENDANT**  
:   
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: McQUAIDE, BLASKO,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

**FILED**

JUL 18 2006  
m/11:40/w  
William A. Shaw  
Prothonotary/Clerk of Courts  
no 9C

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By:



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

Dated: July 17, 2006

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, :  
Plaintiffs, : No. 03-418-C.D.  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

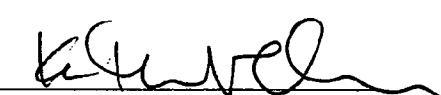
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that attached to this notice to Laun R. Hallstrom, M.D. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By:



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

Dated: June 30, 2006

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

DAVID A. LAUX and SARAH LAUX, : No. 03-418-C.D.  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant. :

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

TO: *Laun R. Hallstrom, M.D.*

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

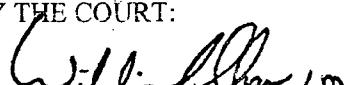
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Katherine V. Oliver, Esquire*  
ADDRESS: *811 University Drive, State College, PA 16801*  
TELEPHONE: *(814) 238-4926*  
SUPREME CT ID# *77069*  
ATTORNEY FOR: *Defendant*

BY THE COURT:

  
\_\_\_\_\_  
William Shaw, Prothonotary/Clerk  
Civil Division  
[Seal of the Court]

Dated: July 3, 2006

*David A. Laux and Sarah Laux v. Roger A. Frederick*

**DOCUMENTS TO BE PRODUCED**

Any and all records from 11/11/04 to present on David A. Laux, (S.S. No. 197-42-1296; DOB: 12/2/49), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/examinations, progress notes, laboratory reports, x-rays, consultation reports, progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Mr. Laux's status (regardless of source), etc.

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

DAVID A. LAUX and SARAH LAUX,  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to Laun R. Hallstrom, M.D., in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 17<sup>th</sup> day of July, 2006, to the attorney of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

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

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

DAVID A. LAUX and SARAH LAUX, : No. 03-418-C.D.  
his wife, :  
Plaintiffs, : TYPE OF PLEADING:  
: **PRAECIPE TO LIST FOR TRIAL**  
: :  
v. :  
: :  
ROGER A. FREDERICK, : TYPE OF CASE: CIVIL  
Defendant. : FILED ON BEHALF OF:  
: **DEFENDANT**  
: :  
: : COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: JAMES M. HORNE, ESQ.  
: I.D. NO. 26908  
: KATHERINE V. OLIVER, ESQ.  
: I.D. NO. 77069  
: McQUAIDE, BLASKO,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED  
AUG 29 2006  
911 2:00 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C.

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

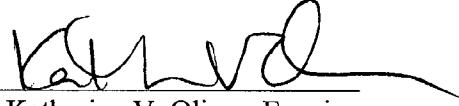
**PRAECIPE TO LIST FOR TRIAL**

TO THE PROTHONOTARY:

Please place the above-captioned matter on the Trial List for the next term of Civil Court.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

Dated: August 28, 2006

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
: Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Praeclipe to List for Trial in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 28<sup>th</sup> day of August, 2006, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

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

DAVID A. LAUX and SARAH LAUX,  
his wife,  
Plaintiffs, : No. 03-418-C.D.  
v.  
ROGER A. FREDERICK,  
Defendant. :  
: TYPE OF PLEADING:  
: **CERTIFICATE OF SERVICE**  
: :  
: :  
: : TYPE OF CASE: CIVIL  
: : FILED ON BEHALF OF:  
: : **DEFENDANT**  
: :  
: : COUNSEL OF RECORD FOR  
: : FOR THIS PARTY:  
: : JAMES M. HORNE, ESQ.  
: : I.D. NO. 26908  
: : KATHERINE V. OLIVER, ESQ.  
: : I.D. NO. 77069  
: : McQUAIDE, BLASKO,  
: : FLEMING & FAULKNER, INC.  
: : 811 University Drive  
: : State College, PA 16801  
: : PH# (814) 238-4926

**FILED**

AUG 28 2006  
M/2:20/06  
William A. Shaw  
Prothonotary/Clerk of Courts

WW 4/C

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

DAVID A. LAUX and SARAH :  
LAUX, :  
his wife, :  
Plaintiffs, :  
v. :  
ROGER A. FREDERICK, :  
Defendant.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Answers to Interrogatories in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 25<sup>th</sup> day of August, 2006, to the attorneys/parties of record:

Joshua Geist, Esquire  
Goodrich, Goodrich & Lazzara, P.C.  
Law & Finance Building, Suite 1400  
429-4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

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

4K

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

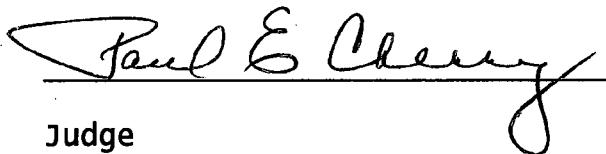
DAVID A. LAUX and SARA LAUX :  
-vs- : No. 03-418-CD  
ROGER A. FREDERICK :

O R D E R

AND NOW, this 24th day of January, 2007, it is the ORDER of this Court that new counsel for Plaintiffs shall file appropriate praecipe for entry of appearance within no more than ten (10) days from this date and provide copies thereof to Katherine V. Oliver, Esquire, counsel for Defendant.

The Prothonotary of Clearfield County shall serve certified copies of this order upon Plaintiff David A. Laux at 849 Treasure Lake, DuBois, PA 15801-9020, Katherine V. Oliver, Esquire, counsel for Defendant, and to the law firm of Goodrich & Goodrich, P.C.

BY THE COURT,

  
\_\_\_\_\_  
Judge

**FILED**  
01/30/07  
JAN 24 2007

William A. Shaw  
Prothonotary/Clerk of Courts  
cc: Goodrich & Goodrich  
K. Oliver  
Plaintiffs

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DAVID A. LAUX and SARA  
LAUX

-vs-

No. 03-418-CD

ROGER A. FREDERICK

FILED

01/24/2007  
JAN 24 2007

William A. Shaw  
Prothonotary/Clerk of Courts  
1CC: Goodrich & Goodrich  
K. Oliver  
Plaintiffs

O R D E R

AND NOW, this 24th day of January, 2007, following argument on the Petition to withdraw Appearance as Counsel; Plaintiff David A. Laux having consented to the same, it is the ORDER of this Court that said Petition shall be and is hereby granted and that the law firm of Goodrich & Goodrich, P.C., Joshua P. Geist, Esquire, and Steven M. Barth, Esquire, shall be and are hereby permitted to withdraw as counsel for Plaintiffs.

It is the further ORDER of this Court that jury selection scheduled for February 1, 2007, shall be and is hereby continued until May 1, 2007, at 9:00 a.m., Courtroom No. 2, Clearfield County Courthouse, with pre-trial conference to be held on April 18, 2007, at 1:30 p.m. in Judge's Chambers, 230 East Market Street, Clearfield, PA. Counsel need not attend the Call of the List scheduled for April 3, 2007. No further continuances shall be granted to either party.

The Prothonotary of Clearfield County shall serve certified copies of this Order upon Plaintiff David A. Laux at 849 Treasure Lake, DuBois, PA 15801-9020, Katherine V. Oliver, Esquire, counsel for Defendant, and to the law firm of Goodrich & Goodrich, P.C.

BY THE COURT,

Paul E. Cherry  
Judge

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

DAVID A. LAUX and SARA LAUX : NO. 03-418-CD  
V. :  
RODGER A. FREDERICK :

**ORDER**

AND NOW, this 18<sup>th</sup> day of April, 2007, this being the date set for Pre-Trial Conference, Plaintiffs, David A. Laux and Sara Laux, having failed to appear despite receiving due and proper notice pursuant to this Court's Order of January 24, 2007, wherein the Court set today's date as the date for Pre-Trial Conference; Katherine Oliver, Esquire, having appeared for Defendant, Rodger A. Frederick, it is the ORDER of this Court that this case shall be and is hereby DISMISSED.

BY THE COURT,

  
PAUL E. CHERRY,

JUDGE

FILED *1cc Piff*  
03/15/07 *D. Laux Q*  
APR 18 2007 *849 Treasure*  
*Lake, Dubois PA 15801*  
William A. Shaw  
Prothonotary/Clerk of Courts *1cc Piff*  
*S. Laux*  
*849 Treasure*  
*Lake, Dubois 15801*  
*2cc Kathy Oliver*

(2)

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

DAVID A. LAUX and SARAH LAUX, :  
his wife, : No. 03-418-C.D.  
Plaintiffs, :  
V. :  
ROGER A. FREDERICK, :  
Defendant. :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Order of Court dated April 18, 2007 in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 23<sup>rd</sup> day of April, 2007, to the attorneys/parties of record:

David Laux  
849 Treasure Lake  
DuBois PA 15801

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: 

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

FILED NOCC  
MAY 10 2007  
APR 24 2007  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts