

04-42-CD  
CHERYL HILLYARD VS. WINFIELD E. BLOOM

Cheryl Hillyard vs. Winfield Bloom  
2004-42-CD

CHERYL HILLYARD : IN THE COURT OF COMMON PLEAS  
Plaintiff : OF CLEARFIELD COUNTY, PA  
vs. : : NO. CV, 2004 04-42-CJ  
WINFIELD E. BLOOM, : CIVIL ACTION - LAW  
Defendant : JURY TRIAL DEMANDED

PRAECLPTE TO ISSUE WRIT OF SUMMONS

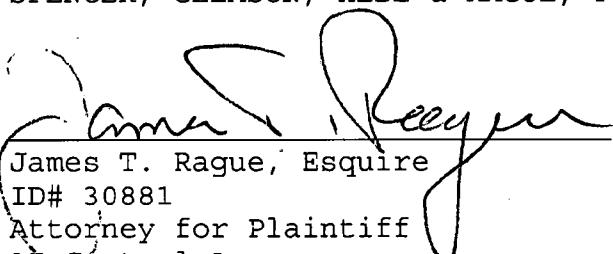
TO THE PROTHONOTARY:

Kindly index and issue a Writ of Summons in the above-caption matter to the Defendant, Winfield E. Bloom.

Plaintiff: Cheryl Hillyard  
174 North Hollow Heights  
Coudersport, PA 16915

Defendants: Winfield E. Bloom  
P.O. Box 62  
Benezett, PA 15821

SPENCER, GLEASON, HEBE & RAGUE, P.C.

  
James T. Rague, Esquire  
ID# 30881  
Attorney for Plaintiff  
17 Central Avenue  
Wellsboro, PA 16901  
(570) 724-1832

Dated:

1/08/04

FILED

JAN 09 2004

William A. Stover  
Prothonotary/Clerk of Courts

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

CC

**SUMMONS**

**Cheryl Hillyard**

**Vs.**

**NO.: 2004-00042-CD**

**Winfield E. Bloom**

**TO: WINFIELD E. BLOOM**

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: 01/09/2004**

---

William A. Shaw  
Prothonotary

**Issuing Attorney:**

James T. Rague, Esq.  
17 Central Ave.  
Wellsboro, PA 16901

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

CHERYL HILLYARD,

: No. 04-42-C.D.

Plaintiff,

: TYPE OF PLEADING:

**Praecipe for Entry of Appearance**

v.

WINFIELD E. BLOOM,

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:

**DEFENDANT**

Defendant.

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: 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**

*FEB 06 2004*

*William A. Shaw  
Prothonotary/Clerk of Courts*

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: v. :  
: :  
WINFIELD E. BLOOM, :  
: Defendant. :  
:

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, WINFIELD E. BLOOM, in the above-captioned matter.

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

Dated: February 5, 2004

By: 

Katherine V. Oliver  
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

CHERYL HILLYARD, : No. 04-42-C.D.  
:   
Plaintiff, :  
:   
v. :  
:   
WINFIELD E. BLOOM, :  
:   
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of our Praeclipe for Entry of Appearance on behalf the Defendant, in the above-captioned matter was served via U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 5<sup>th</sup> day of February, 2004, to the attorney of record:

James T. Rague, Esquire  
17 Central Avenue  
Wellsboro, PA 16901

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

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

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

Attorneys for Defendant

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

HILLYARD, CHERYL

VS.

BLOOM, WINFIELD E.

**SUMMONS**

Sheriff Docket # 15043

04-42-CD

**SHERIFF RETURNS**

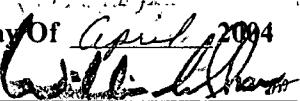
NOW JANUARY 13, 2004, THOMAS KONTES, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN WRIT OF SUMMONS ON WINFIELD E. BLOOM, DEFENDANT.

NOW JANUARY 20, 2004 SERVED THE WITHIN WRIT OF SUMMONS ON WINFIELD E. BLOOM, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY. THE RETURN OF SHERIFF KONTES IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

**Return Costs**

Cost	Description
32.74	SHERIFF HAWKINS PAID BY: ATTY CK# 162662
10.00	SURCHARGE PAID BY: ATTY CK# 162663
39.60	ELK COUNTY SHERIFF PAID BY: ATTY CK 162669

Sworn to Before Me This

14 Day of April 2004  


So Answers,

  
Chester A. Hawkins  
Sheriff

**FILED**

08:34 AM

APR 14 2004

William A. Shaw  
Prothonotary

# Affidavit of Service

Cheryl Hillyard  
vs.  
Winfield E. Bloom

No. 42 Term, 20 04

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

NOW January 20, 20 04 at 11:09 o'clock A.M.

served the within Writ of Summons on Winfield E. Bloom

at 8611 Rt. 555, Benezette, Elk County, PA

by handing to Winfield E. Bloom

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

known to him the contents thereof. Sheriff's Costs - \$39.60 PAID

Sworn to before me this 21st

day of January A.D. 20 04

Andrea S. Kosta  
My Commission Expires  
January 7, 2008

So answers,

Thomas C. Kosta

Sheriff

John S. Kosta

Deputy



# Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

CHESTER A. HAWKINS  
SHERIFF

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

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
PAGE 15043

CHERYL HILLYARD

TERM & NO. 04-42-CD

VS

DOCUMENT TO BE SERVED:

WINFIELD E. BLOOM

SUMMONS

SERVE BY: 02/08/2004

**MAKE REFUND PAYABLE TO:** SPENCER, GLEASON, HEBE & RAGUE, ESQ.

**SERVE:** WINFIELD E. BLOOM

**ADDRESS:** PO BOX 62, BENEZETTE, PA.

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 13th Day of JANUARY 2004

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 - LAW

CHERYL HILLYARD, : No. 04-42-C.D.  
Plaintiff, :  
v. : TYPE OF PLEADING:  
WINFIELD E. BLOOM, : Praeclipe for Rule to File Complaint  
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  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-9624

FILED

MAY 21 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.

V. :

WINFIELD E. BLOOM, :  
113

Defendant. :

## **PRAECLIPSE FOR A RULE TO FILE A COMPLAINT**

## TO THE PROTHONOTARY:

Please issue a Rule on Plaintiff to file her Complaint within twenty (20) days from service thereof or suffer a judgment of non pros against her.

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

By:

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

Attorneys for Defendant

Dated: May 20, 2004

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

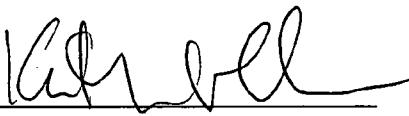
CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: :  
: v. :  
: :  
: WINFIELD E. BLOOM, :  
: :  
: Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Praeclipe for Rule to File Complaint, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 20<sup>th</sup> day of May, 2004, to the parties/attorney of record:

James T. Rague, Esquire  
17 Central Avenue  
Wellsboro, PA 16901

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

By: 

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

Attorneys for Defendant

Dated: May 20, 2004

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v. :

WINFIELD E. BLOOM, :

Defendant. :

**COPY**

**R U L E**

To: Cheryl Hillyard  
c/o James T. Rague, Esquire  
17 Central Avenue  
Wellsboro, PA 16901

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

*Will H. Shan*

\_\_\_\_\_  
Prothonotary

Dated: May 21, 2004

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

CHERYL HILLYARD, : No. 04-42-C.D.  
Plaintiff, : TYPE OF PLEADING:  
: **CERTIFICATE OF SERVICE**  
v.  
WINFIELD E. BLOOM, : TYPE OF CASE: CIVIL  
Defendant. : FILED ON BEHALF OF:  
: **DEFENDANT**  
: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: 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 28 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: :  
Plaintiff, : :  
: :  
v. : :  
: :  
WINFIELD E. BLOOM, : :  
: :  
Defendant. : :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Rule, in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 26<sup>th</sup> day of May, 2004, to the parties/attorney of record:

James T. Rague, Esquire  
17 Central Avenue  
Wellsboro, PA 16901

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

By: 

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

Attorneys for Defendant

Dated: May 26, 2004

# MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699  
Additional offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620  
[www.mcquaideblasko.com](http://www.mcquaideblasko.com)

May 26, 2004

James R. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

Re: **Cheryl Hillyard vs. Winfield E. Bloom**  
**No. 04-42-C.D.**

Dear Mr. Rague:

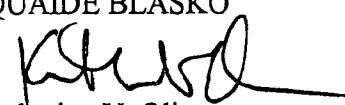
Enclosed please find a Rule to file a Complaint issued upon Plaintiff Cheryl Hillyard.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

McQUAIDE BLASKO

By:

  
Katherine V. Oliver

KVO/nlc

Enclosures

cc: Judy A. Spencer (Claim No. 38-J868-245)  
✓William Shaw (Clearfield County Prothonotary)

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

State College Office: John W. Blasko Thomas E. Schwartz R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Stinak Mark Righter Daniel E. Bright Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Ashley Hines Kranich Chena L. Gleam-Hart Livia N. Jones Cristin R. Barnes Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon Russell A. Ventura

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Britt D. Russell

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yenger

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v.

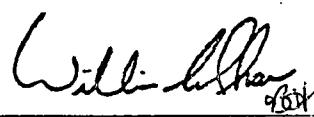
WINFIELD E. BLOOM, :

Defendant. :

**R U L E**

To: Cheryl Hillyard  
c/o James T. Rague, Esquire  
17 Central Avenue  
Wellsboro, PA 16901

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



Prothonotary

Dated: May 21, 2004

CHERYL HILLYARD, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
vs. : OF CLEARFIELD COUNTY, PA  
WINFIELD E. BLOOM, : NO. 2004-00042-CD  
Defendant : CIVIL ACTION - LAW  
: JURY TRIAL DEMANDED

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you may take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David S. Meholic, Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830  
(814) 765-2641, Ext. 5982

**FILED**

JUN 08 2004

William A. Shaw  
Prothonotary/Clerk of Courts

CHERYL HILLYARD, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
vs. : CLEARFIELD COUNTY, PA  
WINFIELD E. BLOOM, : NO. 2004-00042-CD  
Defendant : CIVIL ACTION - LAW  
: JURY TRIAL DEMANDED

COMPLAINT

1. The Plaintiff, Cheryl Hillyard, is an adult individual who resides at 501 North Union Street, Olean, Cattaraugus County, New York 14760.

2. The Defendant, Winfield E. Bloom, is an adult individual who resides at 8611 Route 555, Benezette, Elk County, Pennsylvania. His mailing address is P.O. Box 62, Benezette, Pennsylvania 15821.

3. On or about January 23, 2002, the Plaintiff, Cheryl Hillyard, was operating a 2000 Nissan traveling south on State Route 255 in Penfield, Huston Township, Clearfield County, Pennsylvania.

4. At the same time and place, the Defendant, Winfield E. Bloom, was operating a 2001 Oldsmobile south on State Route 153 in Penfield, Huston Township, Clearfield County, Pennsylvania.

5. At the time and place aforesaid, the Defendant, Winfield E. Bloom, failed to stop at the red light and proceeded through the intersection of State Route 153 and State Route 255

striking the Plaintiff's vehicle and causing serious injuries to Plaintiff as set forth more fully below.

6. As a direct, proximate and substantial result of the negligence, carelessness and recklessness of the Defendant herein, Plaintiff, Cheryl Hillyard, suffered serious injuries as defined at 75 Pa.C.S.A. §§ 1705(a) and 1702, which include but are not limited to the following:

- a. back pain;
- b. left leg pain;
- c. pelvis pain;
- d. neck pain;

e. ecchymosis about the left medial thigh and the right medial thigh; and,

f. various other ills and injuries resulting from the above-described accident.

7. The motor vehicle accident described herein and the damages suffered and sustained by the Plaintiff, Cheryl Hillyard, were caused solely, substantially and proximately by the negligence of the Defendant, Winfield E. Bloom, as follows:

a. The Defendant, Winfield E. Bloom, failed to stop in accordance with the traffic signal;

b. The Defendant, Winfield E. Bloom, failed to keep his vehicle under control;

c. The Defendant, Winfield E. Bloom, failed to yield the right-of-way;

d. The Defendant, Winfield E. Bloom, failed to observe the conditions then and there existing;

e. The Defendant, Winfield E. Bloom, failed to take proper and appropriate evasive action to avoid the collision;

f. The Defendant, Winfield E. Bloom, failed to pay close attention to the roadway in front of him so as to avoid the collision; and,

g. The Defendant, Winfield E. Bloom, failed to maintain the assured clear distance ahead.

COUNT I  
(NEGLIGENCE)

**Cheryl Hillyard vs. Winfield E. Bloom**

8. The averments of paragraphs 1 through 7 are incorporated herein by reference.

9. As a direct result of Defendant Bloom's negligence, carelessness and recklessness, the Plaintiff, Cheryl Hillyard, suffered and sustained great personal injury, pain and suffering, mental and emotional suffering, and loss of the pleasures of life, all of which are serious and may be permanent, including but not limited to neck pain, back pain, pelvic pain and leg pain, along with other ills and injuries.

10. As a direct result of the collision, Plaintiff, Cheryl Hillyard, experiences pain which renders her unable to maintain her preinjury level of activity either at work or

during her leisure time, and has suffered a loss of wages as well as future loss of earning capacity.

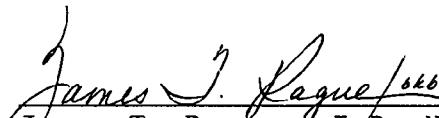
11. As a further result of Defendant Bloom's negligence, carelessness and recklessness, the Plaintiff, Cheryl Hillyard, has sustained a permanent diminution in the ability to enjoy life and life's pleasures.

12. As a further result of the Defendant's negligence, the Plaintiff, Cheryl Hillyard, has incurred medical bills for which Defendant is liable.

WHEREFORE, the Plaintiff, Cheryl Hillyard, demands judgment against the Defendant, Winfield E. Bloom, in an amount in excess of Twenty Thousand Dollars (\$20,000.00) together with interest and costs.

SPENCER, GLEASON, HEBE & RAGUE, P.C.

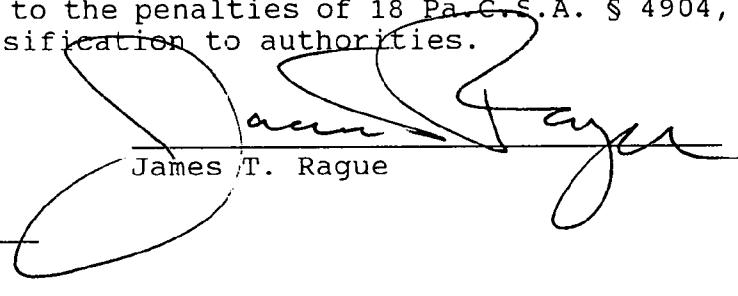
By:

  
\_\_\_\_\_  
James T. Rague I.D. No. 30881  
Attorney for Plaintiff

P.O. Box 507  
17 Central Avenue  
Wellsboro, PA 16901  
(570) 724-1832

VERIFICATION

I verify that the statements made in the foregoing **Complaint** are true and correct based on the information provided by the Plaintiffs to me. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

  
James T. Rague

Date: 6/4/04

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

CHERYL HILLYARD, : No. 04-42-C.D.  
Plaintiff, :  
v. : TYPE OF PLEADING:  
WINFIELD E. BLOOM, : CERTIFICATE OF SERVICE  
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  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926  
: FAX#(814) 238-962

FILED

JUN 16 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: :  
: v. :  
: :  
WINFIELD E. BLOOM, :  
: :  
: Defendant. :  
:

**CERTIFICATE OF SERVICE**

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

James T. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

CHERYL HILLYARD,

: No. 04-42-C.D.

Plaintiff,

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

v.

WINFIELD E. BLOOM,

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

Defendant.

: COUNSEL OF RECORD FOR  
: FOR THIS PARTY:  
: 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) 238-962

**FILED**

JUN 16 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.

: Plaintiff,

:  
v. :  
:  
:

WINFIELD E. BLOOM, :  
:  
:

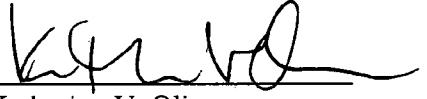
Defendant. :  
:  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiff (Set One) in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 15<sup>th</sup> day of June, 2004 to the attorney(s) of record:

James T. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

By: 

Katherine V. Oliver  
Attorneys for Defendant  
WINFIELD E. BLOOM  
811 University Drive  
State College, PA 16801  
(814) 238-4926  
Fax: (814) 238-9624

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

CHERYL HILLYARD,

: No. 04-42-C.D.

Plaintiff,

: TYPE OF PLEADING:  
CERTIFICATE OF SERVICE

v.

WINFIELD E. BLOOM,

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

Defendant.

: COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
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

JUN 16 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: v. :  
: :  
WINFIELD E. BLOOM, :  
: Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Defendant's Second Request For Production of Documents and Tangible Things Directed to Plaintiff in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 15<sup>th</sup> day of June, 2004, to the attorney(s) of record:

James R. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

By: 

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

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

CHERYL HILLYARD,

: No. 04-42-C.D.

Plaintiff,

: TYPE OF PLEADING:

: **ANSWER WITH NEW MATTER**

v.

WINFIELD E. BLOOM,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:

: **DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: 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**

JUN 29 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD,	:	No. 04-42-C.D.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WINFIELD E. BLOOM,	:	
	:	
Defendant.	:	
	:	

## NOTICE TO PLEAD

TO: Cheryl Hillyard  
c/o James T. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

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

By: 

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

Dated: June 28, 2004

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :  
:

v. :  
:

WINFIELD E. BLOOM, :  
:

Defendant. :  
:

**ANSWER WITH NEW MATTER**

1. Denied. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted in part and denied in part. It is admitted only that Defendant was unable to stop his vehicle at the red light at the intersection of State Route 153 and State Route 255, and that his vehicle struck Plaintiff's vehicle as a result. By way of further response, Defendant attempted to bring his vehicle to a stop, but was unable to do so despite his best efforts due to a problem with the vehicle. Any implication that Defendant did not take reasonable efforts to stop his vehicle is denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments regarding Plaintiff's claims of injuries. The same are therefore denied and strict proof thereof demanded.

6. (a)-(f). Denied. All allegations of negligence, carelessness and recklessness are denied pursuant to Pa.R.C.P. 1029(e). Defendant denies Plaintiff's allegations of injuries on the basis that, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

7. (a)-(g). Denied. All allegations of negligence are denied pursuant to Pa.R.C.P. 1029(e). By way of further response, please see paragraph 5, above. Defendant denies Plaintiff's allegations of injuries and damages on the basis that, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

COUNT I  
NEGLIGENCE

8. Defendant incorporates by reference paragraphs 1 - 7, above, as though set forth in full.

9. Denied. All allegations of negligence, carelessness and recklessness are denied pursuant to Pa.R.C.P. 1029(e). Defendant denies Plaintiff's allegations of injuries on the basis that, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

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

11. Denied. All allegations of negligence, carelessness and recklessness are denied pursuant to Pa.R.C.P. 1029(e). Defendant denies Plaintiff's allegations of injuries and damages on the basis that, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

12. Denied. All allegations of negligence, carelessness and recklessness are denied pursuant to Pa.R.C.P. 1029(e). Defendant denies Plaintiff's allegations of injuries and damages on the basis that, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

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

**NEW MATTER**

13. Defendant incorporates by reference paragraphs 1 - 12, above, as though set forth in full.

14. Defendant hereby raises and asserts all those defenses and/or limitations on damages available to him by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

15. To the extent Plaintiff was insured under a policy of insurance bearing the limited tort option, Plaintiff's claims are barred or reduced accordingly.

16. To the extent Plaintiff's medical expenses and wage loss, if any, have been paid or are payable under a policy of insurance, the same may not be plead, proven or recovered in the instant action.

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

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

By: 

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

Dated: June 28, 2004

## 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. The undersigned understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

Winfield E. Bloom  
WINFIELD E. BLOOM

Dated: 6/18/04

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: :  
Plaintiff, : :  
: :  
v. : :  
: :  
WINFIELD E. BLOOM, : :  
: :  
Defendant. : :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Answer with New Matter, 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 June, 2004, to the parties/attorney of record:

James T. Rague, Esquire  
17 Central Avenue  
Wellsboro, PA 16901

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

By: 

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

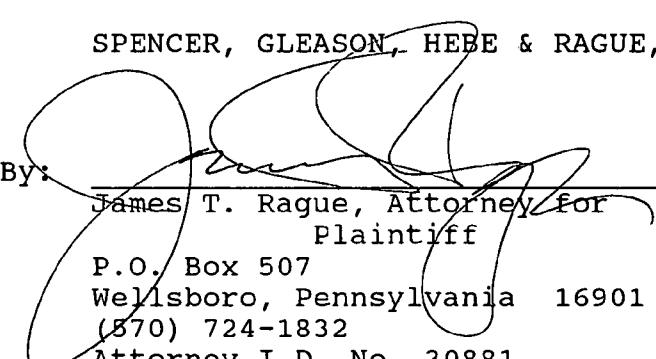
Dated: June 28, 2004

CHERYL HILLYARD, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
vs. : OF CLEARFIELD COUNTY, PENNA  
WINFIELD E. BLOOM, : NO. 2004-00042-CD  
Defendant : CIVIL ACTION - LAW  
: JURY TRIAL DEMANDED

**REPLY TO NEW MATTER**

13. No answer required.  
14. - 16. The allegations contained in paragraphs 14, 15 and 16 of Defendant's New Matter state conclusions of law to which no responsive pleading is required. The same, therefore, are deemed denied.

WHEREFORE, Plaintiff respectfully demands judgment in her favor together with costs.

SPENCER, GLEASON, HEBE & RAGUE, P.C.  
By:   
James T. Rague, Attorney for Plaintiff  
P.O. Box 507  
Wellsboro, Pennsylvania 16901  
(570) 724-1832  
Attorney I.D. No. 30881

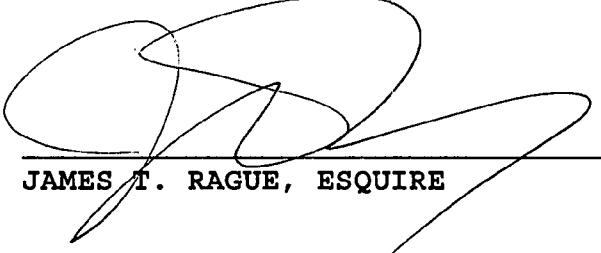
**FILED**

JUL 15 2004

William A. Shaw  
Prothonotary/Clerk of Courts

**VERIFICATION**

I, **JAMES T. RAGUE, ESQUIRE**, hereby aver that the within Reply to New Matter is based upon information obtained from discussions with Plaintiff, Cheryl Hillyard and that the same are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
**JAMES T. RAGUE, ESQUIRE**

## CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing Reply to New Matter was served by United States First Class Mail, postage prepaid, this 12 day of July, 2004, on the following:

Katherine V. Oliver, Esquire  
McQUAIDE BLASKO  
811 University Drive  
State College, PA 16801-6699

SPENCER, GLEASON, HEBE & RAGUE, P.C.

By:

James T. Rague, Attorney for  
Plaintiff  
P.O. Box 507  
Wellsboro, Pennsylvania 16901  
(570) 724-1832  
Attorney I.D. No. 30881

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

CHERYL HILLYARD,

: No. 04-42-C.D.

Plaintiff,

: TYPE OF PLEADING:

**CERTIFICATE PREREQUISITE**

v.

WINFIELD E. BLOOM,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:

**DEFENDANT**

: COUNSEL OF RECORD FOR

: FOR THIS PARTY:

: 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) 238-962

**FILED**

JUL 13 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v. :

WINFIELD E. BLOOM, :

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) no objection to the subpoena has been received,
- 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: July 12, 2004

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

Attorneys for Defendant

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v. :

WINFIELD E. BLOOM, :

Defendant. :

**NOTICE OF INTENT TO SERVE SUBPOENAS 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. 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: June 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

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v. :

WINFIELD E. BLOOM, :

Defendant. :

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

TO: *Royal & SunAlliance*  
*Attention: Michelle Carroll, Manager*  
*P. O. Box 4701*  
*Syracuse, NY 13221*

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 in your possession pertaining to Cheryl Hillyard, Claim # 290 0437180 AB, Date of Loss: 1/23/02.*

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

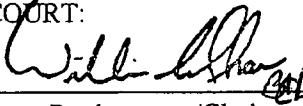
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things 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: June 16, 2004

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

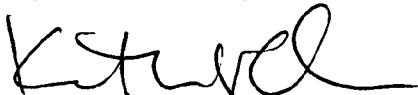
CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: v. :  
: :  
WINFIELD E. BLOOM, :  
: Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoena Directed to Royal & SunAlliance in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 12<sup>th</sup> day of July, 2004, to the attorney of record:

James R. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

CHERYL HILLYARD, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
vs. : CLEARFIELD COUNTY, PENNSYLVANIA  
WINFIELD E. BLOOM, : CIVIL ACTION - LAW  
Defendant : No. 04-42-CD

NOTICE OF SERVICE OF DISCOVERY

The undersigned certifies that Answers to Defendant's Interrogatories and Response to Defendant's Requests for Production of Documents Directed to Plaintiff, Cheryl Hillyard, was served on counsel of record this 12th day of August 2004, by United States First Class Mail, postage prepaid, addressed as follows:

Katherine V. Oliver, Esquire  
McQUAIDE BLASKO  
811 University Drive  
State College, PA 16801-6699

SPENCER, GLEASON, HEBE & RAGUE, P.C.

*James T. Rague /666*  
James T. Rague - I.D. No. 30881  
Attorney for Plaintiff

P.O. Box 507  
17 Central Avenue  
Wellsboro, PA 16901  
(570) 724-1832

SPENCER, GLEASON,  
HEBE & RAGUE, P.C.  
ATTORNEYS-AT-LAW  
WELLSBORO, PA.

EGD  
FILED NO CC  
M/14/04  
AUG 13 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD,

: No. 04-42-C.D.

Plaintiff,

: TYPE OF PLEADING:  
CERTIFICATE OF SERVICE

v.

WINFIELD E. BLOOM,

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

Defendant.

: COUNSEL OF RECORD FOR  
FOR THIS PARTY:  
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) 238-962

FILED <sup>no cc</sup>  
m/4:48/04  
AUG 25 2004  
ebs

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: :  
Plaintiff, : :  
: :  
v. : :  
: :  
WINFIELD E. BLOOM, : :  
: :  
Defendant. : :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoena for Production of Documents and Things Directed to Dr. Michael Larsen, D.C., Charles Cole Memorial Hospital, Conemaugh Memorial Hospital, and Wellsboro Family Practice, LLC in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 24<sup>th</sup> day of August, 2004, to the attorneys/parties of record:

James T. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, : TYPE OF PLEADING:  
: : CERTIFICATE PREREQUISITE  
v. :  
: WINFIELD E. BLOOM, : TYPE OF CASE: CIVIL  
: Defendant. : FILED ON BEHALF OF:  
: : DEFENDANT  
: :  
: : COUNSEL OF RECORD FOR  
: : FOR THIS PARTY:  
: : 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) 238-962

E6K  
FILED NO CC  
m/10/52/04  
AUG 31 2004

William A. Shaw  
Prothonotary/Clerk of Courts

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: :  
Plaintiff, : :  
: :  
v. : :  
: :  
WINFIELD E. BLOOM, : :  
: :  
Defendant. : :

**CERTIFICATE**  
**PREREQUISITE TO SERVICE OF SUBPOENA**  
**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 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) Plaintiff's 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.

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: August 30, 2004

Attorneys for Defendant

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff,

v.

WINFIELD E. BLOOM,

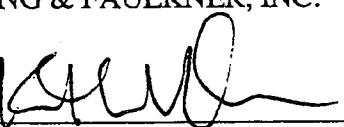
Defendant.

**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 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 subpoenas. If no objection is made, the subpoenas may be served.

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

Date: August 24, 2004

By: 

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

Attorneys for Defendant

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v.

WINFIELD E. BLOOM, :

Defendant. :

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

TO: *Wellsboro Family Practice, LLC*  
*Attention: Records Custodian*  
*103 West Avenue*  
*Wellsboro, PA 16901*

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 in your possession pertaining to Cheryl Hillyard, Social Security No. 169-56-8041, Date of Birth 4/3/1963.*

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

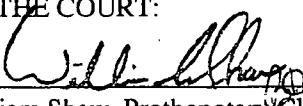
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things 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 27, 2004

*Cheryl Hillyard v. Winfield E. Bloom*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on Cheryl Hillyard, (SS# 169-56-8041; DOB: 4/3/1963), 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 Cheryl Hillyard's health status (regardless of source), etc.

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v.

WINFIELD E. BLOOM, :

Defendant. :

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

TO: *Charles Cole Memorial Hospital*  
*Attention: Records Custodian*  
*U.S. Rte. 6*  
*Coudersport, PA 16915*

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 in your possession pertaining to Cheryl Hillyard, Social Security No. 169-56-8041, Date of Birth 4/3/1963.*

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

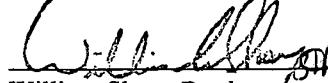
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things 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 27, 2004

*Cheryl Hillyard v. Winfield E. Bloom*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on Cheryl Hillyard, (SS# 169-56-8041; DOB: 4/3/1963), 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 Cheryl Hillyard's health status (regardless of source), etc.

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: v. :  
: :  
WINFIELD E. BLOOM, :  
: Defendant. :  
:

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

TO: *Conemaugh Memorial Hospital*  
*Attention: Records Custodian*  
*1086 Franklin Street*  
*Johnstown, PA 15905-4398*

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 in your possession pertaining to Cheryl Hillyard, Social Security No. 169-56-8041, Date of Birth 4/3/1963.*

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

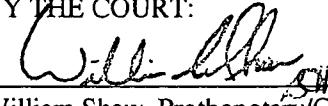
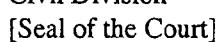
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things 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 27, 2004

*Cheryl Hillyard v. Winfield E. Bloom*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on Cheryl Hillyard, (SS# 169-56-8041; DOB: 4/3/1963), 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 Cheryl Hillyard's health status (regardless of source), etc.

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :

v. :

WINFIELD E. BLOOM, :

Defendant. :

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

TO: *Dr. Michael Larsen, D.C.*  
Attention: *Records Custodian*  
*201 Allegany Avenue*  
*Coudersport, PA 16915*

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 in your possession pertaining to Cheryl Hillyard, Social Security No. 169-56-8041, Date of Birth 4/3/1963.*

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

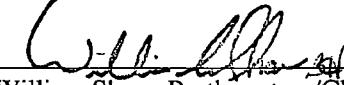
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things 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 27, 2004

*Cheryl Hillyard v. Winfield E. Bloom*

**DOCUMENTS TO BE PRODUCED**

Any and all records for as long as you retain same and regardless of treating physician on Cheryl Hillyard, (SS# 169-56-8041; DOB: 4/3/1963), 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 Cheryl Hillyard's health status (regardless of source), etc.

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

CHERYL HILLYARD, : No. 04-42-C.D.

Plaintiff, :  
:

v. :  
:

WINFIELD E. BLOOM, :  
:

Defendant. :  
:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoena Directed to Dr. Michael Larsen, D.C., Charles Cole Memorial Hospital, Conemaugh Memorial Hospital, and Wellsboro Family Practice, LLC in the above-captioned matter was mailed by U.S. 1<sup>st</sup> Class Mail, postage prepaid, on this 30<sup>th</sup> day of August, 2004, to the attorney of record:

James R. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

CHERYL HILLYARD, : No. 04-42-C.D.  
Plaintiff, :  
v. : TYPE OF PLEADING:  
WINFIELD E. BLOOM, : **CERTIFICATE OF SERVICE**  
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  
: McQUAIDE, BLASKO, SCHWARTZ,  
: FLEMING & FAULKNER, INC.  
: 811 University Drive  
: State College, PA 16801  
: PH# (814) 238-4926

FILED <sup>EB/1</sup>  
m 2:17 PM NO CC

OCT 15 2004

William A. Shaw  
Prothonotary

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

CHERYL HILLYARD, : No. 04-42-C.D.  
: :  
Plaintiff, : :  
: :  
v. : :  
: :  
WINFIELD E. BLOOM, : :  
: :  
Defendant. : :

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Plaintiff's  
Deposition 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 14<sup>th</sup> day  
of October, 2004, to the attorney(s) of record:

James R. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

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

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

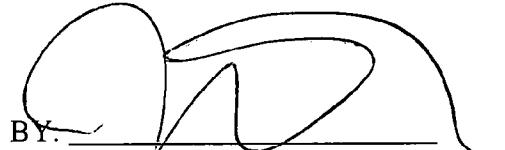
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

CHERYL HILLYARD, : No. 04-42-C.D.  
: Plaintiff, :  
: v. :  
: WINFIELD E. BLOOM, :  
: Defendant. :  
:

**PRAECIPE TO DISCONTINUE**

TO: THE PROTHONOTARY

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

  
B.Y.

James R. Rague, III, Esquire  
17 Central Avenue  
P. O. Box 507  
Wellsboro, PA 16901

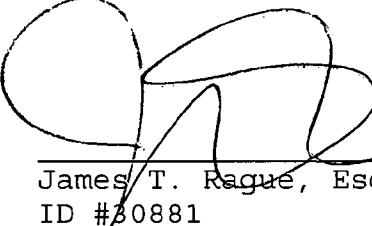
*EBK*  
**FILED** Certificate not  
m/10/4/04 requested  
DEC 01 2004 copy to CIA  
William A. Shaw  
Prothonotary/Clerk of Courts  
V.O CC

CHERYL HILLYARD : IN THE COURT OF COMMON PLEAS  
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA  
vs. : NO. 42 CD 2004  
WINFIELD E. BLOOM, :  
Defendant :  
:

CERTIFICATE OF SERVICE

I, James T. Rague, hereby certify that I served a copy of the foregoing Praeclipe to Discontinue by U.S. first class mail, postage paid, this 30th day of November, 2004, on the following:

Katherine V. Oliver, Esquire  
McQUAIDE BLASKO  
811 University Drive  
State College, PA 16801



James T. Rague, Esquire  
ID #30881  
17 Central Avenue  
P.O. Box 507  
Wellsboro, PA 16901  
(570) 724-1332

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**Cheryl Hillyard**

Vs.  
**Winfield E. Bloom**

No. 2004-00042-CD

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 1, 2004, marked:

Settled, Ended, and Discontinued with Prejudice

Record costs in the sum of \$85.00 have been paid in full by James R. Rague, III, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 1st day of December A.D. 2004.

---

William A. Shaw, Prothonotary