

04-259-CD
JAIME U. CONDON vs. PYRAMID HEALTH CARE, INC.

Jaime Condon vs. Pyramid Health Care Inc
2004-259-CD



C. Wayne Hippo, Jr. Esq.

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Date: 09/01/2005

Time: 10:01 AM

Page 1 of 2

Clearfield County Court of Common Pleas

User: LBENDER

ROA Report

Case: 2004-00259-CD

Current Judge: Fredric Joseph Ammerman

Jaime U. Condon vs. Pyramid Health Care Inc.

Civil Other

Date	Judge
02/23/2004 ✓ Filing: Civil Complaint Paid by: Noble, Theron G. (attorney for Condon, Jaime U.) Receipt number: 1874149 Dated: 02/23/2004 Amount: \$85.00 (Check)3 CC to Atty.	No Judge
03/11/2004 ✓ Defendant's Preliminary Objections. filed by, s/C. Wayne Hippo, Jr., Esquire Verification s/Jonathan E. Wolf Certificate of Service 1 cc to Atty Hippo	No Judge
05/04/2004 ✓ Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/12/2004 ✓ ORDER, AND NOW, this 12th day of May, 2004. re: Argument on Preliminary Objections scheduled for the 10th day of June, 2004, at 10:00 a.m. in Courtroom No. 1. by the Court, s/FJA, P.J. 2 cc w/Service Memo to Atty Hippo	Fredric Joseph Ammerman
05/17/2004 ✓ Certificate of Service, May 12, 2004 Order of Court upon: Theron G. Noble, Esq. filed by, s/C. Wayne Hippo, Jr., Esq. no cc	Fredric Joseph Ammerman
06/15/2004 ✓ Order: NOW this 10th day of June, 2004, following argument on defendant's Preliminary Objections, it is the ORDER of this Court that the said Preliminary Objections be granted to the extent that Plaintiff shall file an Amended Complaint within thirty days from this date relative the issue contained in Count I as to promise and consideration and the remaining Preliminary Objections relative the alleged statements made by who and whether the same was done or considered to be done within the scope of employment. S/FJA 1 CC to Atty. Hippo, Noble.	Fredric Joseph Ammerman
07/06/2004 ✓ First Amended Civil Complaint, filed by s/Theron G. Noble, Esq. No CC	Fredric Joseph Ammerman
07/22/2004 ✓ Defendant's Answer to Complaint and New Matter filed. 1 Cert. to Atty.	Fredric Joseph Ammerman
08/27/2004 ✓ Reply To New Matter, on behalf of Plaintiff, filed by s/ Theron G. Noble, Esq. Notice Of Service. No CC.	Fredric Joseph Ammerman
11/10/2004 ✓ Motion to Compel, filed by Atty. Noble no cert. copies.	Fredric Joseph Ammerman
11/12/2004 ✓ Rule To Show Cause, NOW, this 12th day of Nov, 2004, a Rule is hereby issued upon the Defendant to SHOW CAUSE why the Motion should not be granted. Rule Returnable for filing written response, is set for the 6th day of Dec., 2004 and argument on the Petition set for the 15th day of Dec., 2004 at 9:00 a.m. in Courtroom No. 1, Clfd. Co. Courthouse. By The Court, /s/ Fredric J. Ammerman, Judge. 1CC to Atty	Fredric Joseph Ammerman
11/19/2004 ✓ Notice of Service, Rule Returnable by 1st class mail, to Defendants' counsel, on Nov. 17, 2004. Filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
11/22/2004 ✓ Defendant's Answer To Plaintiff's Motion to Compel, filed by s/ C. Wayne Hippo, Jr., Esquire. No CC	Fredric Joseph Ammerman
12/16/2004 ✓ Order, NOW, this 15th day of Dec, 2004, following argument on the Plaintiff's motion to Compel, it is the ORDER of this Court as follows: (See original), BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 4CC Atty Noble	Fredric Joseph Ammerman
04/01/2005 ✓ Defendant's Motion to Compel, filed by s/C. Wayne Hippo, Jr., Esq. One CC Attorney	Fredric Joseph Ammerman
✓ Order, AND NOW, this 1st day of April, 2005, upon consideration of Def. Motion to Compel, Plaintiff is hereby ORDERED to serve answers to Defendant's First Set of Interrogatories within 30 days of this Order. BY THE COURT: /s/ Fredric J. Ammerman, Judge. 1CC Atty. Hippo	Fredric Joseph Ammerman

Date: 08/04/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 11:43 AM

ROA Report

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Case: 2002-00169-CD

Current Judge: Fredric Joseph Ammerman

Michelle Herzing, Jeffrey A. Jarvis, Janell Herzing vs. Mary Kruszewski, DuBois Regional Medical Center, Patrick Shilala, Jerje T. Alajaji, Russell E. Cameron MD

Civil Other

Date	Judge
02/06/2004	<input checked="" type="checkbox"/> Motion to Compel Answers to Writte Discovery Requests from Defendants John K. Reilly Jr. DuBois Regional Medical Center and Russell E. Cameron, filed by Atty. Acheson no Cert. Copies.
02/11/2004	<input checked="" type="checkbox"/> ORDER OF COURT, AND NOW, this 10th day of February, 2004, re: Plaintiffs' Motion to Compel. by the Court, s/FJA, P.J. 1 cc Atty Acheson
04/28/2004	<input checked="" type="checkbox"/> Motion To Compel Plaintiffs To Answer Expert Interrogatories And/Or Produce Expert Reports. filed by, s/John WE\ Blasko, Esquire Certificate of Service no cc
05/03/2004	<input checked="" type="checkbox"/> ORDER OF COURT, AND NOW, this 3rd day of May, 2004, re: Plaintiffs to produce and serve on the Defendant within 30 days from the date hereof full and complete Answers or expert Reports (medical and non-medical) to Defendant's Expert Interrogatories or be barred from producing expert (medical and non-medical) testimony at the time of trial. by the Court, s/FJA, P.J. 4 cc Atty Blasko
05/07/2004	<input checked="" type="checkbox"/> Plaintiffs' Motion For Reconsideration. filed by, s/Amy Acheson, Esquire Certificate of Service no cc
05/10/2004	<input checked="" type="checkbox"/> Motion To Compel Defendant Kruszewski To Answer Expert Interrogatories And/Or Produce Expert Reports. filed by, s/Amy Acheson, Esq. Certificate of Service no cc
	<input checked="" type="checkbox"/> Motion To Compel Plaintiffs To Answer Expert Interrogatories And/Or Produce Expert Reports. filed by, s/David R. Johnson, Esquire Certificate of Service no cc
05/11/2004	<input checked="" type="checkbox"/> ORDER OF COURT, AND NOW, to wit, this 11th day of May, 2004, re: Defendant Kruszewski shall produce and serve upon Plaintiffs, within 30 days after receipt of Plaintiffs' expert reports, full and complete Answers or Expert Reports (medical and non-medical) to Plaintiffs' expert interrogatories or be barred from producing expert (medical or non-medical) testimony at the time of trial. by the Court, s/FJA, P.J. 1 cc to Atty
	<input checked="" type="checkbox"/> ORDER OF COURT, AND NOW, this 11th day of May, 2004, re: Plaintiffs, Fredric Joseph Ammerman Michelle Herzing and Jeffrey A. Jarvis, shall produce and serve on the Defendant, within 30 days from the date hereof full and complete answers or expert reports (medical and non-medical) to Defendants' expert interrogatories or be barred from produce expert (medical and non-medical) testimony at the time of trial. by the Court, s/FJA, P.J. 1 cc to Atty
05/13/2004	<input checked="" type="checkbox"/> ORDER, AND NOW, this 12th day of May, 2004, re: Plaintiffs' Motion For Reconsideration has been scheduled for the 14th day of June, 2004, at 10:30 a.m., in Courtroom No. 1. by the Court, s/FJA, P.J. 5 cc Atty Acheson
	<input checked="" type="checkbox"/> ORDER OF COURT, AND NOW, to wit, this 12th day of May, 2004, re: Order of Court dated May 3, 2004 is STAYED until further Order of this Court. by the Court, s/FJA, P.J. 2 cc Atty Acheson
05/18/2004	<input checked="" type="checkbox"/> Motion to Compel Defendants DuBois Regional Medical Center and Russell E. Cameron to Answer Expert Interrogatories and/or Produce Expert Reports. No cc.

Date: 09/01/2005

Time: 10:01 AM

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Clearfield County Court of Common Pleas

User: LBENDER

ROA Report

Case: 2004-00259-CD

Current Judge: Fredric Joseph Ammerman

Jaime U. Condon vs. Pyramid Health Care Inc.

Civil Other

Date		Judge
07/29/2005	✓ <input checked="" type="checkbox"/> Defendant's Motion to Compel, filed by s/C. Wayne Hippo, Jr., Esq. One CC Attorney Hippo	Fredric Joseph Ammerman
08/02/2005	✓ <input checked="" type="checkbox"/> Order, this 1st day of August, 2005, upon consideration of Defendant's Motion to Compel, it is hereby ordered that a rule is issued upon Plaintiff, Argument shall be held on Sept. 7, 2005 in Courtroom No. 1 at 10:00 A.M. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC w/memo Re: service to Atty Hippo	Fredric Joseph Ammerman
08/04/2005	✓ <input checked="" type="checkbox"/> Affidavit of Service filed. Served a true and correct copy of the August 1, 2005, Order of Court issued in the above-captioned matter togetherwith the underlying Defendant's Motion to Compel to Theron G. Noble Esquire and Mr. David Meholick on August 3, 2005 filed by s/ David A. Pertile Esquire. NO CC.	Fredric Joseph Ammerman

Date: 08/04/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 11:43 AM

ROA Report

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Case: 2002-00169-CD

Current Judge: Fredric Joseph Ammerman

Michelle Herzing, Jeffrey A. Jarvis, Janell Herzing vs. Mary Kruszewski, DuBois Regional Medical Center, Patrick Shilala, Jerjie T. Alajaji, Russell E. Cameron MD

Civil Other

Date	Judge	
05/20/2004	<p>✓ Response To Motion To Compel Defendants DuBois Regional Medical Center And Russell E. Cameron To Answer Expert Interrogatories And/Or Produce Expert Reports. filed by, s/David R. Johnson, Esquire Certificate of Service no cc</p> <p>✓ ORDER, AND NOW, this 20th day of May, 2004, re: Argument on Plaintiffs' Motion For Reconsideration has been RESCHEDULED from June 14, 2004 to Thursday, June 24, 2004, at 1:30 p.m. in Courtroom No. 1. by the Court, s/FJA, P.J. 1 cc Attys Johnson, Krier, Blasko, and Acheson</p> <p>✓ ORDER, AND NOW, this 20th day of May, 2004, re: Argument on Plaintiffs' Motion to Compel Defendants DuBois Regional Medical Center and Russell E. Cameron to Answer Expert Interrogatories and/or Produce expert Reports scheduled for the 24th day of June, 2004, at 1:30 p.m. in Courtroom 1. by the Court, s/FJA, P.J. 4 cc Atty Acheson w/service memo</p>	Fredric Joseph Ammerman
05/25/2004	<p>✗ Plaintiffs' Motion For Stay Of May 11, 2004 Order And For Reconsideration. filed by, s/Amy Acheson, Esquire Certificate of Service no cc</p>	Fredric Joseph Ammerman
05/26/2004	<p>✗ Response Of The Defendant Mary C. Kruszewski To Plaintiffs' Motion For Reconsideration. filed by, s/John W. Blasko, Esquire Certificate of Service no cc</p>	Fredric Joseph Ammerman
05/27/2004	<p>✗ Answer With New Matter To Plaintiffs' Motion To Compel Answers To Experts Interrogatories And/Or Produce Expert Reports. filed by, s/John W. Blasko, Esq. Certificate no cc</p> <p>✗ ORDER OF COURT, AND NOW, to wit, this 26th day of May, 2004, re: Order of Court dated May 11, 2004 is STAYED until further Order of this Court. by the Court, s/FJA, P.J. 3 cc Atty Acheson</p> <p>✗ ORDER, AND NOW, this 27th day of May, 2004, re: Argument on Plaintiffs' Motion for Stay of May 11, 2004 Order and for Reconsideration filed on May 25, 2004/scheduled for the 24th day of June, 2004, at 1:30 p.m., in Courtroom No. 1. by the Court, s/FJA, P.J. 4 cc Atty Acheson w/Rule Re: Service</p>	Fredric Joseph Ammerman
06/01/2004	<p>✗ Motion To Compel Further Responses To Discovery. filed by, s/Alan R. Krier, Esquire Certificate of Service no cc</p>	Fredric Joseph Ammerman
→ 06/07/2004 MISSING 8/4/05	<p>✗ Request For Argument/Hearing And Now, this 3rd day of June, 2004, argument with regard to Defendant's, JERJIE T. ALAJAJI, M.D., Motion to Compel is scheduled for the 24th day of June, 2004, at 1:30 p.m. in Courtroom #1. by the Court, s/FJA, P.J. 1 cc to Atty Krier</p>	Fredric Joseph Ammerman
06/25/2004	<p>✗ Order, NOW, this 24th day of June, 2004, parties stipulate and agree as follows:</p> <ol style="list-style-type: none">1. Plaintiffs shall file their expert reports on or before October 31, 2004;2. Defendants shall file their expert reports on or before January 31, 2005;3. Plaintiffs shall have by no later than February 28, 2005, to file a rebuttal report. BY THE COURT: /s/Fredric J. Ammerman, P.J/ Two CC Attys Acheson, Blasko, D. Johnson, Krier	Fredric Joseph Ammerman
01/31/2005	<p>✗ Expert Report and Curriculum Vitae of W. Scott Morse, M.D., filed by s/Alan R. Krier, Esq. No CC</p>	Fredric Joseph Ammerman
02/04/2005	<p>✗ Plaintiffs' Motion for Enlargement of Time in Which to Serve Rebuttal Expert Reports, filed by Atty. Acheson 1 Cert. to Atty.</p>	Fredric Joseph Ammerman

Date: 01/30/2006

Time: 08:53 AM

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Clearfield County Court of Common Pleas

ROA Report

User: LBENDER

Case: 2004-00259-CD

Current Judge: Fredric Joseph Ammerman

Jaime U. Condon vs. Pyramid Health Care Inc.

Civil Other

Date	Selected Items	Judge
09/09/2005	✓ Order, Now, this 7th day of Sept., 2005, following argument on Def.'s Motion to Compel filed on July 29, 2005, it is the Order of this Court as follows: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Noble, Hippo	Fredric Joseph Ammerman
11/08/2005	✓ Praecipe To Enter Notice of Jury Trial Demand, filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
12/21/2005	✓ Motion to Strike Praecipe to Enter Notice of Jury Trial Demand and Motion for Sanctions, filed by Atty. Hippo, Jr. 1 Cert. to Atty.	Fredric Joseph Ammerman
12/22/2005	✓ Order AND NOW, this 21st day of December, 2005, upon consideration of Fredric Joseph Ammerman the foregoing Motion to Strike Praecipe to Enter Notice of Jury Trail Demand, it is hereby ordered that: The plaintiff shall file an answer to the motion within 20 days of this date; The Motion shall be decided under Pa.R.C.P. 206.7; Depositions and all other discovery shall be completed within 60 day of this date; An evidentiary hearing on disputed issues of material fact shall be held on January 31, 2006 in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. 1 @ 2:00 p.m.; Oral argument shall be held on January 31, 2006 in Courtroom No. 1 of the Clearfield County Courthouse @ 2:00 p.m.; Notice of the entry of this order shall be provided to all parties by the moving party. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1 CC Atty Hippo.	

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

No. 04-259-CD

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

DEFENDANT.

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

FEB 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JAIME U. CONDON,)
an adult individual;)
)
PLAINTIFF,)
)
v.)
PYRAMID HEALTH CARE, INC.,)
a Pennsylvania Corporation,)
)
DEFENDANTS.)
)
No. 04-_____ -CD

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholic, Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04-_____CD
PYRAMID HEALTH CARE, INC.,)
a Pennsylvania Corporation,)
DEFENDANTS.)

CIVIL COMPLAINT

NOW COMES, Jaime U. Condon, Plaintiff, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her CIVIL COMPLAINT:

The Parties

1. Plaintiff is Mrs. Jaime U. Condon, 7031 State Route 322, West Decatur, Clearfield County, Pennsylvania 16878, and who at all relevant and material times did reside within Clearfield County, Pennsylvania.
2. That Defendant is Pyramid Health Care, Inc., hereinafter "Pyramid", upon information and belief, a duly formed and existing Pennsylvania corporation with principal office located at 1216 Eleventh Avenue, Altoona, Blair County, Pennsylvania 16603.

Background

3. Amongst its business activities, Defendant Pyramid does own and operate a facility under the name of the Harmony Center, hereinafter "Harmony", located at 750 Leonard Street, Clearfield County, Pennsylvania.
4. That Harmony does provide behavioral healthcare services to residents, being males between the ages of 12 to 18 years of age, who have been placed under Harmony's custody and/or control, with a primary emphasis on residential treatment settings,

including mental health, mental retardation, drug and alcohol programs.

5. That on, or about June 18, 2001, Mrs. Jaime U. Condon was hired by Defendant Pyramid to be a counselor assistant at Harmony.
6. That as a counselor assistant Mrs. Condon would interact with residents by doing such things as administering medications, intervention, supervision, structure activities and transporting residents to various places for such things as clinics, classes, activities and personal hygiene goods.
7. That at the time of her hire, Mrs. Condon did not receive any formal training from Defendant other than she was presented with an employee handbook.
8. On, or about June 23, 2003, a resident of Defendant's at Pyramid, identified for reasons of confidentiality as "Brandon S.", believed to be 16 years of age at the time, made accusations to Defendant that Mrs. Condon made sexual advances towards him and performed sexual acts with him in a van owned by Defendant Pyramid.
9. That the resident identified as Brandon S. was placed with Harmony through Allegheny County's Children and Youth Services and did suffer from various mental illnesses.
10. That as a result of these aforementioned allegations, Defendant Pyramid conducted its own investigation as well as made necessary reports to local law enforcement and Allegheny County's Children and Youth Services, hereinafter "CYS".
11. As to Defendant Pyramid's internal investigation, that same was conducted by Matthew Hosband, the director at Harmony who at the time was approximately 24 years of age and had no experience or training in conducting such criminal investigations.
12. That as part of their internal investigation, Mrs. Condon was informed of the allegations made by Brandon S. and was asked about the same.
13. During this interview, Mrs. Condon denied the allegations and was informed that she would be placed on unpaid suspension while the investigation was being conducted. Mrs. Condon was further informed at this time that if she was cleared of the allegations, she would be returned to work and would be paid for the period of her suspension.
14. That Allegheny County's CYS determined that Brandon S.'s allegations were "unfounded" and cleared Mrs. Condon as to the allegations. A true and correct copy of Allegheny County's CYS letter indicating as such is attached hereto as Exhibit "A".
15. That the law enforcement agency, being the Lawrence Township Police Department with the assistance of the Pennsylvania State Police, which also investigated these allegations also cleared Mrs. Condon. A true and correct copy of this report indicating as

such is attached hereto as Exhibit "B".

16. That upon information and belief, Brandon S. has actually been charged, or will be charged, for making false reports to law enforcement officials or with providing false information, and that Mrs. Condon is the victim of the crime committed by Brandon S..
17. That at the time of her suspension, Mrs. Condon was working full time as a counselor assistant making approximately \$350 per week, in an amount to be more fully determined at time of trial.
18. That despite being cleared of the allegations made against her, Mrs. Condon was terminated from her employment with Defendant Pyramid and informed as such on, or about August 27, 2003.
19. That the reason she was so terminated was that she allegedly provided false information during the internal investigation performed by Defendant Pyramid and Matthew Hosband.
20. That Mrs. Condon did not knowingly provide false information during the internal investigation but any such differences reflect the poor investigation conducted by the untrained and inexperienced Matthew Hosband who conducted such investigation.
21. That the employment handbook given to Mrs. Condon at the time of her hire, at page 7, indicates that appropriate procedures and appeal mechanisms are "established, maintained and administered". See Exhibit "C".
22. That Mrs. Condon was not afforded with any appropriate procedural and/or appeal mechanism, nor did she receive the back pay for the period of her suspension despite being cleared of the allegations made against her by Brandon S.
23. That between June 23, 2003 and August 27, 2003, Mrs. Condon did not seek other employment as she relied upon Defendant Pyramid's statement to her that she would be reinstated, with back pay, once she was cleared of the allegations made by Brandon S.
24. That upon information and belief, a meeting with Pyramid's other employees was held sometime in July 2003 wherein Brandon S.'s allegations as well as Mrs. Condon's employment status was discussed.
25. That it became generally known in the community that Mrs. Condon was terminated from her employment because 'she was sleeping with a client'.
26. That Mrs. Condon's husband, William, heard these false statements or rumors at his work place, Appalachian Woods, also located in Clearfield County, Pennsylvania.
27. That these rumors, being false in nature and known to be false in nature, were

intentionally and knowingly made and published by employees of Defendant Pyramid.

28. That Defendant Pyramid, through its employees, violated its own policies of confidentiality as it relates to this matter by making known such allegations, even if the same were true, which were not true. See Exhibit "D", procedure "1".

29. That as a direct and proximate result of such false statements being made by Defendant Pyramid's employees, Mrs. Condon suffered damages to her reputation in the community, for which she should be compensated in an amount to be determined at time of trial.

30. That besides her reputation being damaged, Mrs. Condon also suffered physical damages given the false rumors being spread about her for which she received and does receive medical treatment and should be compensated in an amount to be determined at time of trial.

31. The physical ailments so suffered by Mrs. Condon include inability to sleep, anxiety, depression, weight loss and constant headaches.

32. The false statements or rumors besides causing the physical ailments herein described, also caused Mrs. Condon to suffer emotional distress, as well as problems with her marriage, for which she should be compensated in an amount to be determined at time of trial.

33. That the making known and/or publication of such false statements by Defendant Pyramid's employee or employees, was done so, upon information and belief, in a grossly negligent, reckless or intentional manner such that Defendant Pyramid should be made to pay punitive damages in an amount to be determined.

Count I: Breach of Contract/Detrimental Reliance

34. That the averments of paragraphs 1 - 33, inclusive, are hereby incorporated as if again fully set forth at length.

35. That Mrs. Condon did seek other employment between the period from when she was informed she was suspended, June 23, 2004, and the time she was informed that she was not suspended but rather being terminated, being August 27, 2003.

36. That Mrs. Condon had no reason to so seek alternative employment as she told by her employer that she would be returned to work, with back pay, providing the allegations of Brandon S. were not true, and for which Mrs. Condon knew they were not true.

37. Furthermore, given the circumstances, being suspended with the promise of back pay, Mrs. Condon had no reason, nor the opportunity to seek unemployment

compensation for this period.

38. In the alternative, Defendant Pyramid promise of return to full time status providing Brandon S.'s allegations were not true, created a contract with Mrs. Condon which has been breached by them not returning Mrs. Condon to full time status once it was determined that said allegations were false.

39. In that Brandon S.'s allegation were false, Defendant Pyramid should compensate Mrs. Condon for the wages she lost between June 23, 2003 and August 27, 2003, in the approximate amount of \$2,600, to be more fully determined at time of trial.

Count II: Defamation

40. That the averments of paragraphs 1 - 40, inclusive, are hereby incorporated as if again fully set forth at length.

41. That Defendant Pyramid, by and through its employees of the Harmony, informed others in the Clearfield County community that Mrs. Condon was terminated, even before she was in fact terminated, because she slept with or was having sexual relations with a resident.

42. That said statements were known to be false.

43. In the alternative, said statements should have been known to be false.

44. That said employee or employees who published such statements had no legitimate reason nor cause to make such statements, even if the same were true.

45. In fact, even under the Defendant Pyramid's policies, said statements should not have been made.

46. That said statements, upon information and belief, were made with in a negligent, grossly negligent, reckless or intentional manner as to the truth of the same and for no legitimate reason other than to cause harm to Mrs. Condon's reputation.

47. If in fact the same were shown to have been done in a grossly negligent, reckless or intentional manner, Defendant Pyramid, should also be ordered to pay punitive damages in an amount to be determined at time of trial.

48. That given the nature of the statements, Mrs. Condon suffered damages to her reputation in the community as well as embarrassment, emotional distress, subjected her to ridicule, all for which Mrs. Condon should be compensated in an amount to be determined at time of trial.

Count III: Intentional Infliction of Emotional Distress

49. That the averments of paragraphs 1 - 48, inclusive, are hereby incorporated as if again fully set forth at length.
50. That publication of such false statements by Defendant through its employees, were extreme and outrageous acts, serving no legitimate purpose.
51. It was known, or reasonably should have been known, to the employees of Defendant Pyramid that publication of such statements were likely to cause Mrs. Condon to suffer the aforementioned damages.

Miscellaneous

52. That jurisdiction is appropriate.
53. That venue is appropriate.
54. That Defendant Pyramid is responsible for the acts of its employees, agents and servants as herein stated.

WHEREFORE, Plaintiff requests that judgment be entered in her favor and against Defendant in an amount in excess of \$25,000 together with costs and attorney's fees.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiff
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.No.: 55942



Monica Allen-Chapman
Regional Program Representative

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF CHILDREN, YOUTH AND FAMILIES
701 State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222

(412) 566-7738
Fax: (412) 566-7808

August 21, 2003

Ms. Jamie Condon
c/o Harmony Center
750 Leonard Street
Clearfield, Pennsylvania 16830

Dear Ms. Condon:

The Western Region Office of Children, Youth and Families has completed the child abuse investigation on Brandon Sanford, wherein you were named as the alleged perpetrator. This letter is to inform you that the status of the report is "Unfounded."

Should you have any questions on the investigation or the status of the report, please contact my office at your convenience.

Sincerely,

A handwritten signature in cursive ink that reads "Monica Allen-Chapman/rp".

Monica Allen-Chapman, MSW
Regional Program Representative
Office of Children, Youth and Families

cc: Ms. Corie Nusser, ACCYS-SRO
Mr. Matt Husband, Harmony Center

Exhibit "A"

SF 7-0025 (10-83)

PENNSYLVANIA STATE POLICE
GENERAL INVESTIGATION REPORTINCIDENT NO.
C01-0763501DATE OF REPORT
11/13/03INVESTIGATOR OFFICER
CPL. Ronald P. SHIREY
TROOP STATION
Troop C / Punxsutawney 1310

5. SUBJECT (NATURE OF INVESTIGATION OR NAME AND ADDRESS OF INDIVIDUAL)

Polygraph examination for a statutory sexual assault investigation by the Lawrence Township Police Department. Examinee: Jaime CONDON

6.

INSTRUCTIONS: REPORT WILL BE PREPARED IN THE FOLLOWING ORDER: REASON FOR INVESTIGATION, SYNOPSIS OF INVESTIGATION, CONCLUSION, RECOMMENDATIONS AND COMMENT (WHEN APPROPRIATE), LIST OF ATTACHMENTS (IF ANY) AND DETAILS WHICH SUPPORT THE SYNOPSIS.

REASON FOR INVESTIGATION: Officer Ted DOHNER of the Lawrence Twp. Police Dept. requested a polygraph examination for investigation incident # 1039-03.**SYNOPSIS OF INVESTIGATION:** On 11/13/03, I conducted a polygraph examination for this investigation at Lawrence Twp. PD. The following is an overview of the polygraph examination process.**BACKGROUND & PREPARATION:** Upon arrival at Lawrence Twp. PD, I met with Officer Mark BROOKS and discussed the investigation. I reviewed the case file. The investigation involved allegations of statutory sexual assault by 17-year-old male Brandon SANFORD. SANFORD had alleged that he had intercourse with 26-year-old Jaime CONDON, a female counselor assistant at the Harmony Center, a group home for troubled youth. SANFORD also alleged that CONDON had touched him sexually and performed fellatio on him on one occasion. CONDON was previously interviewed and denied the allegations.**PRE-TEST INTERVIEW:** At approx. 0907 hours I met with examinee Jaime Urian CONDON, DOB: 10/08/77, ADDRESS: 7031 State Route 322, P.O. Box 7, West Decatur, PA. CONDON was advised of her constitutional rights under MIRANDA and of the voluntary nature of polygraph testing. She signed a rights waiver form that I will retain with polygraph file # 030526.

The allegations made by Brandon SANFORD were discussed during the post-test interview. The examinee very strongly denied ever having any kind of sexual contact with Brandon SANFORD. She said SANFORD was a very difficult resident to deal with. He was very stubborn and gave the counselors a hard time. She was able to develop a rapport with him and he had opened up to her about some of his past problems. She thinks SANFORD possibly developed a crush on her.

CONDON denied ever touching SANFORD in any private areas, or ever kissing him. She denied ever having any intercourse with him. She denied ever giving him any oral sex. She said SANFORD had once touched her hair and once put his hand on her hip. In both instances she told him this was inappropriate and advised him not to touch her.

I asked CONDON if she ever took SANFORD to Wal-Mart by herself. She said she has taken many of the residents to Wal-Mart and that probably included SANFORD; however, she said she never took him there by himself. She said the only place she ever took SANFORD alone was to the Clearfield Hospital Emergency Room one time when he became ill.

She said she suspects SANFORD fabricated these allegations to get back at her after he overheard comments she had made to other counselors about SANFORD. She said she was involved in a staff meeting where she expressed her happiness that SANFORD was leaving the home. She said he seemed upset with her after this. She believes he may have overheard her comments or was told what she said. CONDON also stated she didn't get along all that well with some of the other employees there. She thinks they would lie or stretch the truth in order to get her in trouble.

7. OFFICER NAME / SIGNATURE
Cpl. Ronald P. SHIREY*** CONTINUED ***
BADGE NO. 4586 R. SURV. INITIALS *RLS*

BADGE NO. 4536

9. ORIGINAL
 SUPPLEMENTAL

PENNSYLVANIA STATE POLICE
GENERAL INVESTIGATION REPORT1. INCIDENT NO.
C01-07635012. DATE OF REPORT
11/13/033. INVESTIGATING OFFICER
Cpl. Ronald P. SHIREY4. TROOP STATION
Troop C / Punxsutawney 1310

5. SUBJECT (NATURE OF INVESTIGATION OR NAME AND ADDRESS OF INDIVIDUAL)

Polygraph examination for a statutory sexual assault investigation by the Lawrence Township Police Department. Examinee: Jaime CONDON

6.

INSTRUCTIONS: REPORT WILL BE PREPARED IN THE FOLLOWING ORDER: - REASON FOR INVESTIGATION, SYNOPSIS OF INVESTIGATION, CONCLUSION, RECOMMENDATIONS AND COMMENT (WHEN APPROPRIATE), LIST OF ATTACHMENTS (IF ANY) AND DETAILS WHICH SUPPORT THE SYNOPSIS.

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7. OFFICER NAME / SIGNATURE
Cpl. Ronald P. SHIREY*** CONTINUED ***
BADGE NO. 4586 R. SURV. INITIALS *R.P.S.*

BADGE NO. 453e

 ORIGINAL
 SUPPLEMENTAL

CHART COLLECTION & ANALYSIS: After completing the pre-test interview, a polygraph examination was conducted using the AFMGQT technique. The examinee answered "no" to the following relevant questions on four separate testing sequences:

1. Did you ever kiss Brandon?
2. Did you ever have any kind of sexual intercourse with Brandon?
3. Did you ever have oral sex with Brandon?

The polygraph charts were then reviewed and analyzed. The examinee's physiological responses to the above listed relevant questions were found to be generally consistent with non-deceptive responses.

CONCLUSION: After completing the entire polygraph process, it is my opinion the examinee did not engage in any sexual acts with Brandon SANFORD as he has alleged.



Cpl. Ronald P. SHIREY

 Exhibit "B"

6/9/83

EQUAL EMPLOYMENT OPPORTUNITY

PYRAMID is an equal opportunity employer. In adhering to all applicable state, federal and local laws, it is the policy of the company that all applicants for employment will be considered on the basis of job related criteria; further, all persons employed will be treated in employment matters without regard to race, color, religion, age, sex (except where sex is a bona fide occupational qualification), national origin, or handicap or disability. Such action includes, but is not limited to, the following: employment; promotion, demotion, transfer, layoff and termination, recruitment and recruitment advertising, rates of pay and other forms of compensation, selection for training, and all facility-sponsored social and recreational programs.

INSERVICE EDUCATION AND TRAINING

PYRAMID will educate and train employees through a variety of approaches, including orientation sessions, inservice activities, and the support of externally offered seminars, conferences, workshops and similar events; these activities will be provided or supported on the basis of support of operational goals and objectives and the mutual benefit of the event to the employee and PYRAMID.

LICENSURE, CERTIFICATION AND REGISTRATION

Individuals whose positions require licensure, registration or certification are responsible for maintaining such as current and valid. Additionally, these employees are responsible for verifying this status to the employer as PYRAMID deems necessary or desirable.

ORIENTATION

An Employee Orientation Program will be held on an as-needed basis. Attendance is mandatory. If an employee reports to work for the first time on a day other than orientation day, the employee must complete the necessary paperwork in order to be placed on the payroll. The employee will be advised when orientation will be held and that attendance is mandatory. It is the responsibility of the immediate supervisor to arrange the employee's work schedule to allow the new employee to attend.

POLICY AND PROCEDURE MANUAL

The Human Resources policies are provided in a written format and are available for review through your Supervisor. These policies are intended to establish effective communication methods without creating an expressed or implied contract of employment between the employer and employee. Human Resources will assure that appropriate procedures and appeal mechanisms are established, maintained and administered.

RECRUITMENT AND SELECTION

Management and Human Resources staff will follow a defined, standard process to generate candidates for employment and to screen these candidates for selection purposes. The offer of hire will be made based on job qualifications and without regard to race, age, color, sex, religious or political opinion or affiliation, handicap or veteran status.

RECEIVED

SEP 10 2003

Altoona UC Service Center

PYRAMID
Healthcare***POLICY/PROCEDURE***

Title:	Issued By: Human Resources
Ethics Policy	Date Issued: 07/01/99
	Date Reviewed/Revised: 6/10/03

PURPOSE: To promote the ethical behavior of staff as it relates to work, clients, and personal conduct.

POLICY: All persons who work in the organization share in the responsibility of observing a code of ethics which requires, in general, the welfare of the client to be the employees' prime concern. This code of ethics requires truthfulness, honesty, and personal integrity.

SCOPE: Employees of PYRAMID facilities.

PROCEDURE: 1. All information concerning clients must be held in strict confidence. Employees should not discuss clients or clients problems with individuals not associated with the facility and the clients care; nor should employees discuss clients or clients' problems when off duty, with other employees or non-employees.

2. All employees' private, as well as professional, lives are expected to be conducted in a manner consistent with the responsible image that PYRAMID wants to project to clients, visitors, and community.

3. PYRAMID is proud of the reputation which its employees have developed for courtesy, friendliness, and quality client care; Employees who do not conduct themselves in such a manner as to maintain this reputation may be subject to strict disciplinary measures.

4. The ability of the client to rely on facility as concerned and caring individuals who remain objective in their guidance is one of the tenets of a safe therapeutic relationship. When staff interact with clients in a personal manner, the relationship may no longer be objectively safe and therapeutic. Thus PYRAMID enforces a policy of non-fraternization with current and former clients. While there are conceivably exceptions, the general expectation is that the employees are not to establish a personal relationship with a current or former client.

5. PYRAMID recognizes that there are times when peers, friends, families, or neighbors of employees seek treatment for emotional well-being. In these circumstances, it will be the policy of the company that the relationship remain of the nature it was prior to admission, assuming this is in the client's best therapeutic interest.

A. Specifically, it is PYRAMID's policy that staff shall not be allowed to be involved in the treatment process of a friend, peer, family member or neighbor.

Exhibit "D"

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

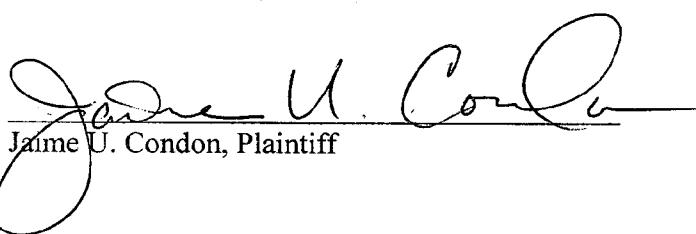
DEFENDANTS.

)
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)
No. 04-_____ -CD

VERIFICATION

I, Jaime U. Condon, Plaintiff, does hereby swear and affirm that I have read the foregoing and attached CIVIL COMPLAINT in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 11th day of February, 2004.



Jaime U. Condon, Plaintiff

FILED

3cc *Any Noble*
O/11750
FEB 23 2004

William A. Shaw
Atty pd \$5.00

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

CIVIL DIVISION

NO. 04-259-CD

**PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT**

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED

MAR 11 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION

Plaintiff, : NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC., :

Defendant. :

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon consideration of the Preliminary Objections filed on behalf of Defendant Pyramid Healthcare, Inc., and other good cause shown, it is hereby ORDERED that Plaintiff's Complaint is dismissed for failure to state a claim.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

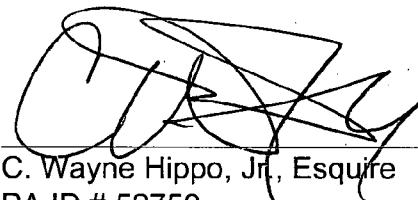
PYRAMID HEALTHCARE, INC.,

Defendant.

NOTICE TO PLEAD

TO: JAIME U. CONDON, Plaintiff

You are hereby notified to plead to the enclosed Preliminary Objections within twenty (20) days from the date of service or a judgment may be entered against you.



C. Wayne Hippo, Jr., Esquire
PA ID # 52752

Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION

Plaintiff, : NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC., :

Defendant. :

DEFENDANT'S PRELIMINARY OBJECTIONS

AND NOW, COMES the Defendant, Pyramid Healthcare, Inc., by and through its attorney, C. Wayne Hippo, Jr., Esquire, and files these Preliminary Objections, averring as follows:

1. Plaintiff instituted this action against Defendant for breach of contract, defamation, and intentional infliction of emotional distress.
2. Defendant hired Plaintiff on or about June 18, 2001, as an at-will employee.
3. Defendant suspended Plaintiff on or about June 23, 2003, after one of Defendant's minor clients accused Plaintiff of having a sexual relationship with him.
4. As part of Defendant's internal investigation of the accusations, Defendant interviewed Plaintiff on June 23, 2003, and inquired as to whether Plaintiff had ever accompanied her accuser off facility grounds alone.
5. Plaintiff denied that she ever accompanied her accuser off facility grounds alone.

6. Subsequent interviews with other Defendant employees revealed that several employees had witnessed Plaintiff accompanying her accuser off facility grounds alone on multiple occasions prior to June 21, 2003.

7. After concluding that Plaintiff deliberately gave false reports during Defendant's internal investigation, Defendant terminated Plaintiff's employment on August 25, 2003.

I. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER TO COUNT I OF PLAINTIFF'S COMPLAINT PURSUANT TO RULE 1028(a)(4)

8. Defendant hereby incorporates Paragraphs 1 through 7 as if fully set forth herein.

9. Plaintiff's claim against Defendant in Count I of her Complaint is based solely on her allegation that Defendant promised that Plaintiff would be reinstated with back pay if the accusations made against her were proven false, thus allegedly creating an oral contract.

10. Defendant denies making such a promise.

11. Even if Defendant did make such a promise, Plaintiff's claim for breach of contract would still fail as a result of insufficient consideration on Plaintiff's part to support the creation of a binding contract.

12. A necessary element of consideration, which is required in order to create a binding contract, is bargained-for-exchange.

13. Bargained-for-exchange indicates that, but for the contract, a particular party is not legally obligated to perform.

14. In the present case, Plaintiff was never legally bound to undertake any performance pursuant to the terms of any alleged oral contract, thus making the

creation of a binding agreement impossible. *Thompson v. Schriver*, 57 Pa. D. & C.4th 157 (2002).

15. Although Plaintiff refrained from seeking alternative employment between June 23, 2003, and August 25, 2003, she was not required to do so, nor did Defendant bargain for her to do so in return for any promise Defendant may or may not have made.

16. Plaintiff failed to allege the necessary facts in her Complaint to support the existence of a binding contract between the parties.

WHEREFORE, Defendant, Pyramid Healthcare, Inc., respectfully requests this Court to dismiss Count I of Plaintiff's Complaint pursuant to Rule 1028(a)(4) of the Pennsylvania Rules of Civil Procedure for failure to state a claim.

II. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER TO COUNT II OF PLAINTIFF'S COMPLAINT PURSUANT TO RULE 1028(a)(4)

17. Defendant hereby incorporates Paragraphs 1 through 16 as if fully set forth herein.

18. Plaintiff alleged in her Complaint that Defendant's "employee or employees" published defamatory statements regarding Plaintiff.

19. Where an employee publishes a defamatory statement, the employer will not be vicariously liable unless the employee was acting within the scope of his or her employment or on behalf of the employer. *Michaelson v. Exxon Research & Engineering Co.*, 629 F.Supp. 418 (W.D. Pa. 1986).

20. To be considered within the scope of employment, the conduct of the employee must be of a kind that the employee was employed to perform; the conduct must occur substantially within the authorized time and space limits of the employee's

employment; and the conduct must be actuated, at least in part, by the purpose to serve the employer. *Shuman Estate v. Weber*, 276 Pa. Super. 209, 419 A.2d 169 (1980).

21. Plaintiff did not allege that Defendant's "employee or employees" made the alleged defamatory statements with authority or on behalf of Defendant.

22. Plaintiff did not allege that Defendant's "employee or employees" made the alleged defamatory statements during the course of employment.

23. Plaintiff failed to allege the necessary facts in her Complaint to support a cause of action for defamation against Defendant.

WHEREFORE, Defendant, Pyramid Healthcare, Inc., respectfully requests this Court to dismiss Count II of Plaintiff's Complaint pursuant to Rule 1028(a)(4) of the Pennsylvania Rules of Civil Procedure for failure to state a claim.

III. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURRER TO COUNT III OF PLAINTIFF'S COMPLAINT PURSUANT TO RULE 1028(a)(4)

24. Defendant hereby incorporates Paragraphs 1 through 23 as if fully set forth herein.

25. Plaintiff alleged in her Complaint that the publication of defamatory statements, allegedly by Defendant's employee or employees, caused Plaintiff to suffer severe emotional distress.

26. In order to be liable for the intentional infliction of emotional distress in this case, Defendant must also be liable for the alleged defamation that allegedly caused said emotional distress.

27. For the reasons set forth in Paragraphs 15 through 19 of these Preliminary Objections, Plaintiff did not allege the necessary facts in her Complaint to support a cause of action for defamation against Defendant. Specifically, Plaintiff did not allege

that Defendant's "employee or employees" published the alleged defamatory statements during the course of his or her employment and/or that such publication was authorized by Defendant.

28. An employer may be held liable for the intentional torts of an employee only when the employee committed the tortious conduct during the course of his or her employment and within the scope of his or her authority. *Valles v. Albert Einstein Medical Center*, 805 A.2d 1232 (2002).

29. Plaintiff failed to allege the necessary facts in her Complaint to support a cause of action for intentional infliction of emotional distress against Defendant.

WHEREFORE, Defendant, Pyramid Healthcare, Inc., respectfully requests this Court to dismiss Count III of Plaintiff's Complaint pursuant to Rule 1028(a)(4) of the Pennsylvania Rules of Civil Procedure for failure to state a claim.

**IV. PRELIMINARY OBJECTION IN THE NATURE OF INSUFFICIENT
SPECIFICITY IN A PLEADING TO COUNT II OF PLAINTIFF'S COMPLAINT
PURSUANT TO RULE 1028(a)(3)**

30. Defendant hereby incorporates Paragraphs 1 through 29 as if fully set forth herein.

31. Plaintiff alleged in her Complaint that Defendant's "employee or employees" published defamatory statements regarding Plaintiff.

32. Paragraph 25 of Plaintiff's Complaint alleges, "it became generally known in the community that (Plaintiff) was terminated from her employment because 'she was sleeping with a client.'"

33. Although Plaintiff generally alleged that defamatory statements were published and that these statements led to the general knowledge referenced in

Paragraph 25 of the Complaint, Plaintiff did not identify what defamatory statements led to the proliferation of such general knowledge.

34. A plaintiff must identify and plead the precise words claimed to be defamatory. *Moses v. McWilliams*, 379 Pa. Super. 150, 549 A.2d 950 (1980).

35. Plaintiff did not identify the "employee or employees" of Defendant who allegedly published the defamatory statements.

36. Paragraph 41 of Plaintiff's Complaint alleges, "Defendant Pyramid, by and through its employees of the Harmony, informed others in the Clearfield County community that (Plaintiff) was terminated...because she slept with or was having sexual relations with a resident."

37. Plaintiff does not allege when the alleged publication took place or the identities of "others in the Clearfield County community."

38. A plaintiff must plead the exact occasion of the publication of defamatory statements and the specific identity of the recipients. *Raneri v. Depolo*, 65 Pa. Cmwlth. 183, 441 A.2d 1373 (1982).

39. Plaintiff's Complaint is pled with insufficient specificity to apprise Defendant of the factual basis for Plaintiff's claim for defamation against Defendant.

WHEREFORE, Defendant respectfully requests this Court to order Plaintiff to replead with specificity the allegations in Count II of Plaintiff's Complaint against Defendant pursuant to Rule 1028(a)(3) of the Pennsylvania Rules of Civil Procedure.

Respectfully submitted:



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: March 10, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

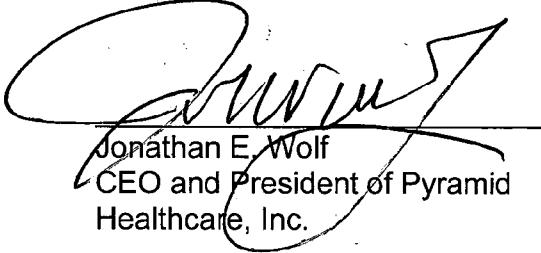
PYRAMID HEALTHCARE, INC.,

Defendant.

VERIFICATION

I verify that the statements made herein are true and correct to the best of my knowledge, information, and belief, and are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: March 10, 2004


Jonathan E. Wolf
CEO and President of Pyramid
Healthcare, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

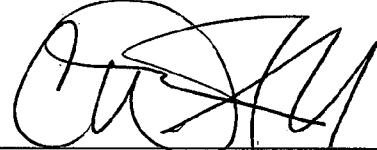
PYRAMID HEALTHCARE, INC.,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March, 2004, a true and correct copy of the foregoing Defendant's Preliminary Objections was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED ^{cc}
M 11/5/04 Atty Hippo
MAR 11 2004
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

CONDON, JAIME U.

VS.

PYRAMID HEALTH CARE, INC.

COMPLAINT

Sheriff Docket # 15230

04-259-CD

SHERIFF RETURNS

NOW FEBRUARY 25, 2004, LARRY FIELD, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON PYRAMID HEALTH CARE INC., DEFENDANT.

NOW FEBRUARY 28, 2004 SERVED THE WITHIN COMPLAINT ON PYRAMID HEALTH CARE INC., DEFENDANT BY DEPUTIZING THE SHERIFF OF BLAIR COUNTY. THE RETURN OF SHERIFF FIELD IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED HOLLY STEIDLE, ADM. ASST.

Return Costs

Cost	Description
28.43	SHERIFF HAWKINS PAID BY: ATTY CK# 1321
10.00	SURCHARGE PAID BY: ATTY CK# 1320
23.50	BLAIR CO. SHFF. PAID BY: ATTY

Sworn to Before Me This

4th Day Of May 2004
C-11-11

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

So Answers,

*Chester Hawkins
by Marilyn Harr*
Chester A. Hawkins
Sheriff

FILED
013:46:81 E
MAY 04 2004

William A. Shaw
Prothonotary/Clerk of Courts

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

**SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN**

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

1. PLAINTIFF / S /

Jaime Condon

2. COURT NUMBER

04-259 CD

3. DEFENDANT / S /

Pyramid Health

4. TYPE OF WRIT OR COMPLAINT

complaint

SERVE



AT

5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

Pyramid Health 3rd FLOOR - NORTH

6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

1216 Eleventh Ave. Altoona

7. INDICATE UNUSUAL SERVICE:

 PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

Noble

 PLAINTIFF
 DEFENDANT

10. TELEPHONE NUMBER

11. DATE

SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized BCSD Deputy or Clerk and Title

13. Date Received

14. Expiration/Hearing date

2/23/04 3/24/04

15. I hereby CERTIFY and RETURN that I have personally served, have served person in charge, have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by hand ing/or Posting a TRUE and ATTESTED COPY thereof.16. I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

Holly Steidle, Admin. Asst.

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. Read Order

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

20. Date of Service

21. Time

2/28/04 1316

22. ATTEMPTS Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int. Date Miles Dep. Int.

23. Advance Costs	124.	25.	26.	SN	26.	NOT	27. Total Costs	28. COST DUE OR REFUND
\$150.00	Recpt 1/02/03	2150	2.00				23.50	126.50

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this

2nd

By (Sheriff/Deputy Sheriff) (Please Print or Type)

Signature of Sheriff

Date

2/28/04

SHERIFF OF BLAIR COUNTY

My Commission Expires Apr. 3, 2007
Hollidaysburg Boro, Blair County
Carol Green, Notary Public
My Commission Expires Apr. 3, 2007

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED ISSUING AUTHORITY AND TITL

39. Date Received

SHERIFF'S RETURN OF SERVICE

(1) The within _____ upon _____ the within named defendant by mailing to _____ by _____ mail, return receipt requested, postage prepaid, a true and attested copy thereof at _____

The return receipt signed by _____ defendant on the _____ is hereto attached and made part of this return.

(2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and attested copy thereof at _____ in the following manner.

(a) To the defendant by () registered () certified mail, return receipt requested, postage prepaid, addressee only on the _____ said receipt being returned NOT signed by defendant, but with a notation by the Postal Authorities that defendant refused to accept the same. The returned receipt and envelope is attached hereto and made part of this return.

And thereafter:

(b) To the defendant by ordinary mail addressed to defendant at same address, with the return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a proof of mailing.

(3) By publication in a daily publication of general circulation in the County of Blair Commonwealth of Pennsylvania, _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

(4) By mailing to _____ by _____ mail, return receipt requested, postage prepaid, on the _____ a true and attested copy thereof at _____

The _____ returned by the Postal Authorities marked _____ is hereto attached.

(5) Other _____

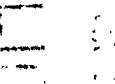
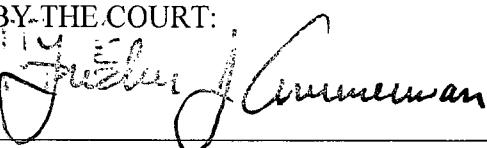
CA

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

JAIME U. CONDON :
vs. : No. 04-259-CD
PYRAMID HEALTHCARE, INC. :

ORDER

AND NOW, this 12th day of May, 2004, upon consideration of Defendant's Preliminary Objections to Plaintiff's Complaint, it is the ORDER of the Court that argument on said Preliminary Objections has been scheduled for the 10 day of June, 2004, at 10:00 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.


BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

FILED

MAY 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED 2cc
01300 BY Service memo
MAY 12 2004
FBI to Atty Hippo

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, CIVIL DIVISION

Plaintiff, NO. 04-259-CD

v.

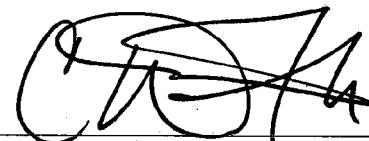
PYRAMID HEALTHCARE, INC.,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2004, a true and correct copy of the May 12, 2004, Order of Court issued in the above-referenced matter, along with the underlying Defendant's Preliminary Objections, were served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

7
T
Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED

MAY 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
MAY 17 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAIME U. CONDON

:

VS.

: NO. 04-259-CD

PYRAMID HEALTHCARE, INC.

:

O R D E R

NOW, this 10th day of June, 2004, following argument on Defendant's Preliminary Objections, it is the ORDER of this Court that the said Preliminary Objections be granted to the extent that Plaintiff shall file an Amended Complaint within thirty (30) days from this date relative the issue contained in Count I as to promise and consideration and the remaining Preliminary Objections relative the alleged statement(s) made by whom and whether the same was done or considered to be done within the scope of employment.

BY THE COURT:



President Judge

FILED

JUN 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

No. 04-259-CD

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation.

DEFENDANT.

Type of Pleading:

**FIRST AMENDED
CIVIL COMPLAINT**

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

*m/13367/10
JUL 06 2004*

BB
William A. Shaw
Notary/Clerk of Courts

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

DEFENDANTS.

)
No. 04-259-CD

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholic, Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,) No. 04- 259 -CD
v.) In Equity and at Law
PYRAMID HEALTH CARE, INC.,)
a Pennsylvania Corporation,)
DEFENDANTS.)

FIRST AMENDED CIVIL COMPLAINT

NOW COMES, Jaime U. Condon, Plaintiff, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her FIRST AMENDED CIVIL COMPLAINT:

The Parties

1. Plaintiff is Mrs. Jaime U. Condon, 7031 State Route 322, West Decatur, Clearfield County, Pennsylvania 16878, and who at all relevant and material times did reside within Clearfield County, Pennsylvania.
2. That Defendant is Pyramid Health Care, Inc., hereinafter "Pyramid", upon information and belief, a duly formed and existing Pennsylvania corporation with principal office located at 1216 Eleventh Avenue, Altoona, Blair County, Pennsylvania 16603.

Background

3. Amongst its business activities, Defendant Pyramid does own and operate a facility under the name of the Harmony Center, hereinafter "Harmony", located at 750 Leonard Street, Clearfield County, Pennsylvania.
4. That Harmony does provide behavioral healthcare services to residents, being males between the ages of 12 to 18 years of age, who have been placed under Harmony's custody and/or control, with a primary emphasis on residential treatment settings,

including mental health, mental retardation, drug and alcohol programs.

5. That on, or about June 18, 2001, Mrs. Jaime U. Condon was hired by Defendant Pyramid to be a counselor assistant at Harmony.
6. That as a counselor assistant Mrs. Condon would interact with residents by doing such things as administering medications, intervention, supervision, structure activities and transporting residents to various places for such things as clinics, classes, activities and personal hygiene goods.
7. That at the time of her hire, Mrs. Condon did not receive any formal training from Defendant other than she was presented with an employee handbook.
8. On, or about June 23, 2003, a resident of Defendant's at Pyramid, identified for reasons of confidentiality as "Brandon S.", believed to be 16 years of age at the time, made accusations to Defendant that Mrs. Condon made sexual advances towards him and performed sexual acts with him in a van owned by Defendant Pyramid.
9. That the resident identified as Brandon S. was placed with Harmony through Allegheny County's Children and Youth Services and did suffer from various mental illnesses.
10. That as a result of these aforementioned allegations, Defendant Pyramid conducted its own investigation as well as made necessary reports to local law enforcement and Allegheny County's Children and Youth Services, hereinafter "CYS".
11. As to Defendant Pyramid's internal investigation, that same was conducted by Matthew Hosband, the director at Harmony who at the time was approximately 24 years of age and had no experience or training in conducting such criminal investigations.
12. That as part of their internal investigation, Mrs. Condon was informed of the allegations made by Brandon S. and was asked about the same.
13. During this interview, Mrs. Condon denied the allegations and was informed that she would be placed on unpaid suspension while the investigation was being conducted. Mrs. Condon was further informed at this time that if she was cleared of the allegations, she would be returned to work and would be paid for the period of her suspension.
14. That Allegheny County's CYS determined that Brandon S.'s allegations were "unfounded" and cleared Mrs. Condon as to these allegations. A true and correct copy of Allegheny County's CYS letter indicating as such is attached hereto as Exhibit "A".
15. That the law enforcement agency, being the Lawrence Township Police Department with the assistance of the Pennsylvania State Police, which also investigated these allegations also cleared Mrs. Condon. A true and correct copy of this report indicating as

such is attached hereto as Exhibit "B".

16. That upon information and belief, Brandon S. has actually been charged, or will be charged, for making false reports to law enforcement officials or with providing false information, and that Mrs. Condon is the victim of the crime committed by Brandon S..
17. That at the time of her suspension, Mrs. Condon was working full time as a counselor assistant making approximately \$350 per week, in an amount to be more fully determined at time of trial.
18. That despite being cleared of the allegations made against her, Mrs. Condon was terminated from her employment with Defendant Pyramid and informed as such on, or about August 27, 2003.
19. That the reason she was so terminated was that she allegedly provided false information during the internal investigation performed by Defendant Pyramid and Matthew Hosband.
20. That Mrs. Condon did not knowingly provide false information during the internal investigation but any such differences reflect the poor investigation conducted by the untrained and inexperienced Matthew Hosband who conducted such investigation.
21. That the employment handbook given to Mrs. Condon at the time of her hire, at page 7, indicates that appropriate procedures and appeal mechanisms are "established, maintained and administered". See Exhibit "C".
22. That Mrs. Condon was not afforded with any appropriate procedural and/or appeal mechanism, nor did she receive the back pay for the period of her suspension despite being cleared of the allegations made against her by Brandon S..
23. That between June 23, 2003 and August 27, 2003, Mrs. Condon did not seek other employment as she relied upon Defendant Pyramid's statement to her that she would be reinstated, with back pay, once she was cleared of the allegations made by Brandon S..
24. That upon information and belief, a meeting with Pyramid's other employees was held sometime in July 2003 wherein Brandon S.'s allegations as well as Mrs. Condon's employment status was discussed.
25. That it became generally known in the community that Mrs. Condon was terminated from her employment because 'she was sleeping with a client'.
26. That Mrs. Condon's husband, William, heard these false statements or rumors at his work place, Appalachian Woods, also located in Clearfield County, Pennsylvania.
27. Upon information and belief, Nathan Lutz, a fellow employee of Mr. Condon at

Appalachian Woods, was told by David Finney, an employee of Defendant's, that "Jaime Condon got fired for having sex with Brandon S.".

28. That these rumors, being false in nature and known to be false in nature, were intentionally and knowingly made and published by employees of Defendant Pyramid.
29. Upon information and belief, Bob Chase, a supervisor of Defendant's told another of Defendant's employees, namely Mary Yargar, sometime in late summer, early fall of 2003, that "Jaime Condon had slept with Brandon S. and that he, Bob Chase knew it to be true because Brandon S. would not lie about it".
30. This was done in the setting when another of Defendant's employees, namely Shawn Rockmore, had accused Mary Yargar of having sex with another client and was done for the purpose of instructing employees not to have sex with clients.
31. Another of Defendant's employees, namely Jerry Shaw, would often times refer to Jaime Condon, in conversations with Mary Yargar, while at work, as a "whore" or "slut" and that he, Jerry Shaw, knew the allegation made by Brandon S. "to be true".
32. That Defendant Pyramid, through its employees, violated its own policies of confidentiality as it relates to this matter by making known such allegations, even if the same were true, which were not true. See Exhibit "D", procedure "1".
33. That as a direct and proximate result of such false statements being made by Defendant Pyramid's employees, Mrs. Condon suffered damages to her reputation in the community, for which she should be compensated in an amount to be determined at time of trial.
34. That besides her reputation being damaged, Mrs. Condon also suffered physical damages given the false rumors being spread about her for which she received and does receive medical treatment and should be compensated in an amount to be determined at time of trial.
35. The physical ailments so suffered by Mrs. Condon include inability to sleep, anxiety, depression, weight loss and constant headaches.
36. The false statements or rumors besides causing the physical ailments herein described, also caused Mrs. Condon to suffer emotional distress, as well as problems with her marriage, for which she should be compensated in an amount to be determined at time of trial.
37. That the making known and/or publication of such false statements by Defendant Pyramid's employee or employees, was done so, upon information and belief, in a grossly negligent, reckless or intentional manner such that Defendant Pyramid should be made to pay punitive damages in an amount to be determined.

Count I: Promissory Estoppel

In Equity

38. That the averments of paragraphs 1 - 37, inclusive, are hereby incorporated as if again fully set forth at length.
39. That Mrs. Condon did not seek other employment between the period from when she was informed she was suspended, June 23, 2004, and the time she was informed that she was not suspended but rather being terminated, being August 27, 2003.
40. That Mrs. Condon had no reason to so seek alternative employment as she told by her employer that she would be returned to work, with back pay, providing the allegations of Brandon S. were not true, and for which Mrs. Condon knew they were not true.
41. Furthermore, given the circumstances, being suspended with the promise of back pay, Mrs. Condon had no reason, nor the opportunity to seek unemployment compensation for this period.
42. Defendant did, or should have expected, that Jaime Condon would not seek other employment during such time period given its statement and furthermore, benefited in that Jaime Condon willingly cooperated with the Defendant's investigation as well as those conducted by CYS and various law enforcement officials.
43. In that Brandon S.'s allegation were false, Defendant Pyramid should compensate Mrs. Condon for the wages she lost between June 23, 2003 and August 27, 2003, in the approximate amount of \$2,600, to be more fully determined at time of trial.

Count II: Defamation

At Law

44. That the averments of paragraphs 1 - 43, inclusive, are hereby incorporated as if again fully set forth at length.
45. That Defendant Pyramid, by and through its employees of the Harmony, informed others in the Clearfield County community that Mrs. Condon was terminated, even before she was in fact terminated, because she slept with or was having sexual relations with a resident.
46. That said statements were false and known to be false.

47. In the alternative, said statements should have been known to be false.
48. That said employee or employees who published such statements had no legitimate reason nor cause to make such statements, even if the same were true.
49. In fact, even under the Defendant Pyramid's policies, said statements should not have been made.
50. Despite being in violation of Defendant's own policies, at least the aforementioned employees, including some with supervisory positions, made such statements in furtherance of Defendant's objectives which included: (i) attempting to deny Ms. Condon of her entitlement to unemployment compensation benefits and (ii) intimidate, scare or the like to other female employees from violating Defendant's policies of having sexual relations with clients.
51. That said statements, upon information and belief, were made with in a negligent, grossly negligent, reckless or intentional manner as to the truth of the same and for no legitimate reason, but rather resulted in direct harm to Mrs. Condon's reputation.
52. If in fact the same were shown to have been done in a grossly negligent, reckless or intentional manner, Defendant Pyramid, should also be ordered to pay punitive damages in an amount to be determined at time of trial.
53. That given the nature of the statements, Mrs. Condon suffered damages to her reputation in the community as well as embarrassment, emotional distress, subjected her to ridicule, all for which Mrs. Condon should be compensated in an amount to be determined at time of trial.

Count III: Intentional Infliction of Emotional Distress

At Law

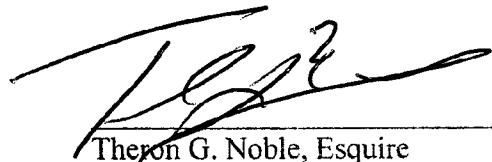
54. That the averments of paragraphs 1 - 53, inclusive, are hereby incorporated as if again fully set forth at length.
55. That publication of such false statements by Defendant through its employees, were extreme and outrageous acts, serving no legitimate purpose.
56. It was known, or reasonably should have been known, to the employees of Defendant Pyramid that publication of such statements were likely to cause Mrs. Condon to suffer the aforementioned damages.

Miscellaneous

57. That jurisdiction is appropriate.
58. That venue is appropriate.
59. That Defendant Pyramid is responsible for the acts of its employees, agents and servants as herein stated.

WHEREFORE, Plaintiff requests that judgment be entered in her favor and against Defendant in an amount in excess of \$25,000 together with costs and attorney's fees.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiff
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.No.: 55942



Monica Allen-Chapman
Regional Program Representative

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF CHILDREN, YOUTH AND FAMILIES
701 State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222

(412) 565-7738
Fax: (412) 565-7808

August 21, 2003

Ms. Jamie Condon
c/o Harmony Center
750 Leonard Street
Clearfield, Pennsylvania 16830

Dear Ms. Condon:

The Western Region Office of Children, Youth and Families has completed the child abuse investigation on Brandon Sanford, wherein you were named as the alleged perpetrator. This letter is to inform you that the status of the report is "Unfounded."

Should you have any questions on the investigation or the status of the report, please contact my office at your convenience.

Sincerely,

Monica Allen-Chapman/rps

Monica Allen-Chapman, MSW
Regional Program Representative
Office of Children, Youth and Families

cc: Ms. Corie Nusser, ACCYS-SRO
Mr. Matt Husband, Harmony Center

Exhibit "A"

PENNSYLVANIA STATE POLICE
GENERAL INVESTIGATION REPORT

INCIDENT NO.

C01-0703501

3. INVESTIGATING OFFICER

Cpl. Ronald P. SHIREY

4. MOBILE STATION

Troop C / Punxsutawney 1310

5. DATE OF REPORT

11/13/03

6. SUBJECT (NATURE OF INVESTIGATION OR NAME AND ADDRESS OF INDIVIDUAL)

Polygraph examination for a statutory sexual assault investigation by the Lawrence Township Police Department. Examinee: Jaime CONDON

INSTRUCTIONS: REPORT WILL BE PREPARED IN THE FOLLOWING ORDER: 1. PRE-TEST OR INVESTIGATION, 2. SYNOPSIS OF INVESTIGATION, CONCLUSION, RECOMMENDATIONS AND COMMENT (WHEN APPROPRIATE), LIST OF ATTACHMENTS (IF ANY) AND DETAILS WHICH SUPPORT THE SYNOPSIS.

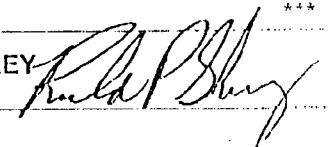
REASON FOR INVESTIGATION: Officer Ted DOLINER of the Lawrence Twp. Police Dept. requested a polygraph examination for investigation incident # 1039-03.**SYNOPSIS OF INVESTIGATION:** On 11/13/03, I conducted a polygraph examination for this investigation at Lawrence Twp. PD. The following is an overview of the polygraph examination process.**BACKGROUND & PREPARATION:** Upon arrival at Lawrence Twp. PD, I met with Officer Mark BROOKS and discussed the investigation. I reviewed the case file. The investigation involved allegations of statutory sexual assault by 17-year-old male Brandon SANFORD. SANFORD had alleged that he had intercourse with 26-year-old Jaime CONDON, a female counselor assistant at the Harmony Center, a group home for troubled youth. SANFORD also alleged that CONDON had touched him sexually and performed fellatio on him on one occasion. CONDON was previously interviewed and denied the allegations.**PRE-TEST INTERVIEW:** At approx. 0907 hours I met with examinee Jaime Urian CONDON, DOB: 10/08/77, ADDRESS: 7031 State Route 322, P.O. Box 7, West Decatur, PA. CONDON was advised of her constitution rights under MIRANDA and of the voluntary nature of polygraph testing. She signed a rights waiver form that I will retain with polygraph file # 030526.

The allegations made by Brandon SANFORD were discussed during the post-test interview. The examinee very strongly denied ever having any kind of sexual contact with Brandon SANFORD. She said SANFORD was a very difficult resident to deal with. He was very stubborn and gave the counselors a hard time. She was able to develop a rapport with him and he had opened up to her about some of his past problems. She thinks SANFORD possibly developed a crush on her.

CONDON denied ever touching SANFORD in any private areas, or ever kissing him. She denied ever having any intercourse with him. She denied ever giving him any oral sex. She said SANFORD had once touched her hair and once put his hand on her hip. In both instances she told him this was inappropriate and advised him not to touch her.

I asked CONDON if she ever took SANFORD to Wal-Mart by herself. She said she has taken many of the residents to Wal-Mart and that probably included SANFORD; however, she said she never took him there by himself. She said the only place she ever took SANFORD alone was to the Clearfield Hospital Emergency Room one time when he became ill.

She said she suspects SANFORD fabricated these allegations to get back at her after he overheard comments she had made to other counselors about SANFORD. She said she was involved in a staff meeting where she expressed her happiness that SANFORD was leaving the home. She said he seemed upset with her after this. She believes he may have overheard her comments or was told what she said. CONDON also stated she didn't get along all that well with some of the other employees there. She thinks they would lie or stretch the truth in order to get her in trouble.

7. OFFICER NAME / SIGNATURE
Cpl. Ronald P. SHIREY

*** CONTINUED ***

BADGE NO. 4586

8. SUPER. INVESTIGATOR

RANGE NO. 4530

9.

 ORIGINAL
 SUPPLEMENTAL

CHART COLLECTION & ANALYSIS: After completing the pre-test interview, a polygraph examination was conducted using the AFMGQT technique. The examinee answered "no" to the following relevant questions on four separate testing sequences:

1. Did you ever kiss Brandon?
2. Did you ever have any kind of sexual intercourse with Brandon?
3. Did you ever have oral sex with Brandon?

The polygraph charts were then reviewed and analyzed. The examinee's physiological responses to the above relevant questions were found to be generally consistent with non-deceptive responses.

CONCLUSION: After completing the entire polygraph process, it is my opinion the examinee did not engage in sexual acts with Brandon SANFORD as he has alleged.



Cpl. Ronald P. SHIREY



Exhibit "B"

6483

EQUAL EMPLOYMENT OPPORTUNITY

PYRAMID is an equal opportunity employer. In adhering to all applicable state, federal and local laws, it is the policy of the company that all applicants for employment will be considered on the basis of job related criteria; further, all persons employed will be treated in employment matters without regard to race, color, religion, age, sex (except where sex is a bona fide occupational qualification), national origin, or handicap or disability. Such action includes, but is not limited to, the following: employment; promotion, demotion, transfer, layoff and termination, recruitment and recruitment advertising, rates of pay and other forms of compensation, selection for training, and all facility-sponsored social and recreational programs.

INSERVICE EDUCATION AND TRAINING

PYRAMID will educate and train employees through a variety of approaches, including orientation sessions, inservice activities, and the support of externally offered seminars, conferences, workshops and similar events; these activities will be provided or supported on the basis of support of operational goals and objectives and the mutual benefit of the event to the employee and PYRAMID.

LICENSURE, CERTIFICATION AND REGISTRATION

Individuals whose positions require licensure, registration or certification are responsible for maintaining such as current and valid. Additionally, these employees are responsible for verifying this status to the employer as PYRAMID deems necessary or desirable.

ORIENTATION

An Employee Orientation Program will be held on an as-needed basis. Attendance is mandatory. If an employee reports to work for the first time on a day other than orientation day, the employee must complete the necessary paperwork in order to be placed on the payroll. The employee will be advised when orientation will be held and that attendance is mandatory. It is the responsibility of the immediate supervisor to arrange the employee's work schedule to allow the new employee to attend.

POLICY AND PROCEDURE MANUAL

The Human Resources policies are provided in a written format and are available for review through your Supervisor. These policies are intended to establish effective communication methods without creating an expressed or implied contract of employment between the employer and employee. Human Resources will assure that appropriate procedures and appeal mechanisms are established, maintained and administered.

RECRUITMENT AND SELECTION

Management and Human Resources staff will follow a defined, standard process to generate candidates for employment and to screen these candidates for selection purposes. The offer of hire will be made based on job qualifications and without regard to race, age, color, sex, religious or political opinion or affiliation, handicap or veteran status.

RECEIVED

SEP 10 2003

Altoona UC Service Center

PYRAMID
Healthcare

POLICY/PROCEDURE

Title:	Issued By: Human Resources
Ethics Policy	Date Issued: 07/01/99
	Date Reviewed/Revised: 6/10/03

PURPOSE: To promote the ethical behavior of staff as it relates to work, clients, and personal conduct.

POLICY: All persons who work in the organization share in the responsibility of observing a code of ethics which requires, in general, the welfare of the client to be the employees' prime concern. This code of ethics requires truthfulness, honesty, and personal integrity.

SCOPE: Employees of PYRAMID facilities.

PROCEDURE:

1. All information concerning clients must be held in strict confidence. Employees should not discuss clients or clients problems with individuals not associated with the facility and the clients care; nor should employees discuss clients or clients' problems when off duty, with other employees or non-employees.

2. All employees' private, as well as professional, lives are expected to be conducted in a manner consistent with the responsible image that PYRAMID wants to project to clients, visitors, and community.

3. PYRAMID is proud of the reputation which its employees have developed for courtesy, friendliness, and quality client care; Employees who do not conduct themselves in such a manner as to maintain this reputation may be subject to strict disciplinary measures.

4. The ability of the client to rely on facility as concerned and caring individuals who remain objective in their guidance is one of the tenets of a safe therapeutic relationship. When staff interact with clients in a personal manner, the relationship may no longer be objectively safe and therapeutic. Thus PYRAMID enforces a policy of non-fraternization with current and former clients. While there are conceivably exceptions, the general expectation is that the employees are not to establish a personal relationship with a current or former client.

5. PYRAMID recognizes that there are times when peers, friends, families, or neighbors of employees seek treatment for emotional well-being. In these circumstances, it will be the policy of the company that the relationship remain of the nature it was prior to admission, assuming this is in the client's best therapeutic interest.

- A. Specifically, it is PYRAMID's policy that staff shall not be allowed to be involved in the treatment process of a friend, peer, family member or neighbor.

Exhibit "D"

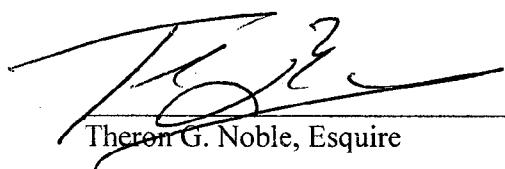
IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation.)
DEFENDANTS.)

VERIFICATION

I, Theron G. Noble, Esquire, attorney for Plaintiff Jaime U. Condon, does hereby swear and affirm that I have read the foregoing and attached FIRST AMENDED CIVIL COMPLAINT in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 2nd day of July, 2004.



Theron G. Noble, Esquire

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,) No. 04- 259 -CD
v.)
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

NOTICE OF SERVICE

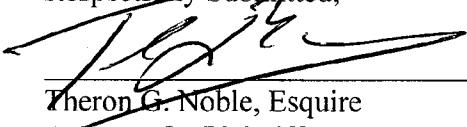
To: William A. Shaw, Prothonotary

Date: July 2, 2004

I, Theron G. Noble, Esquire, counsel for Plaintiff, Jaime U. Condon, does hereby certify that I did mail a true and correct copy of the FIRST AMENDED CIVIL COMPLAINT filed by Plaintiff, via United States Mail, postage pre-paid, first class, to the Defendants' counsel of record, addressed as follows, the day above written:

C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

CIVIL DIVISION

NO. 04-259-CD

**DEFENDANT'S ANSWER TO
COMPLAINT AND NEW MATTER**

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
C. Wayne Hippo & Associates
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED

JUL 22 2004

W 11:10 AM

William A. Shaw
Prothonotary

1 copy to Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

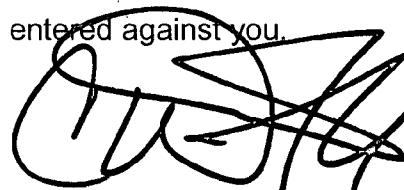
PYRAMID HEALTHCARE, INC.,

Defendant.

NOTICE TO PLEAD

TO: JAIME U. CONDON, Plaintiff

You are hereby notified to plead to the enclosed New Matter within twenty (20) days from the date of service or a judgment may be entered against you.



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
C. Wayne Hippo & Associates
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: July 21, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION

Plaintiff, : NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC., :

Defendant.

DEFENDANT'S ANSWER TO COMPLAINT AND NEW MATTER

AND NOW, COMES the Defendant, Pyramid Healthcare, Inc., by and through its attorney, C. Wayne Hippo, Jr., Esquire, and files its Answer to Complaint and New Matter, averring as follows:

1. Admitted.
2. Denied as stated. To the contrary, Defendant avers that it is a Pennsylvania corporation with its principal office located at 1216 Eleventh Avenue, Third Floor, P.O. Box 1153, Altoona, Blair County, Pennsylvania.
3. Admitted.
4. Denied as stated. Specifically, Defendant denies that Harmony Center provides mental health and/or mental retardation programs. To the contrary, Defendant avers that Harmony Center provides a structured, safe, supportive and caring environment for adolescent boys whose lives have been disrupted by family problems, school problems, personal issues or legal problems. Harmony Center offers group, individual and family counseling as well as schooling and a partial hospitalization component, if needed.

5. Admitted. By way of further answer, Defendant avers that Plaintiff was hired on or about June 18, 2001, as an at-will employee.

6. Admitted.

7. Denied. To the contrary, Defendant avers that in addition to Plaintiff's initial orientation, Defendant provided at least forty-five (45) credit hours of formal job training to Plaintiff since she was hired on June 18, 2001.

8. Admitted. By way of further answer, Defendant avers that Brandon S. informed Matthew Husband and Dr. Craig Feaster on June 23, 2004, that Plaintiff had arranged to go to Wal-Mart with Brandon S. without other peers or staff members. Brandon S. further stated that he had sexual intercourse with Plaintiff in a van while at the Wal-Mart parking lot.

9. Admitted in part and denied in part. Defendant admits that Brandon S. was placed with Defendant through Allegheny County's Children and Youth Services. Defendant denies that Brandon S. suffered from various mental illnesses.

10. Admitted. By way of further answer, Defendant avers that Allegheny County's Children and Youth Services referred Brandon S. to Defendant. Defendant further avers that whenever allegations such as those made by Brandon S. on June 23, 2004, are made, Defendant is required to notify the referring entity.

11. Denied as stated. To the contrary, Defendant avers that Matthew Husband conducted an internal investigation into Brandon S.'s allegations in conjunction with and under the supervision of Defendant's Human Resources Department. To the extent that Plaintiff avers that Defendant conducted a "criminal investigation," said averments are denied.

12. Admitted.

13. Denied. To the contrary, Defendant avers that Matthew Hosband and William Imler informed Plaintiff that she was being placed on unpaid suspension pending the results of Defendant's internal investigation into Brandon S.'s allegations. Defendant denies that Plaintiff was informed that she would be returned to work and paid for the period of her suspension if the allegations were determined to be unfounded. By way of further answer, see New Matter.

14. Denied as stated. To the contrary, Defendant avers that although Allegheny County's Children and Youth Services and the Pennsylvania Department of Public Welfare determined Brandon S.'s allegations to be unfounded, Defendant's internal investigation into the same revealed that Plaintiff had provided false information. By way of further answer, see New Matter.

15. Denied as stated. To the contrary, Defendant avers that while the Lawrence Township Police Department determined Brandon S.'s allegations to be unfounded, Defendant's internal investigation into the same revealed that Plaintiff had provided false information. By way of further answer, see New Matter.

16. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 16 of Plaintiff's Complaint.

17. Denied as stated. To the contrary, Defendant avers that Plaintiff's rate of pay at the time of her suspension was \$329.60 per week.

18. Denied. To the contrary, Defendant avers that Plaintiff was terminated on August 25, 2004, for lying and providing false information during Defendant's internal investigation. By way of further answer, see New Matter.

19. Admitted. By way of further answer, see New Matter.

20. Denied. To the contrary, Defendant avers that Plaintiff knowingly and willfully provided false information during the internal investigation conducted in conjunction with and under the supervision of Defendant's Human Resources Department. By way of further answer, see New Matter.

21. Admitted. By way of further answer, Defendant avers that Plaintiff declined to exhaust the appeal mechanisms and other internal remedies that were available to her as set forth in Defendant's employee handbook.

22. Admitted in part and denied in part. Defendant denies that Plaintiff was not afforded the appeal mechanisms and other internal remedies. To the contrary, Defendant avers that Plaintiff failed and/or declined to exhaust the same. Defendant admits that Plaintiff was not given back pay for the period of her suspension. To the extent Plaintiff avers she is entitled to receive back pay, said averments are denied. To the contrary, Defendant avers that Plaintiff is not entitled to receive back pay. By way of further answer, see New Matter.

23. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 23 of Plaintiff's Complaint. To the extent Plaintiff avers Defendant promised Plaintiff she would be reinstated with back pay, said averments are denied. To the contrary, Defendant avers that it did not promise Plaintiff she would be reinstated with back pay. By way of further answer, see New Matter.

24. Denied. To the contrary, Defendant avers that it never conducted a meeting with Defendant's employees wherein Brandon S.'s allegations or Plaintiff's employment status were discussed.

25. Denied. Strict proof demanded at trial. To the contrary, Defendant avers that Plaintiff was not terminated for "sleeping with a client" and that such a notion did not become generally known in the community.

26. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 26 of Plaintiff's Complaint. Strict proof demanded at trial.

27. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 27 of Plaintiff's Complaint. Strict proof demanded at trial. By way of further answer, see New Matter.

28. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 28 of Plaintiff's Complaint. Strict proof demanded at trial. By way of further answer, see New Matter.

29. Denied. To the contrary, Defendant avers that Bob Chase did not tell Mary Yargar "Jamie Condon had slept with Brandon S. and that he, Bob Chase, knew it to be true because Brandon S. would not lie about it." By way of further answer, see New Matter.

30. Denied. To the contrary, Defendant avers that Shawn Rockmore did not accuse Mary Yargar of having sex with another client. By way of further answer, Defendant avers that Shawn Rockmore is neither a supervisor nor an instructor and has never been required to instruct other employees. By way of further answer, see New Matter.

31. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 31 of Plaintiff's Complaint. Strict proof demanded at trial. By way of further answer, see New Matter.

32. Denied. To the contrary, Defendant avers that no Defendant employee violated any Defendant policy while in the scope of his or her employment with Defendant. By way of further answer, see New Matter.

33. The averments set forth in Paragraph 33 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

34. The averments made in Paragraph 34 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

35. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 35 of Plaintiff's Complaint. Strict proof demanded at trial. By way of further answer, see New Matter.

36. The averments made in Paragraph 36 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

37. The averments made in Paragraph 37 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

COUNT I: PROMISSORY ESTOPPEL

38. The averments made in Paragraphs 1 through 37 are hereby incorporated by reference as if fully set forth herein at length.

39. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in Paragraph 39 of Plaintiff's Complaint. Strict proof demanded at trial. By way of further answer, see New Matter.

40. Denied. To the contrary, Defendant avers that it did not promise Plaintiff she would be reinstated with back pay. By way of further answer, see New Matter.

41. Denied. To the contrary, Defendant avers that it did not promise Plaintiff she would be reinstated with back pay. Defendant further denies that Plaintiff did not have the opportunity to seek unemployment compensation. By way of further answer, see New Matter.

42. Denied. To the contrary, Defendant avers that Plaintiff did not willingly cooperate with Defendant's internal investigation in so much as she provided false information. By way of further answer, see New Matter.

43. The averments made in Paragraph 43 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

COUNT II: DEFAMATION

44. The averments made in Paragraphs 1 through 43 are hereby incorporated by reference as if fully set forth herein at length.

45. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant informed others in the Clearfield County community that Mrs. Condon was terminated because she slept with or was having sexual relations with a resident. By way of further answer, see New Matter.

46. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

47. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

48. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

49. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

50. Denied. Strict proof demanded at trial. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

51. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

52. The averments made in Paragraph 52 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

53. The averments made in Paragraph 53 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

COUNT III: INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

54. The averments made in Paragraphs 1 through 53 are hereby incorporated by reference as if fully set forth herein at length.

55. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

56. Denied. To the contrary, Defendant avers that neither Defendant nor Defendant's employees acting in the scope of their employment with Defendant made false statements about Plaintiff, knowingly or otherwise. By way of further answer, see New Matter.

57. The averments made in Paragraph 57 of Plaintiff's Complaint contain conclusions of law to which no response is necessary.

58. The averments made in Paragraph 58 of Plaintiff's Complaint contain conclusions of law to which no response is necessary.

59. The averments made in Paragraph 59 of Plaintiff's Complaint contain conclusions of law to which no response is necessary. To the extent said averments are factual in nature, said averments are denied. Strict proof demanded at trial. By way of further answer, see New Matter.

WHEREFORE, Defendant respectfully requests that judgment be entered in its favor and against Plaintiff.

NEW MATTER

60. The averments made in Paragraphs 1 through 59 are hereby incorporated by reference as if fully set forth herein at length.

61. Matthew Hosband and William Imler met with Plaintiff on June 23, 2003, to inform Plaintiff of the accusations made against her by Brandon S. and to further investigate the matter.

62. At the June 23, 2003, meeting, Mr. Hosband asked Plaintiff if she had ever taken any Defendant clients off-grounds alone.

63. Plaintiff adamantly denied ever taking any clients off-grounds alone.

64. Mr. Hosband informed Plaintiff that no immediate action would be taken against her until he consulted with Defendant's Human Resources Director, Michelle Floyd, and Chief Executive Officer, Jonathan Wolf. He also informed Plaintiff that she would remain on unpaid suspension until the conclusion of Defendant's internal investigation.

65. At no time did anyone promise Plaintiff that she would be reinstated with back pay if the allegations made against her proved to be unfounded.

66. As part of Defendant's internal investigation, Mr. Hosband interviewed John Daye, a counselor assistant that worked with Plaintiff, on June 24, 2003.

67. Mr. Daye stated that he had personally observed Plaintiff taking a single client off-grounds on at least three occasions and that he had observed Plaintiff taking Brandon S. off-grounds alone on at least two occasions.

68. As part of Defendant's internal investigation, Mr. Hosband interviewed Neil Shaw, a counselor assistant that worked with Plaintiff, on June 24, 2003.

69. Mr. Shaw stated that he had personally observed Plaintiff taking Brandon S. off-grounds alone on at least two occasions. Mr. Shaw further stated that he believed these occasions took place in March of 2003.

70. As part of Defendant's internal investigation, Mr. Hosband interviewed Jerry Shaw, a counselor assistant that worked with Plaintiff, on June 24, 2003.

71. Jerry Shaw stated that he had personally observed Plaintiff taking Brandon S. off-grounds alone on at least two occasions.

72. Plaintiff was an at-will employee at all times.

73. After concluding its internal investigation into Brandon S.'s accusations, Defendant terminated Plaintiff's employment on August 25, 2003, for failing to

cooperate with said investigation in so much as she provided false information during her interview with Matthew Husband and William Imler on June 23, 2003.

74. Plaintiff's claim for promissory estoppel and request for equitable relief are barred by the Clean Hands Doctrine.

75. At no time, did Defendant publish defamatory statements concerning Plaintiff.

76. At no time did any Defendant employee, while acting within the scope of their employment with Defendant, publish defamatory statements regarding Plaintiff.

77. At no time did Defendant inform any individual that Plaintiff slept with or was having sexual relations with a client.

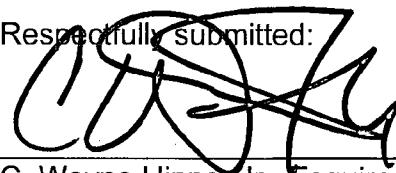
78. At no time did any Defendant employee, while acting within the scope of their employment with Defendant, inform any individual that Plaintiff slept with or was having sexual relations with a client.

79. Defendant's employee policy states, "all information concerning clients must be held in strict confidence. Employees should not discuss clients or client problems with individuals not associated with the facility and the clients care; nor should employees discuss clients or clients' problems when off duty, with other employees or non-employees." Attached hereto, by reference made a part hereof, and marked as Exhibit "A" is a copy of said policy.

80. Defendant's policy would explicitly prohibit any Defendant employee from discussing Plaintiff or the allegations made against her by Brandon S. with individuals not associated with Defendant or with any individual while off-duty.

81. Any Defendant employee who violated this policy would clearly be acting outside the scope of his or her employment with Defendant.

Respectfully submitted:



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
C. Wayne Hippo & Associates
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

PYRAMID

Healthcare

POLICY/PROCEDURE

Title:	Issued By: Human Resources
Ethics Policy	Date Issued: 07/01/99
	Date Reviewed/Revised: 6/10/03

PURPOSE: To promote the ethical behavior of staff as it relates to work, clients, and personal conduct.

POLICY: All persons who work in the organization share in the responsibility of observing a code of ethics which requires, in general, the welfare of the client to be the employees' prime concern. This code of ethics requires truthfulness, honesty, and personal integrity.

SCOPE: Employees of PYRAMID facilities.

PROCEDURE: 1. All information concerning clients must be held in strict confidence. Employees should not discuss clients or clients problems with individuals not associated with the facility and the clients care; nor should employees discuss clients or clients' problems when off duty, with other employees or non-employees.

2. All employees' private, as well as professional, lives are expected to be conducted in a manner consistent with the responsible image that PYRAMID wants to project to clients, visitors, and community.

3. PYRAMID is proud of the reputation which its employees have developed for courtesy, friendliness, and quality client care; Employees who do not conduct themselves in such a manner as to maintain this reputation may be subject to strict disciplinary measures.

4. The ability of the client to rely on facility as concerned and caring individuals who remain objective in their guidance is one of the tenets of a safe therapeutic relationship. When staff interact with clients in a personal manner, this relationship may no longer be objectively safe and therapeutic. The facility enforces a policy of non-fraternization with current and former employees. While there are conceivably exceptions, the general expectation is that employees are not to establish a personal relationship with a current or former employee.

5. PYRAMID recognizes that there are times when peers, friends, and neighbors of employees seek treatment for emotional well-being. In such circumstances, it will be the policy of the company that the relationship will be the same as it was prior to admission, assuming this is in the best interest of the client.

A. Specifically, it is PYRAMID's policy that staff shall not be allowed to be involved in the treatment process of a friend, peer, family member or neighbor.

- B. Establishing a personal relationship with a client (or former client) is forbidden (see item 4 above). Professional and personal relations are not to be mixed.
- C. If an employee chooses to become personally involved with a client (or former client) the employee will be expected to resign his or her position with PYRAMID immediately.

6. Employees may not visit clients during work hours unless given permission by the clients.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

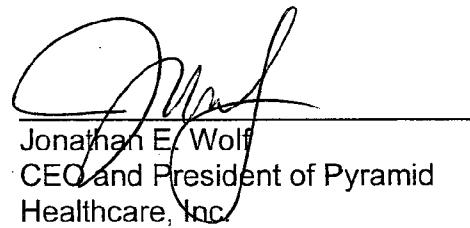
v.

PYRAMID HEALTHCARE, INC.,

Defendant.

VERIFICATION

I verify that the statements made herein are true and correct to the best of my knowledge, information, and belief, and are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Jonathan E. Wolf
CEO and President of Pyramid
Healthcare, Inc.

Dated: July 20, 2004

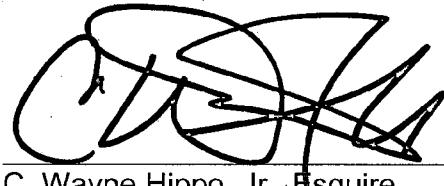
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :
.....

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July, 2004, a true and correct copy of the Defendant's Answer to Complaint and New Matter was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
C. Wayne Hippo & Associates
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

100-17114
100-17115

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

: No. 04- 259 -CD

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

DEFENDANT.

: Type of Pleading:

REPLY TO NEW MATTER

: Filed By:

: Plaintiff

: Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
: (814)-375-2221
PA I.D.#: 55942

FILED *E6K*
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AUG 27 2004
mc

William A. Shaw
Prothonotary/Clerk of Courts

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

PLAINTIFF'S REPLY TO NEW MATTER

AND NOW comes the Plaintiff, Jaime U. Condon, by and through her counsel, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows as her REPLY TO NEW MATTER:

60. No response required.
61. Admitted.
62. Admitted in part, denied in part. First, there is a typographical mistake in Defendant's averment 62, reading "any Defendant clients off -grounds alone". Assuming that Defendant means "any of Defendant's clients off-grounds alone", it is admitted that Matthew Hosband did inquire whether Mrs. Condon had taken Brandon S. off grounds alone. By way of further response, Defendant and its agents were well aware that Mrs. Condon had in fact taken clients off premises alone in that she had done so on numerous occasions at the Defendant's requests and as part of her employment responsibilities. In addition, during this conversation, in which Mrs. Condon was first learning of the accusation that she had sex with the minor Brandon S., Mrs. Condon was in a state of shock.
63. Denied. As above stated, Mrs. Condon took clients off premises alone on numerous occasions, as was well known by her employer in that her employer instructed her to do so as part of her job. Mrs. Condon denied having sexual relations with the minor Brandon S. during this meeting.
64. Admitted in part, Denied in part. It is admitted that Mrs. Condon was informed that she would be placed on unpaid suspension until this matter was concluded. However,

Mrs. Condon was also informed that if she would be "cleared" of these allegations, she would then be paid for the time during her suspension.

65. Denied. For the reasons stated in response to averment 64 as well as those stated in Plaintiff's Civil Complaint, the same is DENIED and strict proof demanded at time of trial.

66. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial.

67. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial. By way of further response, it is not denied that Mrs. Condon took clients off premises alone as she was on numerous occasions instructed to do the same by her employer as part of her job.

68. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial.

69. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial. By way of further response, it is not denied that Mrs. Condon took clients off premises alone, including Brandon S., as she was on numerous occasions instructed to do the same by her employer as part of her job.

70. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial.

71. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial. By way of further response, it is not denied that Mrs. Condon took clients off premises alone, including Brandon S., as she was on numerous occasions instructed to do the same by her employer as part of her job.

72. The same is a legal conclusion for which no response is deemed necessary.

73. Admitted in part, Denied in part. It is Admitted that Mrs. Condon was terminated on, or about, August 25, 2003, for the purported reasons. However, it is strictly DENIED that Mrs. Condon willfully gave false information to her employer during this investigation, especially in light of the fact that the information claimed to have been falsified was information which the employer clearly knew about, that Mrs. Condon, as part of her employment responsibilities, had taken clients off premises alone.

74. The same is a legal conclusion for which no response is deemed necessary.

75. Denied. For the reasons stated in Plaintiff's Civil Complaint, the same is DENIED and strict proof demanded at time of trial.

76. Denied. For the reasons stated in Plaintiff's Civil Complaint, the same is DENIED and strict proof demanded at time of trial.

77. Denied. For the reasons stated in Plaintiff's Civil Complaint, the same is DENIED and strict proof demanded at time of trial.

78. Denied. For the reasons stated in Plaintiff's Civil Complaint, the same is DENIED and strict proof demanded at time of trial.

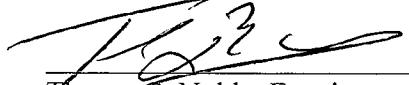
79. Admitted.

80. Denied. Although Defendant might have such a written policy, its employees and supervisors clearly followed another policy which was to use this situation to train other employees not to sleep with clients like Mrs. Condon thereby committing the wrongs and damages as alleged by Mrs. Condon. Strict proof is demanded at time of trial.

81. For the reasons stated in averment 80, the same is denied and strict proof is demanded at time of trial.

WHEREFORE, Plaintiff requests judgment be entered in her favor as requested in her CIVIL COMPLAINT.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

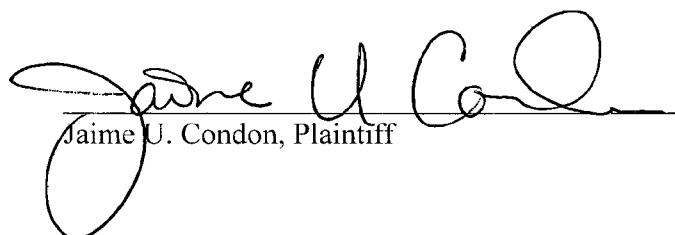
IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

VERIFICATION

I, Jaime U. Condon, Plaintiff, does hereby swear and affirm that I have read the foregoing and attached REPLY TO NEW MATTER in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 23rd day of August, 2004.


Jaime U. Condon, Plaintiff

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,) No. 04- 259 -CD
v.)
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

Date: August 26, 2004

I, Theron G. Noble, Esquire, counsel for Plaintiff, Jaime U. Condon, does hereby certify that I did mail a true and correct copy of Plaintiff's REPLY TO NEW MATTER, via United States Mail, postage pre-paid, first class, to the Defendants' counsel of record, addressed as follows, the day above written:

C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

(A) 6-10-04-10⁰⁰

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

CIVIL DIVISION

NO. 04-259-CD

**DEFENDANT'S BRIEF IN
SUPPORT OF PRELIMINARY
OBJECTIONS**

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

RECEIVED

MAR 29 2004

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,	:	CIVIL DIVISION
Plaintiff,	:	
v.	:	NO. 04-259-CD
PYRAMID HEALTHCARE, INC.,	:	
Defendant.	:	

DEFENDANT'S BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS

AND NOW, COMES the Defendant, Pyramid Healthcare, Inc., by and through its attorney, C. Wayne Hippo, Jr., Esquire, and files the following Brief in Support of Preliminary Objections as follows:

I. BRIEF STATEMENT OF FACTS

This is an action for breach of contract, defamation, and intentional infliction of emotional distress in which Plaintiff seeks compensatory and punitive damages, along with attorney's fees.

Defendant is a private corporation that operates Harmony Center, a residential healthcare facility committed to providing behavioral treatment to minor male individuals. On or about June 18, 2001, Defendant hired Plaintiff as a counselor assistant. At all times, Plaintiff was an at-will employee.

On or about June 21, 2003, a sixteen (16) year old resident of Harmony Center accused Plaintiff of having a sexual relationship with him. Plaintiff was immediately suspended pending an internal investigation of the allegations made against her. As part of its investigation, Defendant interviewed Plaintiff on June 23, 2003, and inquired as to whether Plaintiff had ever accompanied her accuser off facility grounds alone.

Plaintiff strictly denied ever doing so. However, subsequent interviews with other Defendant employees revealed that several employees had witnessed Plaintiff accompanying her accuser off facility grounds alone on multiple occasions prior to June 21, 2003.

Defendant's policy manual informs employees that they may be terminated without warning for a first time offense of falsifying facility forms, reports, and/or records. After concluding that Plaintiff deliberately gave false reports during Defendant's internal investigation, Defendant terminated Plaintiff's employment on August 25, 2003. Plaintiff subsequently initiated the instant action.

II. STATEMENT OF QUESTION PRESENTED

A. Whether the averments in Plaintiff's Complaint support a cause of action against Defendant for breach of contract.

ANSWER: No

B. Whether the averments in Plaintiff's Complaint support a cause of action against Defendant for defamation and the intentional infliction of emotional distress.

ANSWER: No

C. Whether Plaintiff's Complaint is pled with sufficient specificity to apprise Defendant of the factual basis for Plaintiff's claim for defamation against Defendant.

ANSWER: No

III. ARGUMENT

A. PLAINTIFF'S CLAIM FOR BREACH OF CONTRACT FAILS AS A RESULT OF INSUFFICIENT CONSIDERATION ON PLAINTIFF'S PART TO SUPPORT THE CREATION OF A BINDING CONTRACT

Plaintiff's claim against Defendant in Count I of her Complaint is based solely upon her allegation that Defendant promised that Plaintiff would be reinstated with back pay if the accusations made against her were proven false, thus allegedly creating an oral contract and rendering the at-will doctrine inapplicable in this matter.

Although Defendant strictly denies making such a promise, assume for the sake of argument that Defendant *did* make such a promise. Plaintiff's claim for breach of contract would still fail since the facts as averred by Plaintiff clearly demonstrate insufficient consideration on Plaintiff's part to create a binding agreement between the parties. Plaintiff alleged in her Complaint that an oral contract was created in so much as "(Plaintiff) had no reason to so seek alternative employment (during the period she was suspended) as she was told by (Defendant) that she would be returned to work."

Plaintiff's argument fails to take into account the necessary element of consideration that is required in order for an agreement to achieve the status of legal enforceability. Consideration is bargained for exchange, which indicates that, but for the agreement, the party is not legally obligated to perform. In the current case, the Plaintiff did not agree to undertake any performance pursuant to the terms of any alleged oral agreement. Although Plaintiff avers that Defendant promised performance, specifically to reinstate her, Plaintiff does *not* aver that she herself promised to undertake some act, or abstain from undertaking some act, in exchange for Defendant's alleged promise.

Presumably, Plaintiff argues that her detrimental reliance to Defendant's alleged promise should serve as a substitute for the necessary element of consideration. Detrimental reliance is *not* a substitute for consideration for purposes of contract formation. *Thompson v. Schriver*, 57 Pa. D. & C.4th 157 (2002). A contract is a legally enforceable agreement due to its conformity to specific legal requirements. Once meeting these requirements, it is granted the legal status of "enforceability" and a party may seek damages that would grant the benefit of the bargain if this agreement is breached.

Assuming once again for the sake of argument that it was determined that an enforceable promise to reinstate Plaintiff *did* exist, Defendant's decision to terminate Plaintiff would still be proper since Plaintiff was at all times an at-will employee. The employment-at-will doctrine, in its most basic form, provides that an employer may terminate an employee at its will, and an employee may terminate his or her employment at his or her will with no legal remedy for the non-terminating party. In other words, either the employer or the employee may terminate the employment relationship for good reason, bad reason, or no reason at all. *Yetter v. Ward Trucking Corp.*, 401 Pa. Super. 467, 585 A.2d 1022 (1991).

Regardless of any alleged promise to reinstate Plaintiff pending the outcome of Defendant's internal investigation, Defendant had a subsequent and legitimate reason to terminate Plaintiff's employment. As stated previously, Defendant interviewed Plaintiff on June 23, 2003, and inquired as to whether Plaintiff had ever accompanied her accuser off facility grounds alone. Plaintiff strictly denied ever doing so. However, subsequent interviews with other Defendant employees revealed that several employees had witnessed Plaintiff accompanying her accuser off facility grounds alone

on multiple occasions prior to June 21, 2003. Defendant's decision to terminate Plaintiff's employment had nothing to do with the truth or falsity of the accusations made against Plaintiff. Rather the decision to terminate Plaintiff came as a direct result of her failure to cooperate in the internal investigation in a truthful manner and effectively falsifying internal reports.

B. PLAINTIFF'S CLAIMS FOR DEFAMATION AND INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS FAIL SINCE AN EMPLOYER CAN ONLY BE LIABLE FOR THE DEFAMATORY STATEMENTS MADE BY EMPLOYEES IF SAID STATEMENTS ARE MADE WITHIN THE SCOPE OF EMPLOYMENT AND/OR ON BEHALF OF THE EMPLOYER

Plaintiff alleged in her Complaint that Defendant's "employee or employees" published defamatory statements regarding Plaintiff. Plaintiff does not aver which "employee or employees" made the alleged defamatory statements, nor does Plaintiff aver where, when and/or in what manner the alleged defamatory statements were published. Where an employee publishes a defamatory statement, the employer will not be vicariously liable unless the employee was acting within the scope of his or her employment or on behalf of the employer. *Michaelson v. Exxon Research & Engineering Co.*, 629 F.Supp. 418 (W.D. Pa. 1986).

To be considered within the scope of employment, the conduct of the employee must be of a kind that the employee was employed to perform; the conduct must occur substantially within the authorized time and space limits of the employee's employment; and the conduct must be actuated, at least in part, by the purpose to serve the employer. In order to succeed on this cause of action, Plaintiff in the instant matter would need to aver the existence of a master-servant or employer-employee relationship between the person or persons responsible for the defamation and Defendant. Plaintiff would also need to aver that the responsible person was acting

within the scope of his or her employment at the time of the alleged publication of the defamatory statements.

An employer or "master" is a principal who employs an agent, his employee or "servant," to render services in his affairs and who has the right to control the physical conduct of the employee in the performance of the services. *Smalich v. Westfall*, 440 Pa. 409, 269 A.2d 476 (1970); *Collins v. Hand*, 431 Pa. 378, 246 A.2d 398 (1968). The test of this relationship is framed in terms of the right and power to exercise control over the manner in which the employee performs the work; it is not determinative that such power was never actually exercised. *Coleman v. Board of Education*, 477 Pa. 414, 383 A.2d 1275 (1978); *Ragano v. Socony Vacuum Oil Co.*, 376 Pa. 271, 101 A.2d 686 (1954). Proof of this relationship is critical because without actual or potential control of the manner in which the employee transacts his employer's business, the doctrine of respondeat superior, by which an employer may be held liable for his employee's tortious conduct, although he was personally without fault, will not apply. *McGrath v. Edward G. Budd Manufacturing, Co.*, 348 Pa. 619, 36 A.2d 303 (1944); *Joseph v. United Workers Association*, 343 Pa. 636, 23 A.2d 470 (1942). Once the relationship is established, it is also necessary to show that the work being performed at the time of the tortious conduct was for the benefit of the employer, or part of his business, before the employer can be held vicariously liable. Although Defendant strictly denies that any Defendant employee or employees published defamatory statements regarding Plaintiff, the hypothetical occurrence of such would still not render Defendant liable unless the averred relationship and purpose of the defamatory statements met the requirements set forth above.

In her Complaint, Plaintiff does not aver that Defendant's employees published defamatory statements during the course or in the scope of their employment with Defendant. Furthermore, Plaintiff does not aver that Defendant exercised control or had the ability to exercise control over the alleged employee or employees who allegedly published defamatory statements. Finally, Plaintiff does not aver with any specificity to whom the alleged disparaging statements were made, when they were made or any specific pecuniary loss experienced. Plaintiff's generic averments amount to nothing more than speculation. Plaintiff merely speculates that since she believes certain members of her community have come to believe certain "facts" about her, Defendant and Defendant's employees must be responsible. Speculation cannot serve as the basis for a claim of defamation. *Levitas v. Temple University*, 2001 WL 1807933 (Pa.Com.Pl. 2001). In the *Levitas* case, the plaintiff averred that a Temple University employee published defamatory statements regarding the plaintiff to "colleagues, students, and bystanders." After observing that the plaintiff failed to "proffer any evidence whatsoever that the University (itself) made any communication or publication of defamatory statements...(and) never identified the alleged colleagues, students, or bystanders who were supposed to have heard or been made aware of (the defamatory statements)", the court concluded "plaintiff cannot support his claim for defamation or slander as it is, again, mere speculation." *Id.* at 3. The facts are almost identical in the instant matter. As such, Plaintiff's claim against Defendant for defamation must fail.

Plaintiff also avers in her Complaint that the alleged publication of defamatory statements by Defendant's employee or employees caused Plaintiff to suffer severe emotional distress. Generally speaking, in order to state a cause of action for

intentional infliction of emotional distress, a plaintiff must allege facts that, if accepted as true, establish conduct by a defendant (1) that is extreme and outrageous, (2) that is intentional or reckless, and (3) that causes severe emotional distress. *Hoy v. Angelone*, 456 Pa. Super. 596, 691 A.2d 476 (1997). Plaintiff avers that the alleged publication of defamatory statements by Defendant's employees constitutes the necessary extreme and outrageous conduct. Therefore, under Plaintiff's theory of liability, if Defendant cannot be found liable for the alleged defamation, then Defendant cannot be found liable for the infliction of emotional distress since Plaintiff avers no other conduct that could even remotely be classified as extreme and outrageous. As stated above, Plaintiff has failed to aver the necessary elements to support a cause of action against Defendant for defamation. As a result, it follows that Plaintiff has failed to aver the necessary elements to support a cause of action for the intentional infliction of emotional distress.

C. PLAINTIFF'S COMPLAINT IS NOT PLEAD WITH SUFFICIENT SPECIFICITY TO APPRISE DEFENDANT OF THE FACTUAL BASIS FOR PLAINTIFF'S CLAIM FOR DEFAMATION

Although Plaintiff generally alleged that defamatory statements were published and that these statements led to the general knowledge referenced in her Complaint, Plaintiff did not identify *what defamatory statements* led to the proliferation of such general knowledge. A plaintiff *must identify and plead the precise words* claimed to be defamatory. *Moses v. McWilliams*, 379 Pa. Super. 150, 549 A.2d 950 (1980). Plaintiff did not meet this requirement. Plaintiff's Complaint merely alleges, "it became generally known in the community that (Plaintiff) was terminated from her employment because 'she was sleeping with a client.'" While it is true that Plaintiff averred the alleged resulting "general knowledge" caused by the alleged defamatory statements,

she made no reference whatsoever, with any degree of specificity, as to the responsible statements themselves. In addition, Plaintiff did not identify the "employee or employees" of Defendant who allegedly published the defamatory statements. Plaintiff's Complaint simply alleges, "Defendant Pyramid, by and through its employees of the Harmony, informed others in the Clearfield County community that (Plaintiff) was terminated...because she slept with or was having sexual relations with a resident." Plaintiff did not aver the name, sex, age, position, or any other identifying aspect of these alleged "employee or employees." Plaintiff does not aver when the alleged publication took place or the identities of "others in the Clearfield County community." A plaintiff must plead the exact occasion of the publication of defamatory statements and the specific identity of the recipients. *Raneri v. Depolo*, 65 Pa. Cmwlth. 183, 441 A.2d 1373 (1982). For all the above reasons, Plaintiff's Complaint is pled with insufficient specificity to apprise Defendant of the factual basis for Plaintiff's claim for defamation against Defendant.

IV. CONCLUSION

In ruling on preliminary objections in the nature of a demurrer, the court must accept as true all well-pleaded facts and all reasonable inference that can be deduced from those facts. *Turner v. Pennsylvania Board of Probation and Parole*, 749 A.2d 1018, 1020 (Pa. Commw. 2000). The court need not accept as true conclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion. *Myers v. Ridge*, 712 A.2d 791, 794 (Pa. Commw. 1998). The question presented by a demurrer is whether on the facts averred the law says with certainty that no recovery is possible. *McKeeman v. Corestates Bank N.A.*, 751 A.2d 655 (Pa. Super. 2000).

For all the reasons stated above, Plaintiff's Complaint fails to state a cause of action upon which relief can be granted, even if all the well-plead facts in her Complaint are accepted as true. Therefore, this Court should dismiss Plaintiff's Complaint pursuant to Rule 1028(a)(4) of the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: March 26, 2004

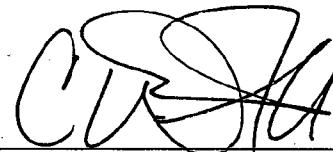
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :
.....

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2004, a true and correct copy of the foregoing Defendant's Brief in Support of Preliminary Objections was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

HIPPO & DONALDSON LAW OFFICES

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Phone: (814) 943-5500
Fax: (814) 943-7656
www.HDLawOffices.com

C. Wayne Hippo, Jr.
Michael A. Carbonara

Robert S. Donaldson, of Counsel

March 26, 2004

Dave Meholic
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830

**In re: Jaime U. Condon v. Pyramid Healthcare, Inc.
No. 04-259-CD**

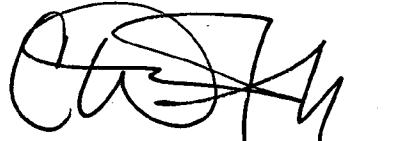
Dear Mr. Meholic:

This office represents Pyramid Healthcare, Inc., in the above-referenced matter.

I am enclosing one original and one photocopy of Defendant's Brief in Support of Preliminary Objections. Please file the original, timestamp the photocopy, and return the photocopy to my office in the envelope provided.

Thank you in advance for your attention to this matter.

Very truly yours,



C. Wayne Hippo, Jr., Esquire

CWH/dap

RECEIVED

Enclosures

MAR 29 2004

pc: Theron G. Noble, Esquire

**COURT ADMINISTRATOR'S
OFFICE**

CR

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

RULE TO SHOW CAUSE

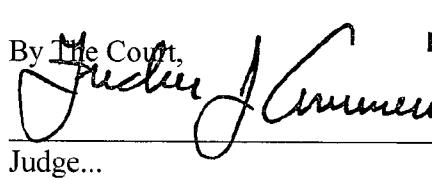
Now, this 10th day of November, 2004, upon consideration of the attached Plaintiff's MOTION TO COMPEL, a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 6 day of December, 2004 and argument on the PETITION set for the 15 day of December, 2004, at 9 : 00, A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

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William A. Shaw
Prothonotary/Clerk of Courts
1 cent to A.M.
By The Court,

Judge...

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

: No. 04- 259 -CD

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

: In Equity and at Law

DEFENDANT.

: Type of Pleading:

MOTION TO COMPEL

: Filed By:

: Plaintiff

: Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED *R*

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William A. Shaw
Prothonotary

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

RULE TO SHOW CAUSE

Now, this _____ day of November, 2004, upon consideration of the attached Plaintiff's MOTION TO COMPEL, a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the _____ day of _____, 2004 and argument on the PETITION set for the _____ day of _____, 2004, at _____:_____, __.M., in Courtroom No. __, Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge...

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

MOTION TO COMPEL

AND NOW, comes th Plaintiff, Mrs. Jaime U. Condon, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her MOTION TO COMPEL:

Background

1. This matter involves a civil complaint filed in equity and at law.
2. Mrs. Condon was employed by the defendant in an adolescent group home as a counselor assistant.
3. That one of the teenage clients, identified for purposes of this litigation as "Brandon S." of defendants made an allegation that Mrs. Condon had sexual relations with him.
4. That the appropriate police and CYS authorities investigated this allegation and determined the allegation to be unfounded.
5. That, upon information and belief, Brandon S. has had criminal charges for false reports filed against him from this incident.
6. That in prosecution of the case at hand, a deposition was scheduled and held of the defendants highest level employee at the group home, Matthew Hosband.
7. Prior to the deposition, a due and proper notice of deposition was issued, attached hereto as Exhibit "A", indicating various documents that Mr. Hosband was to be with

him at the deposition.

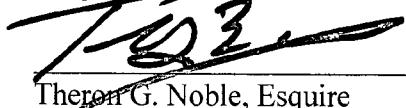
8. Mr. Hosband failed to bring such documents with him at the time of his deposition.
9. Counsel for Mr. Hosband appeared at the deposition and it was agreed that the documents would be provided and if necessary, Mr. Hosband's deposition would be reconvened.
10. At a later date, defendant through counsel presented some of the documents under cover of letter, attached hereto as Exhibit "B", indicating that the defendant would not provide the documents previously requested and agreed to be presented relating to Brandon S.' stay with the defendant.
11. Defendant now contends that the documents are "privileged".

Count I: Motion to Compel

12. That the defendant should be ORDERED to produce said documents.
13. That said documents, given Brandon S.'s criminal activities in making the false report and placing this matter at issue, has waived said privilege.
14. That even if Brandon S. had not waived said privilege as above stated, defendant has waived the privilege by not timely objecting to production of the same and agreeing to produce the same, then objecting to production of the same.
15. Lastly, any issue as to confidentiality relating to these documents can be preserved in a means already used in this litigation by redacting Brandon S.'s last name.

WHEREFORE, Plaintiff requests that Defendant be ordered to produce all documents relating to Brandon S.'s stay with defendant.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

DEFENDANTS.

) No. 04- 259 -CD

) In Equity and at Law

NOTICE OF DEPOSITION

COPY

To: C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

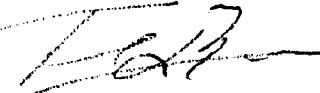
Exhibit "A"

Date: October 4, 2004

Take notice that the deposition upon oral examination will be taken of Matthew Hosband, at the law offices of Ferraraccio & Noble, 301 E. Pine Street, Clearfield, PA, on the 22nd day of October, 2004 commencing at approximately 1:15 P.M and continuing until completed, at which time you are invited to attend and participate.

The scope of said deposition will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case. Mr. Hosband is requested to bring with him true and correct copies of all (i) documents maintained as part of Mrs. Condon's personnel file; (ii) documents relating to defendant's investigation of the allegations made by Brandon S. relating to Mrs. Condon's termination; and (iii) documents relating to Brandon S.'s stay with defendant.

Respectfully Submitted,



T.G.N.
Teron G. Noble, Esquire
Attorney for Plaintiff
Pa. I.D.#: 55942
301 East Pine Street
Clearfield, PA 16830

cc: Mrs. Jaime U. Condon
Court Reporter

C. WAYNE HIPPO & ASSOCIATES

ATTORNEYS AT LAW

Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
Phone: (814) 943-5500
Fax: (814) 943-7656
www.HDLawOffices.com

C. Wayne Hippo, Jr.
David A. Pertile
Traci L. Naugle

Robert S. Donaldson,
Leave of Absence

October 28, 2004

Exhibit "B"

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

In re: Jamie Condon v. Pyramid Healthcare, Inc.

Dear Attorney Noble:

I am enclosing the complete personnel file of Jaime U. Condon, as maintained by Pyramid Healthcare, Inc. ("Pyramid"). All documents relating to the investigation of Ms. Condon have been incorporated into her personnel file. Collectively, the documents are marked as A-1 through A-148 for purposes of reference.

With respect to your request for documents related to Brandon S.'s stay at Harmony Center, please be advised that all client records are privileged and confidential. Pyramid cannot exchange or release such records unless so directed by an Order of Court.

Please feel free to contact me with any questions or concerns.

Very truly yours,



David A. Pertile, Esquire

Enclosures

pc: Mr. Jonathan E. Wolf, CEO, Pyramid Healthcare, Inc. (without enclosures)

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

Date: November 8, 2004

I, Theron G. Noble, Esquire, counsel for Plaintiff, Jaime U. Condon, does hereby certify that I did mail a true and correct copy of Plaintiff's MOTION TO COMPEL via United States Mail, postage pre-paid, first class, to the Defendants' counsel of record, addressed as follows, the day above written:

C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED
NOV 10 2004
William A. Shaw
Prothonotary

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

DEFENDANTS.

) No. 04- 259 -CD

) In Equity and at Law

NOTICE OF SERVICE

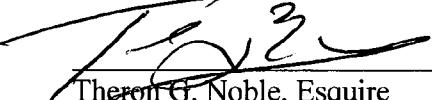
To: William A. Shaw, Prothonotary

Date: November 17, 2004

I, Theron G. Noble, Esquire, counsel for Plaintiff, Jaime U. Condon, does hereby certify that I did mail a true and correct copy of the RULE RETURNABLE entered upon Plaintiff's MOTION TO COMPEL, via United States Mail, postage pre-paid, first class, to the Defendants' counsel of record, addressed as follows, the day above written:

C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

Respectfully Submitted,


Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

864
FILED NO CC
M/12/2004
NOV 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

CIVIL DIVISION

NO. 04-259-CD

**DEFENDANT'S ANSWER TO
PLAINTIFF'S MOTION TO COMPEL**

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
C. Wayne Hippo & Associates
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED
NOV 22 2004
mjl:2981

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :
:

DEFENDANT'S ANSWER TO PLAINTIFF'S MOTION TO COMPEL

AND NOW, COMES the Defendant, Pyramid Healthcare, Inc., by and through its attorney, C. Wayne Hippo, Jr., Esquire, and files its Answer to Plaintiff's Motion to Compel, averring as follows:

1. Admitted.
2. Admitted. By way of further answer, Defendant avers that Plaintiff was hired as a counselor assistant on or about June 18, 2001, as an at-will employee, at Defendant's Harmony Center facility.
3. Admitted.
4. Admitted.
5. After reasonable investigation, Defendant is neither able to admit nor deny the averments set forth in Paragraph 5 of Plaintiff's Motion to Compel.
6. Admitted.
7. Defendant admits that a deposition notice was issued. To the extent Plaintiff avers that the deposition notice was "due and proper," said averments are conclusions of law to which no response is necessary under the Pennsylvania Rules of Civil Procedure.

8. Admitted in part. Defendant admits that Matthew Hosband did not bring certain documents to his deposition. To the extent Plaintiff avers that Matthew Hosband was required to bring any documents to his deposition, said averments are conclusions of law to which no response is necessary under the Pennsylvania Rules of Civil Procedure.

9. It is admitted that Defendant's counsel agreed in good faith to provide any and all discoverable materials requested by Plaintiff.

10. Denied as stated. To the contrary, Defendant avers that the October 28, 2004, correspondence speaks for itself.

11. Denied as stated. To the contrary, Defendant avers that it is prohibited from disclosing records "relating to Brandon S." pursuant to the Title 55 Chapter 3800 regulations relating to Child Residential and Day Treatment Facilities, 55 Pa.Code § 3800.20, and the Mental Health Procedures Act, 50 P.S. § 7101-7503, along with other applicable state and federal statutes.

12. The averments set forth in Paragraph 12 of Plaintiff's Motion to Compel are conclusions of law to which no response is necessary under the Pennsylvania Rules of Civil Procedure.

13. The averments set forth in Paragraph 13 of Plaintiff's Motion to Compel are conclusions of law to which no response is necessary under the Pennsylvania Rules of Civil Procedure.

14. The averments set forth in Paragraph 14 of Plaintiff's Motion to Compel are conclusions of law to which no response is necessary under the Pennsylvania Rules of Civil Procedure. By way of further answer, Defendant avers that Plaintiff's Motion to Compel demonstrates a fundamental misunderstanding of the law and/or Defendant's

inability to produce client records in the context of this litigation. The confidential nature of client records is not a "privilege" that Defendant may or may not waive. Rather, the confidential nature of such records is mandated by law and the ability to waive this protection, if any, rests solely with the client.

15. Denied. To the contrary, Defendant avers that sufficient confidentiality can only be preserved by complying with applicable law governing child residential and mental health treatment facilities and the disclosure of client records.

WHEREFORE, Defendant, Pyramid Healthcare, Inc., respectfully requests this Court to dismiss Plaintiff's Motion to Compel.

Respectfully submitted:



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: November 19, 2004

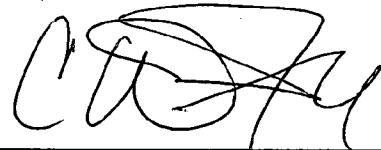
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of November, 2004, a true and correct copy of the Defendant's Answer to Plaintiff's Motion to Compel was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
C. Wayne Hippo & Associates
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

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

JAMIE U. CONDON

:

VS.

: NO. 04-259-CD

PYRAMID HEALTH CARE, INC

:

O R D E R

NOW, this 15th day of December, 2004, following argument on the Plaintiff's Motion to Compel, it is the ORDER of this Court as follows:

1. The Defendant shall release copies of all documents relating to Brandon Hess's stay with Defendant within no more than fifteen (15) days from this date.

2. Following review of the same by counsel for the Plaintiff, in the event that the Plaintiff intends to utilize any of the documentation as exhibits or to read or reference the same during any trial, Plaintiff shall first file a motion with the Court in order that the Court may further review any concern of confidentiality relative the same.

BY THE COURT:



President Judge

FILED
012-21380 400
Atty. Noble
DEC 16 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

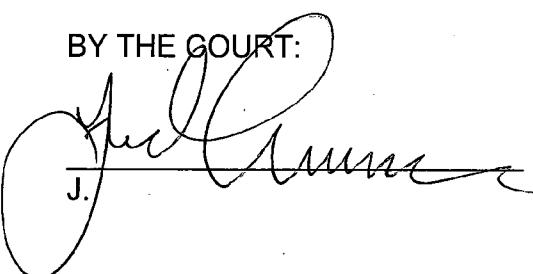
PYRAMID HEALTHCARE, INC.,

Defendant.

ORDER OF COURT

AND NOW, this 1st day of April, 2005, upon consideration of Defendant's Motion to Compel, Plaintiff is hereby ORDERED to serve answers to ^{PSA} Defendant's First Set of Interrogatories within 30 days of this Order.

BY THE COURT:



J.

FILED
04/03/2005
APR 01 2005
Atty Hippo

6K
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

CIVIL DIVISION

NO. 04-259-CD

**DEFENDANT'S
MOTION TO COMPEL**

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED *1cc*
4/12/05 *44y*
APR 01 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION

Plaintiff, : NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

MOTION TO COMPEL

AND NOW, comes the Defendant, Pyramid Healthcare, Inc., by and through its counsel, C. Wayne Hippo, Jr., Esquire, and files the following Motion to Compel:

1. Plaintiff initiated this action against Defendant for breach of contract, defamation, and intentional infliction of emotional distress.
2. Defendant served its First Set of Interrogatories on Plaintiff on January 26, 2005.
3. Plaintiff failed to serve her answers and/or objections to the First Set of Interrogatories within thirty (30) days in violation of Rule 4006 of the Pennsylvania Rules of Civil Procedure.
4. By letter dated February 28, 2005, counsel for Defendant advised counsel for Plaintiff that more than thirty (30) days had passed and inquired as to the status of Plaintiff's answers and/or objections. Attached hereto as Exhibit "A" and incorporated herein by reference is a copy of the February 28, 2005, correspondence.
5. Neither Plaintiff nor her counsel responded to the February 28, 2005, correspondence.
6. On March 10, 2005, counsel for Plaintiff verbally advised counsel for Defendant that Plaintiff "hoped to provide her answers by the end of April." Counsel for

Plaintiff further advised that Plaintiff's employment "made it difficult for Plaintiff to get into the office during normal business hours" to complete her answers.

7. By letter dated March 14, 2005, counsel for Defendant advised counsel for Plaintiff that such a delay was unacceptable and requested Plaintiff to serve her answers and/or objections on or before March 21, 2005. Attached hereto as Exhibit "B" and incorporated herein by reference is a copy of the March 14, 2005, correspondence.

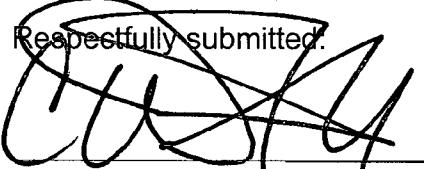
8. Approximately sixty-four (64) days have passed since Defendant served its First Set of Interrogatories on Plaintiff.

9. To date, Plaintiff has failed to serve her answers and/or objections.

10. Defendant cannot properly prepare its defense to Plaintiff's claims in the absence of Plaintiff's answers to Defendant's First Set of Interrogatories.

WHEREFORE, Defendant respectfully requests this Court to Order Plaintiff to produce answers to Defendant's First Set of Interrogatories.

Respectfully submitted,


C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

HIPPO & FLEMING

LAW OFFICES

Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
Phone: (814) 943-5500
Fax: (814) 943-7656

www.HippoFleming.com

C. Wayne Hippo, Jr.
Jeff Fleming
David A. Pertile
Traci L. Naugle

Robert S. Donaldson,
Leave of Absence

February 28, 2005

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Via Telefax and First Class Mail

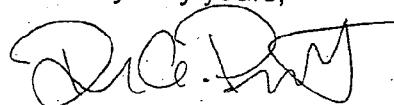
In re: Jamie U. Condon v. Pyramid Healthcare, Inc.

Dear Terry:

Please recall that thirty-three (33) days have passed since we served our First Set of Interrogatories on January 26, 2005. Pursuant to Pa.R.C.P 4006, answering parties must serve a copy of their answers and objections, if any, within thirty (30) days after service of the interrogatories. Please advise as to the status of your client's answers to our interrogatories.

Thank you for your prompt attention to this matter.

Very truly yours,



David A. Pertile

pc: Mr. Jonathan E. Wolf, CEO, Pyramid Healthcare, Inc.

HIPPO & FLEMING

LAW OFFICES

Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
Phone: (814) 943-5500
Fax: (814) 943-7656

www.HippoFleming.com

C. Wayne Hippo, Jr.
Jeff Fleming
David A. Pertile
Traci L. Naugle

Robert S. Donaldson,
Leave of Absence

March 14, 2005

Via Telefax and First Class Mail

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

In re: Jamie Condon v. Pyramid Healthcare, Inc.

Dear Attorney Noble:

As you are aware, approximately forty-seven (47) days have passed since we served our First Set of Interrogatories on January 26, 2005. By letter dated February 28, 2005, I advised you that more than thirty (30) days had passed and inquired as to the status of your client's answers. You did not respond to that letter.

I inquired again as to the status of your client's answers at the deposition of Michelle Floyd on March 10, 2005, at which time you stated that you hoped to provide the answers before the end of April. You reiterated this indication in your March 11, 2005, correspondence to Attorney Wayne Hippo.

Please be advised that such a delay is not acceptable. In a final effort to avoid bringing this matter before the Court, however, we are affording your client seven (7) additional days from the date of this letter in which to provide answers to our Interrogatories. If we do not receive your client's answers on or before March 21, 2005, we intend to immediately file a Motion to Compel in relation to the same.

Thank you for your prompt attention to this matter.

Very truly yours,



David A. Pertile, Esquire

pc: Mr. Jonathan E. Wolf, CEO, Pyramid Healthcare, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

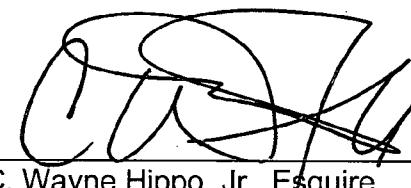
PYRAMID HEALTHCARE, INC.,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March, 2005, a true and correct copy of the foregoing Defendant's Motion to Compel was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Donaldson Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION

Plaintiff, : NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC., : DEFENDANT'S

Defendant. : MOTION TO COMPEL

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED 10
Nov 29 2005
Atty Hippo
29 2005

BB
Shaw
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
: NO. 04-259-CD
v. :
PYRAMID HEALTHCARE, INC., :
Defendant. :
:

ORDER OF COURT

AND NOW, this ____ day of _____, 2005, upon consideration of Defendant's Motion to Compel, Plaintiff is hereby ORDERED within 20 days to identify by name, address and telephone number any and all medical professionals that Plaintiff intends to call at trial to support her claim for damages arising out of Plaintiff's alleged "physical ailments" and all general practitioners, chiropractors, psychologists, psychiatrists and other similar medical professionals that have treated Plaintiff in the ten years prior to the incidents alleged in Plaintiff's First Amended Complaint.

Plaintiff is further ORDERED within 20 days to produce the complete file pertaining to Plaintiff of each medical professional so identified or executed authorizations in lieu thereof.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
: Plaintiff, :
: NO. 04-259-CD
: v. :
: PYRAMID HEALTHCARE, INC., :
: Defendant. :
:

MOTION TO COMPEL

AND NOW, comes the Defendant, Pyramid Healthcare, Inc., by and through its counsel, C. Wayne Hippo, Jr., Esquire, and files the following Motion to Compel:

1. Plaintiff initiated this action against Defendant for breach of contract, defamation, and intentional infliction of emotional distress.
2. Paragraph 34 of Plaintiff's First Amended Complaint avers that as a result of Defendant's alleged conduct, Plaintiff "suffered physical damages...and does receive medical treatment and should be compensated in an amount to be determined at time of trial."
3. Paragraph 35 of Plaintiff's First Amended Complaint avers that the "physical ailments so suffered by Mrs. Condon (as a result of Defendant's alleged conduct) include inability to sleep, anxiety, depression, weight loss and constant headaches."
4. Defendant served its First Set of Interrogatories on Plaintiff on January 26, 2005.

5. The aforementioned interrogatories requested Plaintiff to identify all medical professionals that have treated Plaintiff for the "physical ailments" she references in her First Amended Complaint.

6. Plaintiff was further requested to produce copies of any and all records that refer or relate to such consultations or treatments.

7. In her response to Defendant's interrogatories, Plaintiff identified Dr. Mary Leskovan, now deceased, and her successor in interest, Dr. Fuentes, as the only medical professionals that have treated Plaintiff for the "physical ailments" set forth in Plaintiff's First Amended Complaint.

8. Plaintiff did not provide copies of any medical records nor did Plaintiff provide the address or telephone number of Dr. Mary Leskovan's office. Furthermore, Plaintiff did not provide the address, telephone number, or first name of Dr. Fuentes.

9. On May 5, 2005, counsel for Defendant forwarded to counsel for Plaintiff authorizations for the release of Plaintiff's medical records. A copy of the May 5, 2005, letter and medical authorizations are attached hereto and marked as Exhibit "A".

10. In as much as Plaintiff failed to provide accurate and sufficient information in her response to Defendant's interrogatories regarding Plaintiff's applicable physicians and their whereabouts, Defendant requested Plaintiff to complete and execute an authorization for "each health care provider that possesses medical records relevant to this case."

11. For each applicable physician, Defendant requested Plaintiff to authorize the release of Plaintiff's "complete file."

12. On May 7, 2005, counsel for Plaintiff informed Defendant that Plaintiff would not authorize the release of her "complete file" but only "records from August 26, 2003, to present."

13. Plaintiff seeks unspecified damages, including the payment of medical bills, for the "physical ailments" allegedly suffered as a direct result of Defendant's alleged conduct.

14. Plaintiff has put her mental and physical health at issue in this matter.

15. To date, Plaintiff has not provided any medical records or executed authorizations despite repeated requests for the same

16. Defendant is entitled to review the complete file of any applicable physician in order to determine the extent to which Plaintiff's alleged "physical ailments" may be attributable to a pre-existing condition. Applicable physicians should be defined to include any physician that Plaintiff intends to call at trial to support her claim for damages arising out of Plaintiff's alleged "physical ailments" and all general practitioners, chiropractors, psychologists, psychiatrists and other similar medical professionals that have treated the Claimant in the ten years prior to the incidents alleged in Plaintiff's First Amended Complaint.

17. Defendant cannot properly prepare its defense to Plaintiff's claims in the absence of Plaintiff's complete medical records.

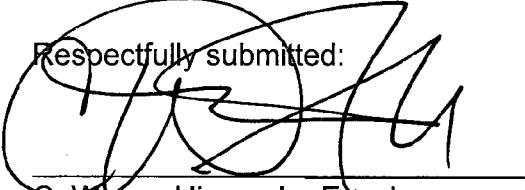
WHEREFORE, Defendant respectfully requests this Court to enter an order compelling Plaintiff within twenty (20) days to:

a. Identify by name, address and telephone number any and all physicians that Plaintiff intends to call at trial to support her claim for damages arising out of Plaintiff's alleged "physical ailments" and all general practitioners,

chiropractors, psychologists, psychiatrists and other similar medical professionals that have treated Plaintiff in the ten years prior to the incidents alleged in Plaintiff's First Amended Complaint; and

b. Produce the complete file pertaining to Plaintiff for each medical professional so identified or executed authorizations in lieu thereof.

Respectfully submitted:



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: July 28, 2005

HIPPO & FLEMING

LAW OFFICES

Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
Phone: (814) 943-5500
Fax: (814) 943-7656

www.HippoFleming.com

C. Wayne Hippo, Jr.
Jeff Fleming
David A. Pertile
Traci L. Naugle

Robert S. Donaldson,
Leave of Absence

May 5, 2005

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

In re: Jamie Condon v. Pyramid Healthcare, Inc.

Dear Attorney Noble:

I am in receipt of your client's non-verified, May 1, 2005, Response to Defendant's First Set of Interrogatories ("Response").

In her non-verified Response, Ms. Condon indicates that she will execute an appropriate authorization for the release of her medical records "in the event (Pyramid) would wish to see (the records)." As you are aware, we have already specifically requested copies of all medical records pertaining to your client and her claims for damages in the above-referenced matter.

I am enclosing three (3) Authorization for the Release of Medical Records forms. Please direct your client to complete one (1) form for each health care provider that possesses medical records relevant to this case. In addition to her date of birth and social security number, Ms. Condon must provide the name and address of each provider prior to signing the forms.

I am requesting that you return the properly completed and executed form(s) to my attention within ten (10) days of the date of this letter.

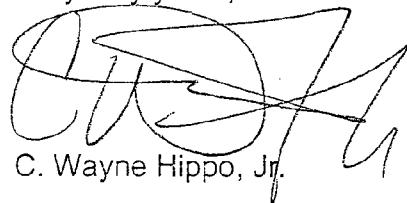
Nothing in this correspondence is to be construed as releasing your client from her responsibility to disclose records in your possession or expert reports as required by the Pennsylvania Rules of Civil Procedure.

EXHIBIT A

Theron G. Noble, Esquire
May 5, 2005
Page II

Thank you for your prompt attention to this matter.

Very truly yours,



A handwritten signature in black ink, appearing to read "C. Wayne Hippo, Jr." The signature is fluid and cursive, with a large, stylized 'C' at the beginning.

C. Wayne Hippo, Jr.

Enclosures

pc: Mr. Jonathan E. Wolf, CEO, Pyramid Healthcare, Inc. (w/out enclosures)

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

Patient Name: JAMIE U. CONDON

Date of Birth: _____

Social Security No.: _____

Name and address of entity in possession of medical records: _____

I, Jaime U. Condon, have been a patient at your facility and understand that the facility has legally protected health information about me.

I, Jaime U. Condon, hereby authorize _____ to release my COMPLETE MEDICAL FILE to:

Hippo & Fleming Law Offices
c/o David A. Pertile, Esquire
1218 Eleventh Avenue
Altoona, PA 16601

This release is for the following purpose: LITIGATION

I, Jaime U. Condon, understand the following:

That my records will not be released unless permission is provided for herein as evidenced by the signature on this Authorization for release of protected health information (Authorization);

That the release of my health records will be used for the purpose stated on this form, and only those items checked off will be released;

That my records released may possibly be re-disclosed by the facility/person that receives the records and therefore the facility and its staff/employees have no responsibility or liability as a result of the re- disclosure and such information would no longer be protected by the privacy rule;

That this Authorization is in effect for a period of 90 days from the date of signature, unless a specific time frame is documented; however, no time frame shall go beyond one year from the date of signature;

That I have the right to revoke this Authorization form at any time by sending a written request to the facility;

That my decision to revoke the Authorization does not apply to any release of my health records that may have taken place prior to the date of my request to revoke the Authorization; and

That I am entitled to a copy of this completed Authorization form.

Jamie U. Condon

Dated: _____

A PHOTOCOPY OR FACSIMILE OF THIS AUTHORIZATION SHALL BE CONSIDERED AS EFFECTIVE AND VALID AS THE ORIGINAL

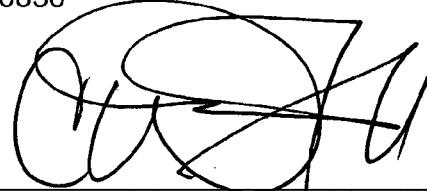
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of July, 2005, a true and correct copy of the foregoing Defendant's Motion to Compel was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

ORDER OF COURT

AND NOW, this 1st day of August, 2005, upon consideration of Defendant's Motion to Compel, it is hereby ordered that:

- (1) A rule is issued upon Plaintiff to show cause why Defendant is not entitled to the relief requested;
- (2) Plaintiff shall file an answer to the motion within _____ days of this date;
- (3) The motion shall be decided under Pa.R.C.P. 206.7;
- (4) Argument shall be held on Sept. 7, 2005, in Courtroom No. 1 of the Clearfield County Courthouse; and at 10:00 A.M.
- (5) Notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT:



FILED

09/30/05 w/memo re: service
AUG 02 2005 to Atty Hippo

William A. Shaw
Prothonotary/Clerk of Courts

60



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

***** Please note: This also includes service of scheduling orders obtained as the result of the filing of any pleading.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL DIVISION

Plaintiff,

NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

AFFIDAVIT OF SERVICE

Filed on behalf of:
Defendant Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

FILED NO
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AUG 04 2005
V

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :
:

AFFIDAVIT OF SERVICE

I, David A. Pertile, Esquire, hereby certify that on the 3rd day of August, 2005, I served a true and correct copy of the August 1, 2005, Order of Court issued in the above-captioned matter together with the underlying Defendant's Motion to Compel, via United States First Class Mail, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Mr. David Meholic - Court Administrator
Clearfield County Court Administration
230 East Market Street
Clearfield, PA 16830



David A. Pertile, Esquire
PA ID # 92351
Hippo & Fleming Law Offices
Attorney for Defendant
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: August 3, 2005

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED 200A/Hys
01/21/06
SEP 09 2005
Noble
Hippo

William A. Shaw
Prothonotary/Clerk of Courts
GR

JAIME U. CONDON :
-vs- : No. 04-259-CD
PYRAMID HEALTHCARE, INC. :

O R D E R

NOW, this 7th day of September, 2005, following argument on Defendant's Motion to Compel filed on July 29, 2005, it is the ORDER of this Court as follows:

1. Within no more than twenty (20) days from this date, the Plaintiff shall identify by name, address and telephone number any and all medical professionals that Plaintiff intends to call at trial to support her claim for damages arising out of the Plaintiff's alleged physical ailments as may be set forth in the Complaint or First Amended Complaint;

2. Within no more than twenty (20) days from this date, the Plaintiff shall supply the name, address and telephone number of all doctors, medical or psychological providers or any chiropractors or other medical professionals that have treated Plaintiff in the past ten (10) years for any of the alleged physical ailments as the Plaintiff may describe in her Complaint or First Amended Complaint relating to her claim for damages;

3. Within no more than thirty (30) days from this date, Plaintiff shall take one of the following two steps:

A. Within no more than twenty (20) days from this date, supply properly executed medical release documents which would permit the defense to obtain the portions of medical records which relate to the defendant's alleged physical ailments and claims for damages from any of the medical professionals which would be listed in response to Nos. 1 and 2 above.

B. Within no more than forty-five (45) days from this date, produce to the Defense portions of files/records from any of the doctors or other described medical professionals listed in response to Paragraphs 1 and 2 above which records relate to the Plaintiff's alleged physical ailments and claim for damages;

4. Nothing in this Order is to be construed as preventing the Defense from filing a further Motion to Compel or any request for production of documents as they deem to be appropriate in the future as to the issues contained in the said Motion to Compel.

BY THE COURT.

President Judge

CA

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

JAIME U. CONDON,
an adult individual;

PLAINTIFF,

: No. 04- 259 -CD

v.
PYRAMID HEALTH CARE, INC.,
a Pennsylvania Corporation,

DEFENDANT.

: Type of Pleading:

**PRAECIPE TO ENTER NOTICE
OF JURY TRIAL DEMAND**

: Filed By:

: Plaintiff

: Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO
NOV 11 2005
2005
NOV 08 2005
6P

William A. Shaw
Prothonotary/Clerk of Courts

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

PRAECIPE TO ENTER NOTICE OF JURY TRIAL DEMAND

To: William A. Shaw, Prothonotary

Date: November 7, 2005

Please consider this as Plaintiff's NOTICE that she desires trial by jury in the above captioned matter. This should not be considered as notification to place this matter on the trial list as discovery is still ongoing in this matter.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

Date: November 7, 2005

I, Theron G. Noble, Esquire, counsel for Plaintiff, Jaime U. Condon, does hereby certify that I did mail a true and correct copy of the PRAECIPE FOR JURY TRIAL DEMAND via United States Mail, postage pre-paid, first class, to the Defendants' counsel of record, addressed as follows, the day above written:

C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

Respectfully Submitted,



THERON G. NOBLE, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

JAIME U. CONDON, : CIVIL ACTION
Plaintiff, : NO. 04-259-CD
v.
PYRAMID HEALTHCARE, INC., : MOTION TO STRIKE
Defendant. : PRAECIPE TO ENTER
NOTICE OF JURY TRIAL DEMAND
AND MOTION FOR SANCTIONS

Filed on behalf of:
Defendant, Pyramid Healthcare, Inc.

Counsel of Record for Defendant:
C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

Dated: December 19, 2005

FILED *fm*

DEC 21 2005

W/ 1-301w

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to Atty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL ACTION

Plaintiff,

NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC.,

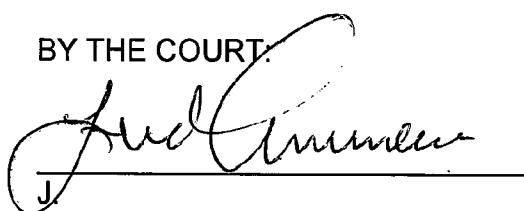
Defendant.

ORDER

AND NOW, this 21 day of December, 2005, upon consideration of the foregoing Motion to Strike Praeclipe to Enter Notice of Jury Trial Demand, it is hereby ordered that:

- () A rule is issued upon the Plaintiff to show cause why the moving party is not entitled to the relief requested;
- (✓) The Plaintiff shall file an answer to the motion within 20 days of this date;
- (✓) The motion shall be decided under Pa.R.C.P. 206.7;
- (✓) Depositions and all other discovery shall be completed within 60 day of this date;
- (✓) An evidentiary hearing on disputed issues of material fact shall be held on January 31, 2006 in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. 1; @ 2:00 p.m.
- (✓) Oral argument shall be held on January 31, 2006, in Courtroom No. 1 of the Clearfield County Courthouse; and @ 2:00 p.m.
- (✓) Notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT:



FILED
01/11/08/2011 Atty Hippo
DEC 22 2005
IN

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL ACTION

Plaintiff,

NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

ORDER

AND NOW, this _____ day of _____, 200____, upon consideration of the foregoing Motion to Strike Praecipe to Enter Notice of Jury Trial Demand, it is hereby ordered that:

- () Plaintiff's November 7, 2005, Praecipe to Enter Notice of Jury Trial Demand is stricken from the record; and
- () Reasonable attorney's fees in the amount of \$_____ are awarded to Defendant and against Plaintiff.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL ACTION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :
:

**MOTION TO STRIKE PRAECIPE TO ENTER
NOTICE OF JURY TRIAL DEMAND AND MOTION FOR SANCTIONS**

AND NOW, comes the Defendant, Pyramid Healthcare, Inc., by and through its counsel, Hippo & Fleming Law Offices, and files the following Motion to Strike Praecipe to Enter Notice of Jury Trial Demand and Motion for Sanctions:

MOTION TO STRIKE

1. On or about July 2, 2004, Plaintiff filed her First Amended Complaint in the above-captioned action.
2. On or about August 26, 2004, and in response to Defendant's Answer and New Matter, Plaintiff filed her Reply to New Matter.
3. Neither Plaintiff's First Amended Complaint nor Plaintiff's Reply to New Matter contained a demand for trial by jury.
4. Plaintiff's Reply to New Matter was the last permissible pleading filed in the above-captioned action.
5. On or about November 7, 2005, more than one (1) year after filing her Reply to New Matter, Plaintiff filed a Praecipe to Enter Notice of Jury Trial Demand, which was signed and certified by Plaintiff's counsel, Theron G. Noble, Esquire. A true

and correct copy of Plaintiff's November 7, 2005, Praecipe to Enter Notice of Jury Trial Demand is attached hereto and marked as Exhibit "A."

6. Rule 1007.1(a) of the Pennsylvania Rules of Civil Procedure demands that a party's right to a trial by jury shall be deemed waived unless said party files and serves a written demand for a jury trial no later than twenty (20) days after service of the last permissible pleading.

7. At the time Plaintiff filed her Praecipe to Enter Notice of Jury Trial Demand, approximately four-hundred three (403) days had passed since service of the last permissible pleading.

8. Plaintiff's November 7, 2005, Praecipe to Enter Notice of Jury Trial Demand was filed in a grossly untimely and improper manner.

9. Plaintiff has waived her right to a jury trial by failing to demand such trial in accordance with Rule 1007.1(a) of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant respectfully requests this Court to enter an Order striking Plaintiff's Praecipe to Enter Notice of Jury Trial Demand for failure to comply with Rule 1007.1(a) of the Pennsylvania Rules of Civil Procedure.

MOTION FOR SANCTIONS

10. Defendant incorporates paragraphs 1 through 9 of this Motion as if set forth herein at length.

11. In as much as Plaintiff filed the November 7, 2005, Praecipe to Enter Notice of Jury Trial Demand more than one (1) year late, the Praecipe was clearly presented for an improper purpose and contains contentions that are unwarranted by existing law.

12. On or about November 9, 2005, the undersigned counsel for Defendant served written notice to Plaintiff's counsel, Theron G. Noble, Esquire, setting forth with specificity the undersigned's basis for objecting to the November 7, 2005, Praecipe to Enter Notice of Jury Trial Demand. The November 9, 2005, notice also contained a demand that Attorney Noble withdraw or otherwise correct the improperly filed Praecipe. A true and correct copy of the undersigned's November 9, 2005, written notice is attached hereto and marked as Exhibit "B."

13. On or about November 10, 2005, Attorney Noble advised the undersigned that although Attorney Noble recognized the "procedural law" cited in the November 9, 2005, notice, he nonetheless felt the Court would grant Plaintiff's untimely demand unless Defendant "can demonstrate some type of prejudice." The November 10, 2005, letter also expressly denied the undersigned's demand for withdrawal of the Praecipe to Enter Notice of Jury Trial Demand and encouraged Defendant to file the instant Motion to Strike. A true and correct copy of the November 10, 2005, letter is attached hereto and marked as Exhibit "C."

14. The Pennsylvania Supreme Court has specifically addressed and rejected the argument set forth in Attorney Noble's November 10, 2005, letter, concluding that Rule 1007.1(a) of the Pennsylvania Rules of Civil Procedure is to be strictly applied and that considerations of prejudice to the other side play no part in enforcing a waiver of a jury trial where the provisions of Rule 1007.1(a) have not been met. *Jones v. Van Norman*, 513 Pa. 572, 522 A.2d 503 (1987).

15. Attorney Noble's certification of the improper, untimely and unwarranted Praecipe to Enter Notice of Jury Trial Demand, coupled with his subsequent refusal to withdraw the same within twenty-eight (28) days of his receipt of the undersigned's

written notice, constitutes dilatory, obdurate and vexatious conduct and violates Rule 1023.1(c) of the Pennsylvania Rules of Civil Procedure.

16. Rules 1023.2-1023.4 of the Pennsylvania Rules of Civil Procedure provide for the imposition of sanctions, including reasonable attorney's fees, in the face of a Rule 1023.1(c) violation.

17. 42 Pa.C.S.A. § 2503 further provides for the awarding of reasonable attorney's fees against any participant guilty of dilatory, obdurate and vexatious conduct.

WHEREFORE, Defendant respectfully requests this Court to enter an Order:

- (a) Striking Plaintiff's Praeclipe to Enter Notice of Jury Trial Demand for failure to comply with Rule 1007.1(a) of the Pennsylvania Rules of Civil Procedure; and
- (b) Awarding Defendant reasonable attorney's fees incurred in bringing this Motion in accordance with Rule 1023.2 of the Pennsylvania Rules of Civil Procedure and/or 42 Pa.C.S.A. § 2503.

Respectfully submitted:



HIPPO & FLEMING LAW OFFICES

By: C. Wayne Hippo, Jr., Esquire

PA ID # 52752

Attorney for Defendant

Historic Central Trust Building

1218 Eleventh Avenue

P.O. Box 550

Altoona, PA 16603-0550

(814) 943-5500

(814) 943-7656 (fax)

Dated: December 19, 2005

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

JAIME U. CONDON,)
an adult individual;)
PLAINTIFF,)
v.) No. 04- 259 -CD
PYRAMID HEALTH CARE, INC.,) In Equity and at Law
a Pennsylvania Corporation,)
DEFENDANTS.)

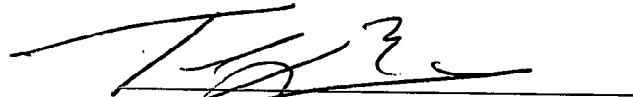
PRAECIPE TO ENTER NOTICE OF JURY TRIAL DEMAND

To: William A. Shaw, Prothonotary

Date: November 7, 2005

Please consider this as Plaintiff's NOTICE that she desires trial by jury in the above captioned matter. This should not be considered as notification to place this matter on the trial list as discovery is still ongoing in this matter.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

HIPPO & FLEMING

LAW OFFICES

Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
Phone: (814) 943-5500
Fax: (814) 943-7656
www.HippoFleming.com

C. Wayne Hippo, Jr.
Jeff Fleming
David A. Pertile
Traci L. Naugle

Robert S. Donaldson,
Leave of Absence

November 9, 2005

Via Facsimile and First Class Mail

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

In re: Jamie Condon v. Pyramid Healthcare, Inc.

Dear Mr. Noble:

I am writing in response to your November 7, 2005, letter to the Prothonotary of Clearfield County and the accompanying Praecipe to Enter Notice of Jury Trial Demand.

As I anticipate you are aware, the Pennsylvania Rules of Civil Procedure provide the following:

"In any action in which the right to jury trial exists, that right shall be deemed waived unless a party files and serves a written demand for a jury trial not later than twenty (20) days after service of the last permissible pleading. The demand shall be made by endorsement on a pleading or by a separate writing." Pa.R.C.P. 1007.1(a) [Emphasis Added].

In the instant matter, approximately four-hundred three (403) days have passed since service of the last permissible pleading - your client's Reply to New Matter - which you served on or about August 26, 2004. Neither that pleading nor your client's First Amended Complaint contains a demand for a jury trial. Clearly, Ms. Condon has waived her right to demand a trial by jury and the aforementioned Praecipe to Enter Notice of Jury Trial Demand has been presented for an improper purpose and/or contains contentions that are unwarranted by existing law.

In light of the above, this letter shall serve as our written notice and demand that you promptly withdraw the Praecipe to Enter Notice of Jury Trial Demand. Please be advised that if you fail to do so, we intend to proceed by filing a motion to strike and motion for sanctions in accordance with Pa.R.C.P. 1023.1. This letter shall also serve to satisfy any obligation that we may have

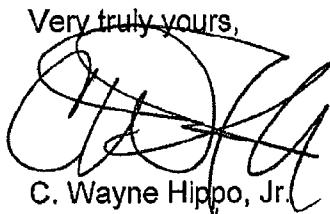
EXHIBIT B

Theron G. Noble, Esquire
November 9, 2005
Page 2

under Clearfield County Local Rule 208.2(d) to seek your concurrence with our position prior to motioning the Court.

On a separate note, this letter shall confirm my receipt of your November 7, 2005, correspondence. Please be advised that we intend to review the same with our client on Thursday, November 10, 2005, and will respond to your inquiries and requests accordingly.

Thank you for your attention to this matter.

Very truly yours,

C. Wayne Hippo, Jr.

pc: Jonathan E. Wolf, President & CEO, Pyramid Healthcare, Inc.

FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

C. Wayne Hippo, Esquire
Hippo & Donaldson
P.O. Box 550
Altoona, PA 16603-0550

November 10, 2005

Re: Condon v. Pyramid Health Care, Inc.,;
04-259-CD
Reply to Letter of 11/9/05

Dear Mr. Hippo:

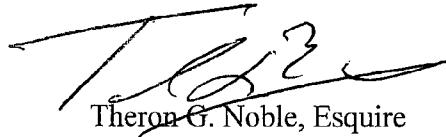
I certainly can understand your client's opposition to a jury trial in this matter. I also do not disagree with your citation to procedural law. However, unless you can demonstrate some type of prejudice to your client (other than the strength of Mrs. Condon's case) because of a jury trial request, I have been involved in the same issue in Clearfield County and a few other cases in other counties wherein jury trials have been later requested and over objection, granted.

As such, I must reject your request to unilaterally withdraw the recently filed praecipe and will of course be prepared to argue against your motion.

Please advise.

With regards, I am

Sincerely,



The handwritten signature of Theron G. Noble, Esquire, is written in black ink. The signature is fluid and cursive, with the name "THERON G. NOBLE" clearly legible.

Theron G. Noble, Esquire

tn/TGN
cc: Mrs. Jaime U. Condon w.encl.

EXHIBIT C

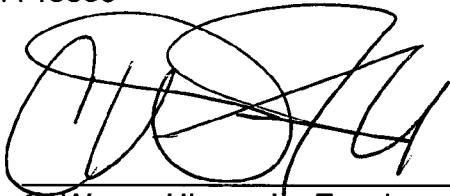
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL DIVISION
Plaintiff, : NO. 04-259-CD
v. :
PYRAMID HEALTHCARE, INC., :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2005, a true and correct copy of the foregoing Motion To Strike Praeclipe To Enter Notice Of Jury Trial Demand And Motion For Sanctions was served upon counsel for the Plaintiff by depositing same in the United States mail, with first-class postage prepaid, from Altoona, Pennsylvania, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830



C. Wayne Hippo, Jr., Esquire
PA ID # 52752
Attorney for Defendant
Hippo & Fleming Law Offices
Historic Central Trust Building
1218 Eleventh Avenue
P.O. Box 550
Altoona, PA 16603-0550
(814) 943-5500
(814) 943-7656 (fax)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL ACTION

Plaintiff,

NO. 04-259-CD

v.

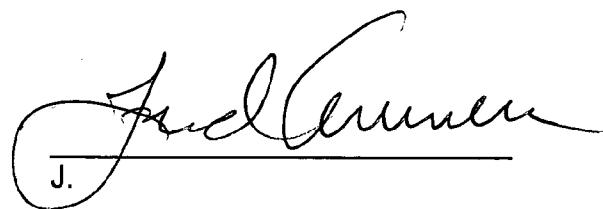
PYRAMID HEALTHCARE, INC.,

Defendant.

ORDER OF COURT

AND NOW, this 27 day of January, 2006, upon consideration of Defendant's Motion to Strike Praecipe to Enter Notice of Jury Trial Demand and Motion for Sanctions and in accordance with the parties' Consent to Entry of Order of Court, it is hereby ordered that:

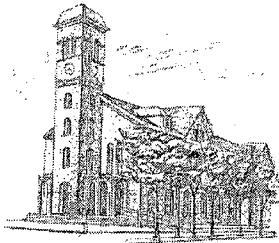
1. Plaintiff's November 7, 2005, Praecipe to Enter Notice of Jury Trial Demand is stricken from the record and the case, should it not be otherwise resolved, shall proceed as a non-jury trial; and
2. Defendant's December 21, 2005, Motion for Sanctions is withdrawn.



J. D. Lawrence

FILED 2cc Atty Hippo
01/27/2006 2cc Atty Noble
JAN 27 2006

GU
William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 11/27/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

CIVIL ACTION

Plaintiff,

NO. 04-259-CD

v.

PYRAMID HEALTHCARE, INC.,

Defendant.

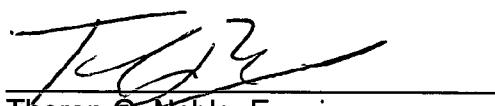
CONSENT TO ENTRY OF ORDER OF COURT

AND NOW, it is hereby agreed by and between the parties in the above-captioned matter that Defendant's now-pending Motion to Strike Praeclipe to Enter Notice of Jury Trial Demand and Motion for Sanctions shall be resolved by entry of the attached Order of Court (1) striking Plaintiff's November 7, 2005, Praeclipe to Enter Notice of Jury Trial Demand and ordering that the case, should it not be otherwise resolved, proceed as a non-jury trial and (2) withdrawing Defendant's Motion for Sanctions.



C. Wayne Hippo, Esquire
Attorney for Defendant

Date: 1-23-06



Theron G. Noble, Esquire
Attorney for Plaintiff

Date: 1/24/06

FILED
014:00 AM
JAN 27 2006
NO cc
60
GPO

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

NO. 04-259-CD

PYRAMID HEALTHCARE, INC.,

Defendant.

**PRAECIPE TO SETTLE,
DISCONTINUE AND END**

COUNSEL FOR PLAINTIFF:

Theron G. Noble, Esquire
PA ID No. 55942
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814) 375-2221

FILED *1 cert of JSC
1 cc Atty. Noble
1 copy to CJA*
M/11/17 LM *W* *1 cert of JSC to
APR 26 2006 Atty. Noble
1 copy to CJA*

William A. Shaw
Prothonotary

FILED

APR 26 2006

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON,

Plaintiff,

v.

NO. 04-259-CD

PYRAMID HEALTHCARE, INC.,

Defendant.

**PRAECLPTE TO SETTLE,
DISCONTINUE AND END**

COUNSEL FOR PLAINTIFF:

Theron G. Noble, Esquire
PA ID No. 55942
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814) 375-2221

FILED *4/11/06 cert of disc*
Atty Noble
M/11:17 am *APR 26 2006* *cert of disc to*
Atty Noble
copy to CJA

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAIME U. CONDON, : CIVIL ACTION
Plaintiff, :
v. : NO. 04-259-CD
PYRAMID HEALTHCARE, INC., :
Defendant. :
.....

PRAECIPE TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above-captioned case settled, discontinued and ended upon payment of your costs only.

Date: 3/22/06



Theron G. Noble, Esquire
PA ID No. 55942
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814) 375-2221

HIPPO & FLEMING

LAW OFFICES

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Fax: (814) 943-7656

www.HippoFleming.com

C. Wayne Hippo, Jr.
Jeff Fleming
David A. Pertile
Traci L. Naugle

April 25, 2006

Clearfield County Prothonotary/Clerk of Courts
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

**In re: Jaime U. Condon v. Pyramid Healthcare, Inc.
No. 04-259-CD**

To Whom It May Concern:

This office represents Pyramid Healthcare, Inc.

I am enclosing one (1) original and one (1) photocopy of the Praecept to Settle, Discontinue and End executed by Theron G. Noble, Esquire, plaintiff's counsel in the above-referenced matter. Please file the original, timestamp the photocopy, and return the photocopy to this office in the envelope provided.

Thank you in advance for your attention to this matter.

Very truly yours,



David A. Pertile

Enclosures

pc: Jonathan E. Wolf, CEO, Pyramid Healthcare, Inc. (with enclosure)
Eric Levine, ACE Westchester Specialty Group (with enclosure)
Theron G. Noble, Esquire (with enclosure)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Jaime U. Condon

Vs.
Pyramid Health Care Inc.

No. 2004-00259-CD

CERTIFICATE OF DISCONTINUATION

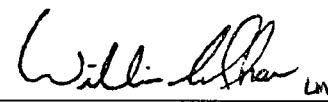
Commonwealth of PA
County of Clearfield

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 April 26, 2006, marked:

Settled, discontinued and ended

Record costs in the sum of \$85.00 have been paid in full by Theron G. Noble Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of April A.D. 2006.



William A. Shaw, Prothonotary