

04-314-CD
RHONDA L. WOOD, Fetal. vs. DuBois Regional Medical Center
etal.

Rhonda Wood et al vs Adolfo Rapaport et al
2004-314-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RHONDA L. WOOD and SCOTT A. WOOD,]
JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,]
ADOLFO RAPAPORT, D.O.

Defendants.

CIVIL DIVISION

GD 04-314-CD

COMPLAINT

Filed on behalf of Plaintiffs:

RHONDA WOOD et ux.

Counsel of record for this party:

JEFFREY A. PRIBANIC
PA I.D. No. 56808

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

JURY TRIAL DEMANDED

FILED

MAR 04 2004

William A. Shaw
Prothonotary

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

RHONDA L. WOOD and SCOTT A.	]	CIVIL DIVISION
WOOD, JR., her husband,]	
	]	GD
Plaintiffs,]	
]	
vs.]	
]	
DUBOIS REGIONAL MEDICAL CENTER,]	
ADOLFO RAPAPORT, D.O.]	
]	
Defendants.]	

NOTICE TO DEFEND

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

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

PA Lawyer Referral Service
100 S Street
P.O. Box 186
Harrisburg, PA 17108-0186-86
Phone: 1-800-692-7375

COMPLAINT

RHONDA L. WOOD and SCOTT A. WOOD, JR., Plaintiffs, by and through their counsel, Jeffrey A. Pribanic, file the following PROFESSIONAL LIABILITY ACTION and in support thereof avers as follows:

1. Plaintiffs, Rhonda L. Wood and Scott A. Wood, Jr. are husband and wife and adult individual residents of Clearfield County, Pennsylvania.

2. Defendant, DuBois Regional Medical Center (hereinafter also referred to as Defendant DRMC), is upon information and belief, a non-profit corporation organized and existing pursuant to the laws of the Commonwealth of Pennsylvania and is engaged in the operation of a hospital facility located in Clearfield County, Pennsylvania.

3. Defendant, Adolfo Rapaport, D.O., is upon information and belief at all relevant times a licensed practicing physician in Pennsylvania who maintains a business office in Clearfield County, Pennsylvania.

4. Defendant, Adolfo Rapaport, D.O., at all relevant times was acting as an agent, ostensible agent, servant, and/or employee of, and acting within the course and scope of his employment with Defendant, DuBois Regional Medical Center, as well as in his own right as a medical practitioner.

5. On or about October 5, 2001, Plaintiff, Rhonda L. Wood, was admitted to Defendant DRMC for an elective caesarean section performed by Defendant Rapaport.

6. In January 2002, Plaintiff experienced what she believed to be her first menstrual period, however, approximately two weeks later, she began bleeding again.

7. Plaintiff continued to have intermittent but frequent and unusually heavy bleeding episodes through the months of February, March and April and on or about April 18, 2002, she telephoned Defendant Rapaport and informed an agent/employee in his office that she had been experiencing continual bleeding since January.

8. Plaintiff was not offered an appointment at that time nor was an examination for follow-up recommended to determine the cause of Plaintiff's bleeding, however, Defendant Rapaport prescribed Aygestin, a progesterone based hormone medication usually prescribed for anovulatory and dysfunctional uterine bleeding, which was called to Plaintiff's pharmacy by Defendant Rapaport's office.

9. At all relevant times, Plaintiff's bleeding was caused by a placental nodule consisting of inter alia, necrotic placental tissue and chorionic villi secondary to her recent pregnancy and delivery.

10. Defendant Rapaport knew, or should have known that Aygestin is contraindicated for undiagnosed abnormal genital bleeding and that hormonal therapy should be prescribed only after all other possible etiologies of uterine bleeding have been ruled out.

11. After picking up the prescription, Plaintiff noted a warning that the medication should not be taken if pregnant, at which time she purchased a home pregnancy test which was positive.

12. Plaintiff telephoned Defendant Rapaport's office regarding the positive pregnancy test and was instructed to have blood drawn for a quantitative HCG(human chorionic gonadatropin which is present only during pregnancy) level before starting the medication.

13. Plaintiff's HCG levels were drawn on or about 4/19/02, 4/25/02 and 5/2/02 and were 11, 8 and 6 mIU/ml respectively.

14. Defendant Rapaport knew or should have known that the positive HCG levels in addition to the continued abnormal bleeding were symptoms of inter alia, retained placenta and/or gestational trophoblastic disease.

15. Defendant further knew or should have known that failing to rule out the above etiologies before prescribing Aygestin greatly increased Plaintiff's risk of harm.

16. Plaintiff refrained from taking the Aygestin during the series of blood HCG levels ordered by Defendant, however, on or about May 2, 2002, after the final HCG level results were obtained, Plaintiff was instructed by Defendant's office, again via telephone and without physical assessment, to begin the Aygestin.

17. Plaintiff had no further follow-up with Defendant Rapaport until she telephoned Defendant Rapaport's office on or about May 30, 2002 and informed an agent that she was still having abnormal bleeding at which time Defendant Rapaport prescribed another course of Aygestin, again without offering a visit for examination.

18. On or about June 5, 2002 Plaintiff experienced more severe vaginal bleeding and telephoned Defendant Rapaport's office to report her concern.

19. Again, no appointment was offered and Plaintiff was informed that her bleeding was normal.

20. Plaintiff continued to experience significant bleeding which worsened on or about June 20, 2002 at which time she reported her symptoms to Defendant and was again told by his office staff that her bleeding was normal.

21. On or about July 16, 2002, Plaintiff telephoned Defendant Rapaport again to report heavy bleeding since June 20th and was informed that Defendant Rapaport was away, however, Plaintiff was informed that another course of Aygestin would be telephoned to her pharmacy at that time.

22. On or about July 17, 2002, Plaintiff again telephoned Defendant Rapaport's office after having passed out three times at which time she was instructed by Defendant Rapaport's staff to report to the emergency room of Defendant DuBois Regional Medical Center.

23. Plaintiff informed the emergency room staff that she had experienced continuous moderate to severe vaginal bleeding since July 1st accompanied by lightheadedness, pelvic and low back pain.

24. She further reported three syncopal episodes in the past two days and informed the emergency room staff that she had gone through twenty some pads in addition to twenty some tampons in that simultaneous time period.

25. The emergency room physician further noted that Plaintiff had not been seen by Defendant Rapaport for her symptoms but had been treated over the phone.

26. On his physical exam he noted that he performed an external pelvic exam, however, no internal examination was done.

27. A pelvic sonogram was ordered which revealed a 1.5 cm nodule in the posterior wall of the uterus thought to be an intramural fibroid, however, the placental nodule was not visualized or reported.

28. A complete blood count was ordered at which time it was discovered that her hemoglobin had dropped to 10 grams due to continued blood loss.

29. Defendant Rapaport was notified by Defendant DRMC of Plaintiff's syncope and severe anemia at which time he directed the staff to instruct Plaintiff to take the Aygestin again and follow up with his office the next day.

30. Standard diagnostic testing, including, but not limited to, transvaginal ultrasound, endometrial biopsy, hysteroscopy, saline hysteroigraphy and/or D & C were indicated at that time since postpartum causes of bleeding had not been ruled out, however, Plaintiff was not offered further work-up and was thereafter discharged with a diagnosis of menorrhagia.

31. When Plaintiff telephoned Defendant Rapaport's office the next day to schedule an examination, she was informed that Defendant would not be able to see her until July 29, 2002, despite her recent visit to the emergency room.

32. On or about July 28, 2002, Plaintiff was readmitted to Defendant DRMC via the emergency room due to profuse vaginal bleeding and a critically low hemoglobin and hematocrit..

33. Plaintiff was administered four units of packed red blood cells and one unit of fresh frozen plasma and was taken to the operating room by Defendant Rapaport for a hysteroscopy and D&C.

34. Due to the delay in diagnosis and treatment of the placental nodule and the adverse effects of taking a contraindicated hormone, Plaintiff's bleeding progressed to hemorrhage.

35. Defendant Rapaport had failed to request an assistant surgeon and attempted to control Plaintiff's bleeding with Methergine administration and massage, however, the bleeding persisted.

36. Although Hemabate administration was indicated to contract the uterus and stop the heavy vaginal bleeding, Defendant failed to utilize this treatment and opted to perform a total vaginal hysterectomy.

37. The tissue obtained during the D& C along with Plaintiff's uterus were sent to the pathology lab at which time Plaintiff's placental nodule was finally identified and diagnosed.

38. As a result of Defendant Rapaport's failure to timely assess, diagnose and treat Plaintiff's placental nodule in addition to prescribing a contraindicated medication for her bleeding, Plaintiff suffered an increased risk of harm which was realized when she suffered, inter alia, hemorrhagic shock and the loss of her uterus and ability to bear children as set forth above.

COUNT I - NEGLIGENCE

RHONDA L. WOOD v. ADOLFO RAPAPORT, D.O.

Plaintiff, Rhonda L. Wood, incorporates herein by reference thereto Paragraphs 1 through 38 of the Complaint and further avers that:

39. At all times relevant hereto, Plaintiff, Rhonda L. Wood, relied upon the Defendant, Adolfo Rapaport, D.O., to render full, complete, careful and proper care and treatment for her condition.

40. Plaintiff, Rhonda L. Wood, as a direct and proximate result of the care and treatment rendered by Defendant, Adolfo Rapaport, D.O., and more specifically, the lack of concern and/or disregard for Plaintiff's symptoms, the surgical procedures and follow-up care, all of which was performed in a negligent and careless manner, suffered further and additional severe and serious injuries more fully described hereafter.

41. The foregoing acts and/or omissions of Defendant and resulting injury of Plaintiff, Rhonda L. Wood, were caused by and were the direct result of Defendant's failure to exercise reasonable treatment and care and that degree of care owed the Plaintiff under the circumstances in any or all of the following respects:

- (a) in failing to perform a pelvic examination on Plaintiff when she complained of continued and recurrent vaginal bleeding during the months of February, March and April;
- (b) in failing to perform an endometrial biopsy which would have permitted timely diagnosis of Plaintiff's placental nodule;
- (c) in failing to rule out etiologies of bleeding, including but not limited to benign and malignant tumors, infection, intrauterine foreign bodies, coagulopathies, hormonal abnormalities, and particularly, those associated with pregnancy, including, but not limited to spontaneous abortion, ectopic pregnancy, retained products of conception and/or gestational trophoblastic disease;
- (d) in failing to recognize that it is below the standard of care to prescribe three courses of Aygestin, a synthetic progestin hormone, to treat vaginal bleeding when the cause of the bleeding is undiagnosed;
- (e) in failing to recognize and/or acknowledge that undiagnosed vaginal bleeding is listed as a contraindication to the use of Aygestin by the manufacturer;

- (f) in failing to recognize that intermittent use of Aygestin increases the likelihood of recurring heavy vaginal bleeding;
- (g) in failing to recognize in April and May of 2002 that the three positive HCG levels likely represented the presence of retained placental tissue and/or a placental nodule;
- (h) in failing to diagnose Plaintiff's placental nodule as the cause of her recurrent bleeding;
- (i) in failing to perform a D&C to remove the nodule and remaining placental tissue after the three positive HCG levels were obtained;
- (j) in increasing Plaintiff's risk of severe anemia, hemorrhage, hysterectomy and additional risks presented by failing to timely remove the placental nodule;
- (k) in failing to ensure that Plaintiff received adequate examination, testing and follow up when she presented to the emergency room of Defendant DRMC with syncope, anemia, bleeding for 14 days and hemorrhage;
- (l) in failing to perform a D&C to alleviate Plaintiff's bleeding and procure a diagnosis for the symptoms described in paragraph (k) above;
- (m) in failing to recognize that prescribing another dose of Aygestin on July 17, 2002 was below the standard of care and a contraindication since the cause of the vaginal bleeding was still undiagnosed;
- (n) in failing to administer Hemabate during the D&C on July 28, 2002 to contract the uterus and stop the heavy vaginal bleeding when the use of Methergine had failed to reduce the bleeding;
- (o) in failing to perform the vaginal hysterectomy with aid of an assistant surgeon who was also a trained physician;

- (p) in failing to recognize that the use of Aygestin is most appropriate for anovulatory bleeding, not retained placental tissue or placental nodule.

42. As a result of the conduct set forth above, Plaintiff, Rhonda L. Wood, has sustained the following severe and serious injuries and damages:

- (a) past, present and future pain, suffering, inconvenience, embarrassment, emotional distress and mental anguish;
- (b) past, present and future medical expenses as a result of undergoing or needing to undergo subsequent surgical and medical care and treatment to correct and/or repair injuries caused by Defendant's negligence and/or for treatment of injuries which Defendant failed to diagnosis;
- (c) past, present and future earnings loss and loss of earning capacity;
- (d) impairment of her general health, strength and vitality;
- (e) loss of her uterus and ability to bear children;
- (f) increased risk of contracting HIV and/or Aids as a result of having blood transfusions;
- (g) injury to the involved musculoskeletal, lymphatic, blood vessels and other affected organ;
- (h) scarring and disfigurement; and,
- (i) loss of the ordinary pleasures and enjoyment of life.

43. Solely as a result of Defendant's negligent conduct, which conduct was the direct and proximate cause of Plaintiff's injuries, Defendant Rapaport, is liable for damages as set forth above.

WHEREFORE, Plaintiff, Rhonda L. Wood, seeks judgment against Defendant, Adolfo Rapaport, D.O., to recover damages in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT II - NEGLIGENCE

RHONDA L. WOOD v. DUBOIS REGIONAL MEDICAL CENTER

Plaintiff, Rhonda L. Wood, incorporates herein by reference thereto Paragraphs 1 through 43 of the Complaint and further avers that:

44. During the period of Plaintiff, Rhonda L. Wood's stay at DuBois Regional Medical Center, she submitted herself to the care and custody of Defendant, which undertook, by its agents, to diagnose and treat her condition.

45. At all times relevant hereto, Plaintiff, Rhonda L. Wood, relied upon the Defendant, DuBois Regional Medical Center to render full, complete, careful and proper care and treatment for her condition.

46. At all times relevant hereto, all care and treatment rendered to Plaintiff, Rhonda L. Wood, was under the exclusive direction, control and supervision of Defendant, DuBois Regional Medical Center, acting through its agents, servants and/or employees going in and about the business of Defendant and acting within the scope of their authority, or in the alternative, by persons he believed and had reason to believe were agents, servants, or employees of Defendant and under its directions, control and supervision and within the scope of their authority.

47. Plaintiff, Rhonda L. Wood, as a direct and proximate result of the care and treatment rendered by Defendant, DuBois Regional Medical Center, and more specifically, the surgical procedures and follow-up care, all of which was performed in a negligent and careless manner, suffered further and additional severe and serious injuries more fully described hereafter.

48. The foregoing acts and/or omissions of Defendant and resulting injury of Plaintiff, Rhonda L. Wood, were caused by and were the direct result of Defendant's failure to exercise reasonable treatment and care and that degree of care owed the Plaintiff under the circumstances as set forth above in Count I and in any or all of the following respects:

- (a) in failing via its agents to ensure that Plaintiff's products of conception were completely removed after she delivered her baby;
- (b) in failing via its agents to timely assess, diagnose and treat Plaintiff's condition as described above;
- (c) in prematurely discharging Plaintiff on July 17, 2002 when the source of her blood loss was unknown and her condition was unstable;
- (d) in failing to ensure that Plaintiff was adequately evaluated and received the necessary diagnostic testing and procedures during her visit on July 17, 2002, including, but not limited to hysteroscopy, D&C, endometrial biopsy, to ensure that other sources of bleeding were ruled out before prescribing Aygestin and sending her home;
- (e) in failing to properly supervise its employees, agents and/or ostensible agents as described above;
- (f) in failing via its agents/ostensible agents to promptly diagnose Plaintiff's placental nodule, prevent her hemorrhagic event and preserve her uterus;
- (g) in failing to ensure that all surgical procedures performed in its operating room were performed by a qualified surgeon and a qualified assistant;
- (h) in failing via its agents/ostensible agents to administer hemabate during Plaintiff's hysteroscopy and D&C procedure on July 28, 2002 to manage her hemorrhaging;
- (i) in failing to establish, promulgate and adhere to hospital policies and procedures requiring hysterectomy procedures performed in its operating room be assisted by a qualified physician.

49. As a result of the conduct set forth above, Plaintiff, Rhonda L. Wood, has sustained damages as set forth above in Count I of the Complaint.

50. Solely as a result of Defendant's negligent conduct, which conduct was the direct and proximate cause of Plaintiff's injuries, Defendant, DuBois Regional Medical Center, is liable for the damages set forth above.

WHEREFORE, Plaintiff, Rhonda L. Wood, seeks judgment against Defendant, DuBois Regional Medical Center, to recover damages in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT III - LOSS OF CONSORTIUM

SCOTT A. WOOD, JR. v. ADOLFO RAPAPORT, D.O.

Plaintiff, Scott A. Wood, Jr., incorporates by reference Paragraphs 1 through 50 of the Complaint as though fully set forth herein and further avers that:

51. Plaintiffs, Scott A. Wood, Jr. and Rhonda L. Wood, were at all relevant times husband and wife.

52. As a result of the injuries to the Plaintiff, Rhonda L. Wood, Plaintiff, Scott A. Wood, Jr., has been deprived of her aid, comfort, assistance, companionship, and consortium.

WHEREFORE, Plaintiff, Scott A. Wood, Jr., seeks judgment against Defendant to recover damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT IV - LOSS OF CONSORTIUM

SCOTT A. WOOD, JR. v. DUBOIS REGIONAL MEDICAL CENTER


Plaintiff, Scott A. Wood, Jr., incorporates by reference Paragraphs 1 through 52 of the Complaint as though fully set forth herein and further avers that:

53. Plaintiffs, Scott A.Wood, Jr. and Rhonda L.Wood, were at all relevant times husband and wife.

54. As a result of the injuries to the Plaintiff, Rhonda L. Wood, Plaintiff, Scott A. Wood, Jr., has been deprived of her aid, comfort, assistance, companionship, and consortium.

WHEREFORE, Plaintiff, Scott A.Wood, Jr. seeks judgment against Defendant to recover damages in an amount in excess of the jurisdiction of the Board of Arbitrators of this Court.

RESPECTFULLY SUBMITTED:



JEFFREY A. PRIBANIC
Counsel for Plaintiff

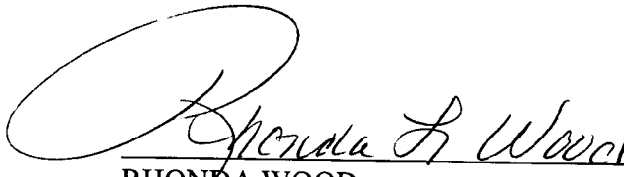
JURY TRIAL DEMANDED

VERIFICATION TO COMPLAINT

Plaintiffs verify that they are the Plaintiffs in the foregoing action; that the foregoing Complaint is based upon information which they have furnished to their counsel and information which has been gathered by their counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of the Plaintiffs. Plaintiffs have read the Complaint and to the extent that the Complaint is based upon information which they have given to their counsel, it is true and correct to the best of their knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, they have relied upon counsel in making this Affidavit. Plaintiffs understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

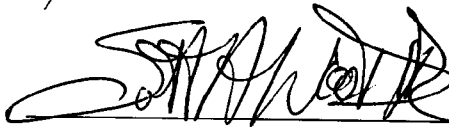
2/27/04

Date


RHONDA WOOD

2/27/04

Date


SCOTT WOOD

RHONDA WOOD and SCOTT WOOD v. DUBOIS REGIONAL MEDICAL CENTER
and ADOLFO RAPAPORT, M.D.

Certificate of Merit as to Adolfo Rapaport, M.D.

I, Jeffrey A. Pribanic, certify that:

✓
_____ an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this Defendant in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

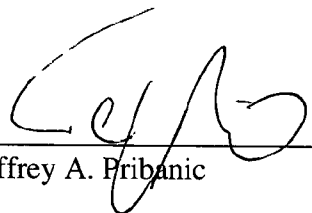
OR

_____ the claim that this Defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this Defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

_____ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this Defendant.

Date: 2/27/04



Jeffrey A. Pribanic

FILED

MAR 04 2004

William A. Shaw
Prothonotary

RHONDA WOOD and SCOTT WOOD v. DUBOIS REGIONAL MEDICAL CENTER
and ADOLFO RAPAPORT, M.D.

Certificate of Merit as to DuBois Regional Medical Center

I, Jeffrey A. Pribanic, certify that:

_____ an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this Defendant in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

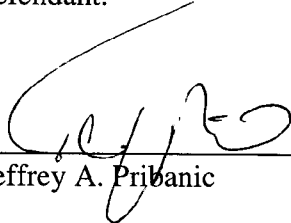
OR

✓ _____ the claim that this Defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this Defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

_____ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this Defendant.

Date: 2/27/04



Jeffrey A. Pribanic

FILED

MAR 04 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Code:

Issue No:

PRAECIPE FOR APPEARANCE

Filed on behalf of Adolfo Rapaport,
D.O., Defendant

Counsel of Record for This Party:

Bernard R. Rizza, Esquire
PA I.D. 41006

GACA MATIS BAUM & RIZZA
Firm #983
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

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JURY TRIAL DEMANDED

FILED

MAR 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON FLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No. 04-314-CD
Plaintiffs,)	
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

To: William A. Shaw, Prothonotary and Clerk of Courts

Kindly enter our appearance on behalf of Adolfo Rapaport, D.O., Defendant, in the above captioned case.

This case will be handled by Bernard R. Rizza, Esquire.

JURY TRIAL DEMANDED.

GACA MATIS BAUM & RIZZA

By:



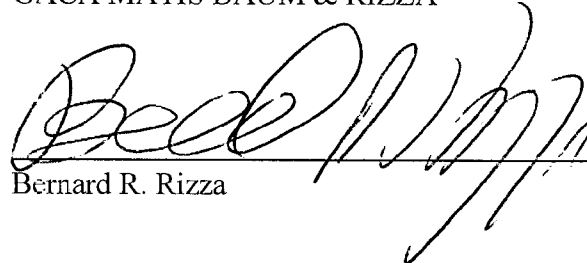
Bernard R. Rizza, Esquire
Attorneys for Adolfo Rapaport, D.O.,
Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing
Praecipe for Appearance upon all counsel of record by United States, First-class mail, postage
prepaid, this 17th day of March, 2004.

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, P.C.
1735 Lincoln Way
White Oak, PA 15132

GACA MATIS BAUM & RIZZA


Bernard R. Rizza

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

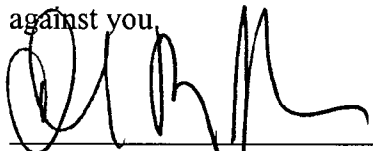
DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

NOTICE TO PLEAD

TO ALL COUNSEL OF RECORD:

You are hereby notified to file a written
response to the enclosed Answer and New
Matter within twenty (20) days of service
hereof or a default judgment may be entered
against you.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants

CIVIL DIVISION

No. 04-314-CD

Issue No.

ANSWER AND NEW MATTER

Filed on behalf of DuBois Regional Medical
Center, one of the defendants

Counsel of Record for This Party:

David R. Johnson, Esquire
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

APR 01 2004

William A. ...
Prothonotary, Clerk of Courts

ANSWER AND NEW MATTER

NOW COMES DuBois Regional Medical Center, by its attorneys, Thomson, Rhodes & Cowie, P.C., and files the following answer and new matter to the complaint which has been filed:

ANSWER

1. Defendant is advised and therefore believes and avers that the Pennsylvania Rules of Civil Procedure do not require it to set forth its answers and defenses except as stated below.
2. If and to the extent that any factual averment in the complaint is not responded to in the paragraphs which follow, said allegation is denied for the reason that, after a reasonable investigation, this defendant lacks sufficient information or knowledge upon which to form a belief as to the truth of the averments therein.
3. Each of the paragraphs of this answer should be read so as to incorporate by reference each of the other paragraphs of this answer.
4. The following paragraphs of the complaint are denied for the reason that, after a reasonable investigation, this defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein: 1, 6-22, 31, 34-36, 38, 42(a-e and g-i), 45, and 51-54. Subparagraph 42(f) is denied.

5. The following paragraphs of the complaint are admitted: 2, 5, and 32.

6. The following paragraphs of the complaint refer solely to the other defendant for which reason no response is required: 3.

7. Paragraph 4 of the complaint is denied insofar as it states, suggests or implies that Dr. Rapaport was an agent, ostensible agent, servant and/or employee of DuBois Regional Medical Center. To the contrary, Dr. Rapaport was at all times an independently practicing physician who was not an agent, ostensible agent, servant and/or employee of DuBois Regional Medical Center.

8. Paragraphs 23-30, 33, and 37 of the complaint are denied for the reason that they incompletely, inaccurately and/or misleadingly describe events which occurred. While these paragraphs to some extent extract or reference words or phrases from the medical records, they do not reflect the context in which the notes were made and they ignore other words and phrases necessary to give fair meaning to the referenced language.

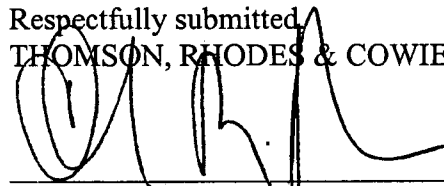
9. Paragraph 39 of the complaint pertains to the other defendant for which no further response is required. However, if any response is deemed necessary, these paragraphs are denied for the reason that, after a reasonable investigation, defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein.

10. Paragraphs 40, 41(a-p) and 43 of the complaint refer solely to the other defendant for which reason no response is required. These paragraphs also constitute conclusions of law, for which additional reason no response is required. If, nonetheless, a response is deemed necessary, these paragraphs are denied.

11. Paragraphs 44 and 46 of the complaint are denied. To the extent that these paragraphs allege agency relationships, said allegations are denied because plaintiffs have failed to specify those individuals who plaintiffs are stating or suggesting to be agents, servants and/or employees. Accordingly, all allegations of agency are denied, because without knowing which individuals are being referenced, defendant has insufficient information or knowledge to form a belief as to the truth of the averments. Insofar as these paragraphs allege facts relating to matters other than agency, the allegations therein are denied for the reason that, after a reasonable investigation, defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein.

12. Paragraphs 47, 48(a-i), 49 and 50 of the complaint constitute conclusions of law to which no further response is required. However, if any response is deemed necessary, these paragraphs and sub-paragraphs are denied.

Respectfully submitted,
THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DR Johnson', is written over a horizontal line.

David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants

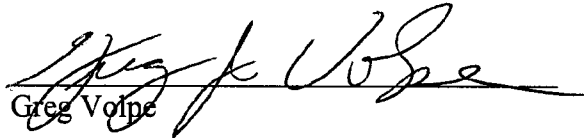
VERIFICATION

The undersigned, Greg Volpe, hereby states that he is Risk Manager for DuBois Regional Medical Center that he is duly authorized to make this Verification on its behalf, that the averments of fact set forth in the foregoing Answer and New Matter are true and correct to the best of his knowledge, information and belief.

This Verification is made pursuant to Rule 76 of the Pennsylvania Rules of Civil Procedure and subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date:

March 24, 2004


Greg Volpe

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER AND NEW MATTER has been served upon the following counsel of record and same placed in the U.S.

Mail on this 30th day of March, 2004:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

THOMSON, RHODES & COWIE, P.C.

By 

David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

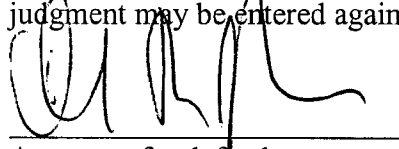
DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

NOTICE TO PLEAD:

To: Plaintiff

You are hereby notified to file a written
response to the enclosed AMENDED
ANSWER AND NEW MATTER within
twenty (20) days of service hereof or a default
judgment may be entered against you.


Attorneys for defendant.

CIVIL DIVISION

No. 04-314-CD

Issue No.

AMENDED ANSWER AND NEW MATTER

Filed on behalf of DuBois Regional Medical
Center, one of the defendants

Counsel of Record for This Party:

David R. Johnson, Esquire
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

APR 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

AMENDED ANSWER AND NEW MATTER

NOW COMES DuBois Regional Medical Center, one of the defendants, by its attorneys, Thomson, Rhodes & Cowie, P.C., and files the following amended answer and new matter.

ANSWER

1. Defendant is advised and therefore believes and avers that the Pennsylvania Rules of Civil Procedure do not require it to set forth its answers and defenses except as stated below.
2. If and to the extent that any factual averment in the complaint is not responded to in the paragraphs which follow, said allegation is denied for the reason that, after a reasonable investigation, this defendant lacks sufficient information or knowledge upon which to form a belief as to the truth of the averments therein.
3. Each of the paragraphs of this answer should be read so as to incorporate by reference each of the other paragraphs of this answer.
4. The following paragraphs of the complaint are denied for the reason that, after a reasonable investigation, this defendant has insufficient information or knowledge

to form a belief as to the truth of the averments therein: 1, 6-22, 31, 34-36, 38, 42(a-e and g-i), 45, and 51-54. Subparagraph 42(f) is denied.

5. The following paragraphs of the complaint are admitted: 2, 5, and 32.

6. The following paragraphs of the complaint refer solely to the other defendant for which reason no response is required: 3.

7. Paragraph 4 of the complaint is denied insofar as it states, suggests or implies that Dr. Rapaport was an agent, ostensible agent, servant and/or employee of DuBois Regional Medical Center. To the contrary, Dr. Rapaport was at all times an independently practicing physician who was not an agent, ostensible agent, servant and/or employee of DuBois Regional Medical Center.

8. Paragraphs 23-30, 33, and 37 of the complaint are denied for the reason that they incompletely, inaccurately and/or misleadingly describe events which occurred. While these paragraphs to some extent extract or reference words or phrases from the medical records, they do not reflect the context in which the notes were made and they ignore other words and phrases necessary to give fair meaning to the referenced language.

9. Paragraph 39 of the complaint pertains to the other defendant for which no further response is required. However, if any response is deemed necessary, these

paragraphs are denied for the reason that, after a reasonable investigation, defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein.

10. Paragraphs 40, 41(a-p) and 43 of the complaint refer solely to the other defendant for which reason no response is required. These paragraphs also constitute conclusions of law, for which additional reason no response is required. If, nonetheless, a response is deemed necessary, these paragraphs are denied.

11. Paragraphs 44 and 46 of the complaint are denied. To the extent that these paragraphs allege agency relationships, said allegations are denied because plaintiffs have failed to specify those individuals who plaintiffs are stating or suggesting to be agents, servants and/or employees. Accordingly, all allegations of agency are denied, because without knowing which individuals are being referenced, defendant has insufficient information or knowledge to form a belief as to the truth of the averments. Insofar as these paragraphs allege facts relating to matters other than agency, the allegations therein are denied for the reason that, after a reasonable investigation, defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein.

12. Paragraphs 47, 48(a-i), 49 and 50 of the complaint constitute conclusions of law to which no further response is required. However, if any response is deemed necessary, these paragraphs and sub-paragraphs are denied.

WHEREFORE, plaintiffs' complaint should be dismissed and judgment should be entered in favor of this defendant.

NEW MATTER

13. In the absence of a special contract in writing, a healthcare provider is neither a warrantor nor a guarantor of a cure. This provision is pleaded as an affirmative defense insofar as there was no special contract in writing in this case.

14. This defendant pleads the applicability of the Pennsylvania Comparative Negligence Statute as an affirmative defense.

15. While denying all negligence and all liability, this defendant avers that if it is found to have been negligent in any respect, any liability resulting therefrom would be diminished or barred by operation of the Pennsylvania Comparative Negligence Statute.

16. Plaintiffs' complaint fails to state any cause of action against this defendant.

17. Defendant pleads the doctrines of intervening and superseding causes as affirmative defenses.

18. Defendant pleads “payment” as an affirmative defense to the extent that any amount less than the amount billed for medical services to the plaintiff after the alleged incident was accepted as payment in full.

19. Defendant is not liable for any pre-existing medical conditions which caused the claimed injuries and/or damages.

20. To the extent that evidence develops during discovery to demonstrate the application of the two schools of thought doctrine, defendant pleads that doctrine as providing a complete defense for any alleged negligence and/or malpractice.

21. This defendant raises all affirmative defenses set forth or available as a result of the provisions of House Bill 1802 which became Pennsylvania law in 2002.

22. To the extent plaintiffs base their claim in whole or in part on any act occurring more than two years prior to the filing of the lawsuit, the claims are barred by the applicable statute of limitations, which is pleaded as an affirmative defense.

23. Defendant pleads all applicable statutes of limitations as affirmative defenses.

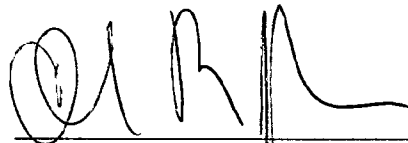
24. If and to the extent that plaintiffs' claims were not filed within the time limitations imposed by law, said lawsuit is barred by the applicable statutes of limitations.

WHEREFORE, plaintiffs' complaint should be dismissed and judgment should be entered in favor of this defendant.

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DRJ', is written over a horizontal line.

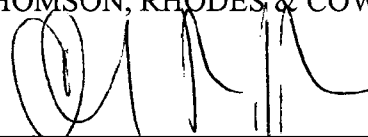
David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within AMENDED ANSWER
AND NEW MATTER has been served upon the following counsel of record and same
placed in the U.S. Mails on this 20th day of Apr., 2004:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Issue No.

PRAECIPE FOR APPEARANCE

Filed on behalf of DuBois Regional Medical
Center, one of the defendants

Counsel of Record for This Party:

David R. Johnson, Esquire
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

APR 26 2004

W/1:00/2
William A. Shaw
Prothonotary
NO C/L

CR
KEL

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter our appearance on behalf of DuBois Regional Medical Center, one of the defendants.

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DR Johnson', written over a horizontal line.

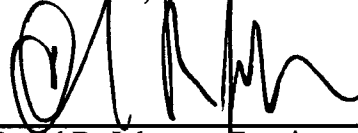
David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE has been served upon the following counsel of record and same placed in the U.S. Mails on this 23rd day of Apr., 2004:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DR Johnson', written over a horizontal line.

David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,**

Plaintiffs,

vs.

**DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,**

Defendants.

) CIVIL DIVISION
)
)
) No.: 04-314-CD
)
) **PLAINTIFFS REPLY TO**
) **DEFENDANT, DuBOIS**
) **REGIONAL MEDICAL**
) **CENTER's, NEW MATTER**
)
)
) Filed on behalf of
) **RHONDA L. WOOD, et vir**
) Plaintiffs
)
) Counsel of Record for this Party
) PRIBANIC AND PRIBANIC, LLC
) JEFFREY A. PRIBANIC
) Pa. I.D. No. 56808
)
) 1735 Lincoln Way
) White Oak, Pennsylvania 15131
)
) (412) 672-5444 BAF

FILED

APR 29 2004

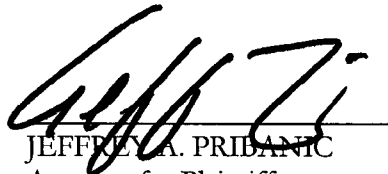
William A. Shaw
Prothonotary/Clerk of Courts

JEFFREY A. PRIBANIC
Attorney for Plaintiffs

VERIFICATION

I, Jeffrey A. Pribanic, Esquire, because of the unavailability of Plaintiffs, hereby verify that the statements and averments made in the foregoing are true and correct. I understand that false statements herein are subject to penalties of 18 Pa. C.S. Section 4904 to unsworn falsification to authorities.


Date: _____


JEFFREY A. PRIBANIC
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs Reply to Defendant, DuBois Regional Medical Center's New Matter was mailed by first class mail, postage prepaid on the 27th day of April, 2004 upon the following:

David R. Johnson, Esquire
THOMSON, RHODES & CROWIE, P.C.
1010 Two Chatham Center
Pittsburgh, Pennsylvania 15219
(Counsel for DuBois Regional Medical Center)



JEFFREY A. PRIEBANIC
Attorney for Plaintiffs

In The Court of Common Pleas of Clearfield County, Pennsylvania

WOOD, RHONDA L. & SCOTT A.

VS.

DUBOIS REGOINAL MEDICAL CENTER, al

COMPLAINT

Sheriff Docket #

15275

04-314-CD

SHERIFF RETURNS

NOW MARCH 10, 2004 AT 10:25 AM SERVED THE WITHIN COMPLAINT ON DUBOIS REGIONAL MEDICAL CENTER, DEFENDANT AT EMPLOYMENT, 100 HOSPITAL AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GREG VOLPE, RISK MGMT. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY

NOW MARCH 10, 2004 AT 11:25 AM SERVED THE WITHIN COMPLAINT ON ADOLFO RAPAPORT, D.O., DEFENDANT AT EMPLOYMENT, BOX 12, 90 BEAVER DRIVE, SUITE 2110, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ADOLFO RAPAPORT, D.O., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY

Return Costs

Cost	Description
38.25	SHERIFF HAWKINS PAID BY: ATTY CK# 1987
20.00	SURCHARGE PAID BY: ATTY Ck# 1988

Sworn to Before Me This

5th Day Of May 2004


WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins

Sheriff

FILED

013136Z
MAY 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Issue No.

REQUEST TO PLAINTIFFS FOR
PRODUCTION OF EXPERT REPORTS

Filed on behalf of DuBois Regional Medical
Center, one of the defendants

Counsel of Record for This Party:

David R. Johnson, Esquire
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED ^{E6K}
^{m/j:5461}
AUG 27 2004 ^{NO CC}

William A. Shaw
Prothonotary/Clerk of Courts

REQUEST TO PLAINTIFFS FOR PRODUCTION OF EXPERT REPORTS

NOW COMES DuBois Regional Medical Center, one of the defendants, by its attorneys, Thomson, Rhodes & Cowie, P.C., and file the following requests to plaintiffs for production of expert reports required by Rule 1042.28(a)(1) of the Pennsylvania Rules of Civil Procedure.

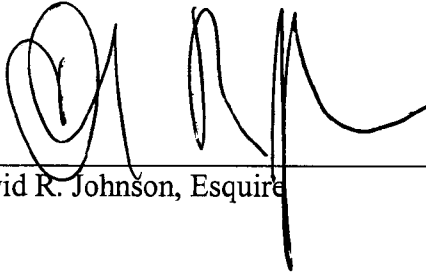
TO: RHONDA L. WOOD and SCOTT A. WOOD, JR., her husband

FROM: DUBOIS REGIONAL MEDICAL CENTER

Pursuant to Pennsylvania Rule of Civil Procedure 1042.28(b) you are requested within 180 days of service of this request to furnish to me, attorney for the defendants above named, expert reports summarizing the expert testimony that you will offer to support the claims of professional negligence that you have made against the defendants above named. You are required to serve copies of all expert reports on all other parties.

Dated: _____

8/25/04



David R. Johnson, Esquire

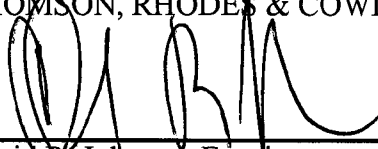
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within REQUEST TO
PLAINTIFFS FOR PRODUCTION OF EXPERT REPORTS has been served upon the
following counsel of record and same placed in the U.S. Mails on this 25th day of
Aug., 2004:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

Bernard J. Rizza, Esquire
Gaca, Matis, Baum & Rizza
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,**

Plaintiffs,

vs.

**DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,**

Defendants.

) CIVIL DIVISION

)

)

) No.: 04-314-CD

)

) **PLAINTIFFS REPLY TO**

) **DEFENDANT, DuBOIS**

) **REGIONAL MEDICAL**

) **CENTER's, EXPERT**

) **REPORTS PURSUANT TO**

) **RULE 1042.28(a)(1)**

)

) Filed on behalf of

) **RHONDA L. WOOD, et vir**

) Plaintiffs

)

) Counsel of Record for this Party

) **PRIBANIC AND PRIBANIC, LLC**

) **JEFFREY A. PRIBANIC**

) Pa. I.D. No. 56808

)

) 1735 Lincoln Way

) White Oak, Pennsylvania 15131

)

) (412) 672-5444 BAF

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OCT 04 2004

JEFFREY A. PRIBANIC
Attorney for Plaintiffs

May 20, 2003

Jeffrey A. Pribanic
Pribanic & Pribanic
1735 Lincoln Way
White Oak, Penn 15131
412-672-5444
412-672-3715

Re: Rhonda Wood

Dear Mr. Pribanic,

My name is Bruce L. Halbridge, M. D. I received my medical degree in 1972 at the University of Nebraska College of Medicine in Omaha. My residency in obstetrics and gynecology was completed in 1976 at the Brookdale Hospital Medical Center in Brooklyn, New York. I have been board certified in obstetrics and gynecology since 1978. Since 1981, I have practiced obstetrics and gynecology in Houston, Texas.

I am familiar with the standard of care for the evaluation and treatment of women who have recurrent and heavy abnormal vaginal bleeding in the months following the birth of a child. I am qualified to render an expert opinion on this matter.

I have reviewed the medical records of Rhonda Wood related to:

1. The prenatal care with Dr. Adolfo Rapaport.
2. The Caesarean section delivery on 10/5/01.
3. The serial HCG values performed on 4/19/02, 4/25/02, and 5/2/02.
4. The Emergency Room visit of 7/17/02
5. The hospital admission on 7/28/02
6. The hysteroscopy, D&C, and vaginal hysterectomy performed by Dr. Rapaport performed on 7/28/02.

Page 2

Rhonda Wood

The following report is the result of my analysis of the medical records listed above. It is based on my education, knowledge, training, and experience. It is as follows:

Rhonda Wood was a 29 year old, para 1001 who underwent a repeat Caesarean section on 10/5/01. The surgery and delivery were performed by Dr. Rapaport.

Menses resumed in 1/02. During the period between 1/02 and 3/02, menses continued to occur too frequently.

In a telephone call to Dr. Rapaport's office, the abnormal and frequent vaginal bleeding was explained to one of Dr. Rapaport's assistants in 3/02. Dr. Rapaport prescribed Aygestin. No examination of Rhonda was performed.

Rhonda Wood performed a home pregnancy test in 3/02. The test was positive.

When the results of the positive pregnancy test were relayed to Dr. Rapaport's office, serum pregnancy test were ordered. The results were as follows:

4/19/02	HCG	11	(mIU/ml)
4/25/02	HCG	8	(mIU/ml)
5/2/02	HCG	6	(mIU/ml)

On 5/2/02, Dr. Rapaport again described a course of Aygestin again. No examination of Rhonda was performed. The Aygestin was taken until 6/5/02.

Heavy vaginal bleeding again recurred on 6/5/02. The severe bleeding caused Rhonda to call Dr. Rapaport's office for help. No office visit was offered to Rhonda. No examination was performed.

The Aygestin prescription was finished; and, the vaginal bleeding recurred thereafter.

In a subsequent call to Dr. Rapaport's office, Rhonda again explained that her vaginal bleeding had resumed. She was told that her bleeding was normal.

On 7/17/02, Rhonda passed out while at home. She was taken to the DuBois Regional Medical Center. A complete blood count revealed that her hemoglobin had dropped to 10 grams.

Page 3
Rhonda Wood

Dr. Rapaport never saw or examined Rhonda prior to her discharge from the hospital on 7/17/02.

Prior to the discharge another course of Aygestin was prescribed by Dr. Rapaport.

On 7/27/02 and 7/28/02 Rhonda again experienced heavy vaginal bleeding. As a result, she was admitted to the hospital on 7/28/02 and treated with transfusions and oxygen. The initial hemoglobin was 5 grams.

Dr. Rapaport took Rhonda to the operating room on 7/28/02 where he performed a hysteroscopy, D&C, and vaginal hysterectomy.

During the hysteroscopy, profuse hemorrhage unresponsive to Methergine administration and massage was encountered. The vaginal hysterectomy was then performed.

Careful analysis of the facts and events of this case reveals that Dr. Rapaport was practicing below the standard of care in his treatment of Rhonda Wood. The following is a list of the departures from the standard of care:

1. The failure of Dr. Rapaport to perform a pelvic examination on Rhonda Wood during February and March, 2002 when she had continued and recurrent vaginal bleeding.
2. The failure of Dr. Rapaport to perform an endometrial biopsy in February and March, 2002 when Rhonda had recurrent vaginal bleeding. Had an endometrial biopsy been performed at this time, the retained placental tissue would very likely have been identified. A D&C could then have been performed to remove the remaining placental tissue. Thusly, the subsequent bleeding episodes would have been avoided; and there would have been no need for a hysterectomy.
3. The failure of Dr. Rapaport to perform diagnostic test in February and March, 2002 to determine which of the following causes of vaginal bleeding were present in Rhonda Wood:¹
 - a) Pregnancy
 1. Spontaneous abortion
 2. Ectopic pregnancy
 3. Retained products of conception
 4. Gestational trophoblastic disease

1. Kistner's Gynecology 7th Ed, Ryan, 1999, p. 49

Page 4
Rhonda Wood

b) Tumors of the uterus

Benign-

1. Cervical polyps
2. Endometrial polyps
3. Fibroids

Malignant-

1. Cervical cancer
2. Endometrial cancer
3. Fallopian tube cancer

c) Infection

1. Endometritis
2. Cervicitis

d) Hormonal abnormalities

1. Endogenous (anovulation, dysfunctional uterine bleeding) thyroid dysfunction, prolactin abnormalities.
2. Endogenous (hormone administration, eg. Estrogen, progesterone)

e) Intrauterine foreign bodies

f) Coagulopathies

1. Platelet disorders
2. Clotting factor abnormalities

4. The failure of Dr. Rapaport to recognize that it was below the standard of care to prescribe three courses of Aygestin, a synthetic progestin hormone, to treat vaginal bleeding when the cause of the bleeding is undiagnosed.

The manufacturer of Aygestin, states that undiagnosed vaginal bleeding is a contraindication to the use of this medication.²

The intermittent use of Aygestin very likely contributed to the recurrence of heavy vaginal bleeding.

5. The failure of Dr. Rapaport to recognize in April and May, 2002 that the three positive HCG tests likely indicated the presence of retained pregnancy tissue in the uterus.

2. Physicians Desk Reference, 55th Ed, 2001, p. 1219

Page 5
Rhonda Wood

6. The failure of Dr. Rapaport to recognize that the presence of retained placental tissue in the uterus in a subinvolved placental site was the cause of the recurrent heavy vaginal bleeding in Rhonda Wood.
7. The failure of Dr. Rapaport to perform a D&C to remove the remaining placental tissue after the three positive HCG tests were obtained in April and May, 2003.

If Dr. Rapaport had performed a D&C in early 5/02, the subsequent heavy bleeding episodes would have been avoided. Furthermore, the hysterectomy would not have been necessary.

8. The failure of Dr. Rapaport to see and examine Rhonda Wood on 7/17/02 when she demonstrated:
 - a) Heavy vaginal hemorrhage
 - b) Vaginal bleeding for 14 days
 - c) Syncope
9. The failure of Dr. Rapaport to perform a D&C on 7/17/02 when the vaginal bleeding for 14 days resulted in the hemoglobin had dropped to 10 gms.

A D&C performed on 7/17/02 would have provided tissue to make a diagnosis regarding the cause of the bleeding; and, the procedure would have removed the retained placental tissue, thusly stopping the bleeding.

10. The failure of Dr. Rapaport to recognize on 7/17/02 that prescribing Aygestin was below the standard of care and contraindication since the cause of the vaginal bleeding was still undiagnosed.
11. The failure of Dr. Rapaport to administer Hemabate during the D&C on 7/28/02 to contract the uterus and stop the heavy vaginal bleeding when the use of Methergine had failed to reduce the bleeding.
12. The failure of Dr. Rapaport to perform the vaginal hysterectomy on 7/28/02 with aid of a assistant surgeon who was also a trained physician.
13. The failure of Dr. Rapaport to recognize that the use of Aygestin is most appropriate for anovulatory bleeding not retained placental

Page 6
Rhonda Wood

fragments and subinvolution of the placental site.

The loss of her uterus rendered Rhonda Wood infertile and also caused her to lose her menstrual function.

In summary, it can be stated with reasonable medical certainty that the departures from the standard of care by Dr. Rapaport were the direct and proximate cause of the unnecessary hysterectomy suffered by Rhonda Wood.

Sincerely,


Bruce L. Halbridge, M. D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs Reply to Defendant, DuBois Regional Medical Center's, Expert Reports Pursuant to Rule 1042.28(a)(1) was mailed by first class mail, postage prepaid on the 29th day of September, 2004 upon the following:

David R. Johnson, Esquire
THOMSON, RHODES & CROWIE, P.C.
1010 Two Chatham Center
Pittsburgh, Pennsylvania 15219
(Counsel for DuBois Regional Medical Center)

Bernard J. Rizza, Esquire
GACA, MATIS, BAUM & RIZZA
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, Pennsylvania 15222



JEFFREY A. PRUBANIK
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Code:

Issue No:

ANSWER TO THE COMPLAINT

Filed on behalf of Adolfo Rapaport,
D.O., Defendant

Counsel of Record for This Party:

Bernard R. Rizza, Esquire
PA I.D. 41006

GACA MATIS BAUM & RIZZA
Firm #983
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

(412) 338-4750

JURY TRIAL DEMANDED

FILED *cc*
m/jl/bd
JUL 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No. 04-314-CD
Plaintiffs,)	
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
Defendants.)	

ANSWER TO THE COMPLAINT

Adolfo Rapaport, D.O., Defendant, by his attorneys, Gaca Matis Baum & Rizza, in response to Plaintiffs' Complaint, sets forth the following:

1. If any factual allegations in the Complaint are not responded to in the following paragraphs, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the said allegations.

2. Each paragraph of this Answer incorporates by reference all of the other paragraphs of the Answer.

3. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained within Paragraphs 1, 6, 9, 11, 12, 18, 31, 39, 51 and 53.

4. Paragraph 4 is denied as stated. Dr. Rapaport is not an agent, servant and/or employee of Dubois Regional Medical Center.

5. The allegations in paragraphs 5, 8, 13, 17, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33 and 37 are admitted to the extent that the allegations contained therein are consistent with the relevant

medical records including those of Dr. Rapaport and Dubois Regional Medical Center; to the extent that these allegations are not contained within the medical records or are inconsistent with that which is contained within these medical records, after reasonable investigation this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

6. Paragraphs 44, 45, and 46 pertain to other defendants, and no response is required of this defendant.

7. In response to Paragraph 7, that portion of it relating to an April 18, 2002 telephone call to Dr. Rapaport's office is admitted to the extent that the allegations contained therein are consistent with the recordations contained within his office records; to the extent that these allegations are not consistent with that which is contained within his office records, after reasonable investigation this defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein. With respect to the remaining allegations in Paragraph 7, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein.

8. Paragraph 10 is denied as stated as one does not have to rule out all other possible etiologies of uterine bleeding before prescribing Aygestin.

9. Paragraph 14 is denied as stated. Mrs. Wood's clinical history as made known to Dr. Rapaport was consistent with an anovulatory bleeding post-partum.

10. Paragraph 15 is denied as stated insofar as it seems that this defendant should have ruled out retained placenta and/or gestational trophoblastic disease based upon the clinical picture of Mrs. Wood's condition made known to Dr. Rapaport in April and May, 2002.

26.27899

VERIFICATION

I, ADOLFO RAPAPORT, have read the foregoing ANSWER TO THE COMPLAINT. The statements therein are correct to the best of my personal knowledge or information and belief. ✓

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Adolfo Rapaport

Date: _____

10/18/04

11. Paragraph 15 is denied as stated. Plaintiff was instructed to begin Aygestin on May 30, 2002.

12. Paragraphs 19 and 20 are denied as stated. Plaintiff was not told that her bleeding was "normal" by this defendant's office on June 5 or June 20, 2002.

13. Paragraph 29 is denied as this defendant was not under the impression that the patient had "severe" anemia.

14. Paragraph 30 is denied insofar as this can be construed to allege negligence on the part of this defendant.

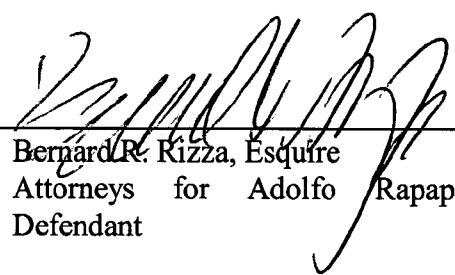
15. Paragraphs 34, 35, 36, 38, 40, 41, 42, 43 and 52 are denied. This defendant was not negligent, and his conduct did not cause, contribute to or increase the likelihood of the claimed injuries or damages.

16. Paragraphs 47, 48, 49, 50 and 54 pertain to another defendant and no response is required of this defendant. To the extent that these paragraphs can be construed to allege negligence on the part of this answering defendant, they are denied.

WHEREFORE, this defendant denies liability to plaintiffs and all others and demands judgment in his favor.

GACA MATIS BAUM & RIZZA

By: _____


Bernard R. Rizza, Esquire
Attorneys for Adolfo Rapaport, D.O.,
Defendant

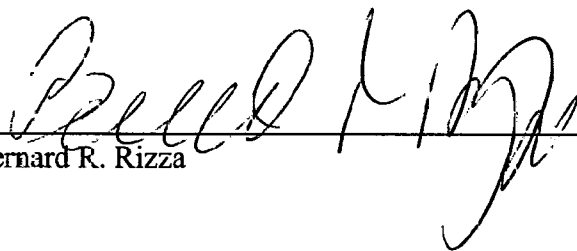
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing Answer to Complaint upon all counsel of record by United States, First-class mail, postage prepaid, this 1st day of July, 2005.

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, P.C.
1735 Lincoln Way
White Oak, PA 15132

David Johnson, Esquire
Thomson Rhodes & Cowie, P.C.
1010 Two Chatham Center
Pittsburgh, PA 15219

GACA MATIS BAUM & RIZZA


Bernard R. Rizza

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Issue No:

**NOTICE OF SERVICE OF
INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
PLAINTIFFS**

Filed on behalf of Adolfo Rapaport,
D.O., Defendant

Counsel of Record for This Party:

Bernard R. Rizza, Esquire
PA I.D. 41006

GACA MATIS BAUM & RIZZA
Firm #983
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

(412) 338-4750

JURY TRIAL DEMANDED

FILED *NO*
cc
3/1/11
JUL 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF SERVICE OF INTERROGATORIES

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Please take notice that on the 7th day of July, 2005, we served Interrogatories and Request for Production of Documents upon Jeffrey Pribanic, Esquire, attorney for plaintiffs.

GACA MATIS BAUM & RIZZA

By: 

Bernard R. Rizza, Esquire
Attorneys for Adolfo Rapaport, D.O.,
Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Code:

Issue No:

CERTIFICATE OF READINESS

Filed on behalf of Adolfo Rapaport,
D.O., Defendant

Counsel of Record for This Party:

Bernard R. Rizza, Esquire
PA I.D. 41006

GACA MATIS BAUM & RIZZA
Firm #983
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

(412) 338-4750

JURY TRIAL DEMANDED

FILED *nr*
m 12:55 PM
DEC 13 2006
sd
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No. 04-314-CD
Plaintiffs,)	
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
Defendants.)	

CERTIFICATE OF READINESS

I, the undersigned counsel for the specified parties in the above-captioned case, hereby
certify that:

1. The above-captioned action is ready for trial;
2. There are no outstanding motions;
3. All discovery has been completed;
4. A Jury Trial is requested; and
5. Notice of the Certificate of Readiness has been provided to all counsel of record.

GACA MATIS BAUM & RIZZA

By: Bernard R. Rizza
Bernard R. Rizza, Esquire
PA ID 41006
Attorneys for Adolfo Rapaport, D.O., Defendant

Gaca Matis Baum & Rizza
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222
(412) 338-4750

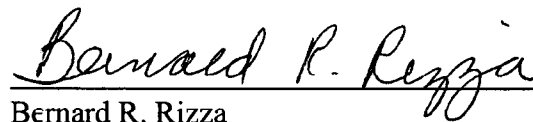
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing
CERTIFICATE OF READINESS upon all counsel of record by United States, First-class mail,
postage prepaid, this 11th day of December, 2006.

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, P.C.
1735 Lincoln Way
White Oak, PA 15132

David R. Johnson, Esquire
Thomson Rhodes & Cowie
Two Chatham Center, 10th Floor
Pittsburgh, PA 15219

GACA MATIS BAUM & RIZZA


Bernard R. Rizza

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Code:

Issue No:

**PRAECIPE TO LIST CASE FOR
TRIAL**

Filed on behalf of Adolfo Rapaport,
D.O., Defendant

Counsel of Record for This Party:

Bernard R. Rizza, Esquire
PA I.D. 41006

GACA MATIS BAUM & RIZZA
Firm #983
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

(412) 338-4750

JURY TRIAL DEMANDED

FILED ^{NO cc}
DEC 13 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No. 04-314-CD
Plaintiffs,)	
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
Defendants.)	

PRAECIPE TO LIST CASE FOR TRIAL

TO: PROTHONOTARY

Please place this case on the next Trial Term List. A jury trial is demanded. The trial length is five trial days. Discovery has been completed.

GACA MATIS BAUM & RIZZA

By: Bernard R. Rizza
Bernard R. Rizza, Esquire
PA ID 41006
Attorneys for Adolfo Rapaport, D.O., Defendant

Gaca Matis Baum & Rizza
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222
(412) 338-4750

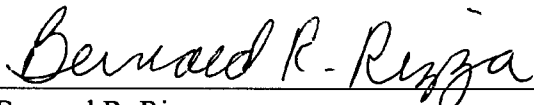
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing
PRAECIPE TO LIST CASE FOR TRIAL upon all counsel of record by United States, First-class
mail, postage prepaid, this 11th day of December, 2006.

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, P.C.
1735 Lincoln Way
White Oak, PA 15132

David R. Johnson, Esquire
Thomson Rhodes & Cowie
Two Chatham Center, 10th Floor
Pittsburgh, PA 15219

GACA MATIS BAUM & RIZZA



Bernard R. Rizza

UA

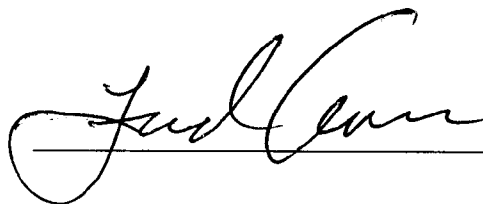
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No. 04-314-CD
Plaintiffs,)	
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER, ADOLFO RAPAPORT, D.O.,)	
)	
Defendants.)	

ORDER OF COURT


AND NOW, this 26 day of Feb, 2007, it is hereby
ORDERED, ADJUGED and DECREED that oral argument on defendant's motion requesting
scheduling order is scheduled for the 30th day of March, 2007, at
9:00 a.m. p.m. before Judge Ammerman in Courtroom No. 1 of the
Clearfield County Courthouse.

BY THE COURT:

 J.

FILED

FEB 26 2007

01/12/05/ 
William A. Shaw
Prothonotary/Clerk of Courts
1 SENT TO AG

FILED

FEB 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2-26-07
☒ You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other
____ Defendant(s) _____ Defendant(s) Attorney
____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Issue No.

MOTION REQUESTING SCHEDULING
ORDER

Filed on behalf of DuBois Regional Medical
Center, one of the defendants

COUNSEL FOR PLAINTIFFS:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

Counsel of Record for This Party:

David R. Johnson, Esquire
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.

Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

COUNSEL FOR CO-DEFENDANT:

Bernard J. Rizza, Esquire
Matis Baum Rizza & O'Connor
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

FILED ^{no cc}
m 11:15/01
FEB 23 2007 ⁶⁵

William A. Shaw
Prothonotary/Clerk of Courts

MOTION REQUESTING A SCHEDULING ORDER

NOW COMES DuBois Regional Medical Center, by its attorneys, Thomson, Rhodes & Cowie, P.C., and files the following motion pursuant to Rule 1042.41 of the Pennsylvania Rules of Civil Procedure to request a scheduling order in the above matter, averring as follows:

1. This is a medical professional liability action. As such, the parties are entitled to a scheduling order which sets forth dates for the completion of discovery and the production of expert reports.

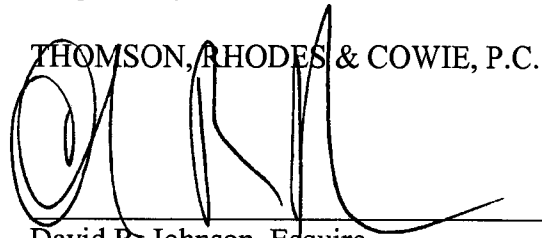
2. It is believed that all discovery has been completed and that what is required, therefore, is a deadline for production of expert reports.

3. Defendants request that the court enter an order compelling plaintiffs to produce expert reports within 30 days and permitting defendants to provide their reports 60 days thereafter.

WHEREFORE, defendants move for a scheduling order consistent with the above motion.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DR Johnson', is written over a horizontal line.

David R. Johnson, Esquire
Attorneys for Dubois Regional Medical
Center, one of the defendants.

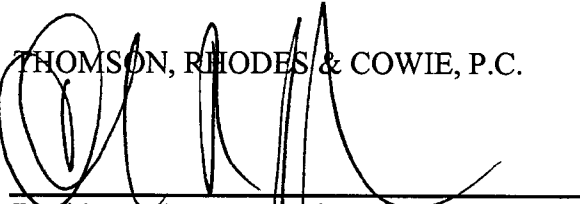
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within MOTION
REQUESTING SCHEDULING ORDER has been served upon the following counsel of
record and same placed in the U.S. Mails on this 21st day of
Feb., 2007:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

Bernard J. Rizza, Esquire
Matis Baum Rizza & O'Connor
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

CIVIL DIVISION

No. 04-314-CD

Issue No.

AFFIDAVIT OF SERVICE OF ORDER OF
COURT DATED FEBRUARY 26, 2007

Filed on behalf of DuBois Regional Medical
Center, one of the defendants

Counsel of Record for This Party:

David R. Johnson, Esquire
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.
Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219

(412) 232-3400

FILED

MAR 02 2007
11:55
William A. Shaw
Prothonotary/Clerk of Courts
w/c

AFFIDAVIT OF SERVICE OF ORDER OF COURT DATED FEBRUARY 27, 2007

Notice has been made by U.S. mail to plaintiffs' attorney and other counsel of Record that argument will occur on DRMC's motion requesting scheduling order on March 30, 2007 at 9:00 a.m., Courtroom #1 of the Clearfield County Courthouse, pursuant to order of court entered February 26, 2007, a copy of which is attached.

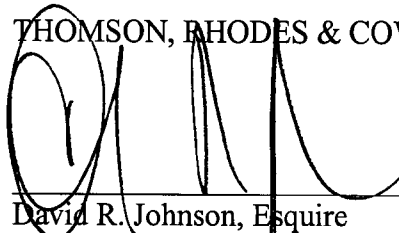
Notice was sent to:

Jeffrey A. Pribanic, Esquire
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

Bernard J. Rizza, Esquire
Matis Baum Rizza & O'Connor
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DR Johnson', is written over a horizontal line.

David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,

Defendants.

) CIVIL DIVISION

)

) No. 04-314-CD

)

)

)

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)

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)

)

ORDER OF COURT

AND NOW, this 26 day of Feb, 2007, it is hereby

ORDERED, ADJUGED and DECREED that oral argument on defendant's motion requesting
scheduling order is scheduled for the 30th day of March, 2007, at
9:00 a.m. p.m. before Judge Ammerman in Courtroom No. 1 of the
Clearfield County Courthouse.

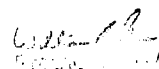
BY THE COURT:

 J.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 26 2007

Attest.


Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No. 04-314-CD
Plaintiffs,)	
)	
vs.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER, ADOLFO RAPAPORT, D.O.,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 30th day of March, 2007, it is
hereby ordered as follows:

1. All expert reports on behalf of the plaintiffs shall be filed within 30 days.
2. Any expert reports to be filed on behalf of defendants shall be filed within 90 days.

BY THE COURT:

FILED ice
010:44/6/Atty Prihanic
MAR 30 2007 Johnson
Rizza
William A. Shaw
Prothonotary/Clerk of Courts (EK)

FILED

MAR 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/30/07

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ☒ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ☒ Defendant(s) Attorney

____ Special Instructions:

CA

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

RHONDA L. WOOD and SCOTT A. WOOD, JR,
her Husband,
Plaintiffs

vs.


DUBOIS REGIONAL MEDICAL CENTER and
ADOLFO RAPAPORT, D.O.,
Defendants

*
*
*
* NO. 04-314-CD
*
*
*

ORDER

AND NOW, this 9th day of April, 2007, it is the ORDER of this Court that the Pre-Trial Conference in the above matter shall be held on the **20th day of April, 2007, at 10:00 a.m. in Chambers.**

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

APR 10 2007

0/8:30/12
William A. Shaw
Prothonotary/Clerk of Courts

SENT TO ATTY'S

J. PRIZANIC
B. RIZZO
D. JOHNSON

(CR)

DATE: 4-10-07

☐ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

APR 10 2007

FILED

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

RHONDA L. WOOD and SCOTT A. WOOD, JR,
her Husband,
Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER and
ADOLFO RAPAPORT, D.O.,
Defendants

NO. 04-314-CD

ORDER

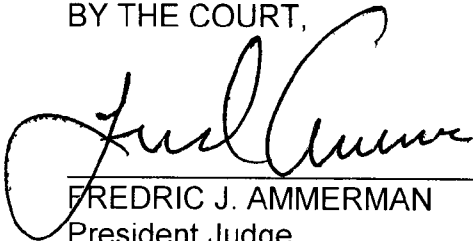
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011:06/07 Prabanic
APR 24 2007 Johnson
Rizza
William A. Shaw
Prothonotary/Clerk of Courts @w

NOW, this 20th day of April, 2007, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on May 1, 2007 commencing at 10:30 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for Tuesday, Wednesday, Thursday and Friday, September 4, 5, 6, and 7, 2007 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than thirty (30) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than fifteen (15) days prior to the commencement of trial.

4. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than thirty (30) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than fifteen (15) days prior to trial.
5. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a medical record's witness for purposes of authentication.
6. The DuBois Regional Medical Center is hereby DISMISSED as a party Defendant in the case.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

APR 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/24/07

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

v.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No.: 04-314-CD

**PLAINTIFFS' MOTION IN
LIMINE**

Filed on behalf of Plaintiffs:
RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband

Counsel of Record for this Party:

JEFFREY A. PRIBANIC
PA ID No.: 56808

PRIBANIC AND PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FOX

JURY TRIAL DEMANDED

FILED 100
m/10:48 AM
AUG 06 2007 Amy

William A. Shaw
Prothonotary/Clerk of Courts

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

RHONDA L. WOOD and SCOTT A.	)	CIVIL DIVISION
WOOD, JR., her husband,)	
	)	No.: 04-314-CD
)	
Plaintiffs,)	
)	
v.)	
)	
DUBOIS REGIONAL MEDICAL)	
CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
)	
Defendants.)	

PLAINTIFFS' MOTION IN LIMINE

Plaintiffs, Rhonda L. Wood and Scott A. Wood, Jr., by and through their attorney, Jeffrey A. Pribanic, Esquire and Pribanic & Pribanic, LLC, hereby file the following Motion in Limine and in support thereof aver as follows:

1. Plaintiffs anticipate or expect that the defense may question Plaintiffs' expert, Dr. Halbridge, on issues not probative and extremely prejudicial to the Plaintiff's case in chief – including, but not limited to Dr. Halbridge's personal life and/or relationships.

2. The foregoing if raised by counsel for the Defendant would have no probative value in respect to this case and its effect would be exclusively or predominately prejudicial to the Plaintiffs.

WHEREFORE, Plaintiffs respectfully request Defense counsel to be precluded from inquiry into these matters.

RESPECTFULLY SUBMITTED



JEFFREY A. PRIBANIC
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via U.S. Postal Service, postage prepaid this 3rd day of August, 2007 upon the following:

Ms. Ronda J. Wisor
Deputy Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Bernard R. Rizza, Esquire
GACA MATIS BAUM & RIZZA
Four Gateway Center, Suite 300
Pittsburgh, PA 15222

PRIBANIC & PRIBANIC, L.L.C.


JEFFREY A. PRIBANIC
Counsel for Plaintiffs

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CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this _____ day of August, 2007, it is hereby ORDERED that that Counsel for Defendant shall not inquire in any way about Bruce L. Halbridge, M.D.'s personal background during the cross-examination of Bruce L. Halbridge, M.D.

BY THE COURT:

J.

CA

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

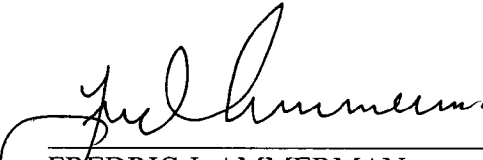
RHONDA L. WOOD and SCOTT A. :
WOOD, JR., her husband :
 :
 :
vs. : No. 04-314-CD
 :
 :
DUBOIS REGIONAL MEDICAL :
CENTER and ADOLFO RAPAPORT, :
D.O., :

ORDER

AND NOW, this 7th day of August, 2007, it is the ORDER of the Court that argument on Plaintiff's Motion in Limine in the above matter has been scheduled for **Friday, August 24, 2007 at 2:30 P.M.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of the Plaintiff's Counsel to serve certified copy of said scheduling Order on the Defendant's Counsel.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 3cc
d10:3601 Amy Pribanic
AUG 08 2007 (EK)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 24 2007

m/11:30 w

William A. Shaw
Prothonotary/Clerk of Courts

1 sent to Atty

w/ cert. of Doc

copy of cert of Doc
to C/A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,**

Plaintiffs,

vs.

**DUBOIS REGIONAL MEDICAL
CENTER, ADOLFO RAPAPORT, D.O.,**

Defendants.

) CIVIL DIVISION

)

)

) No.: 04-314-CD

)

) **PRAECIPE TO SETTLE**

) **AND DISCONTINUE**

)

)

)

)

) Filed on behalf of

) **RHONDA L. WOOD, et vir**

) Plaintiffs

)

) Counsel of Record for this Party

) **PRIBANIC & PRIBANIC, LLC**

) **JEFFREY A. PRIBANIC**

) Pa. I.D. No. 56808

)

) 1735 Lincoln Way

) White Oak, Pennsylvania 15131

)

) (412) 672-5444 BAF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
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**RHONDA L. WOOD and SCOTT A.
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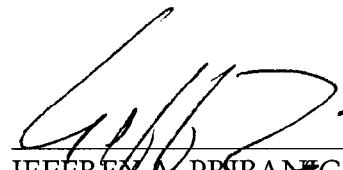
CIVIL DIVISION

No.: 04-314-CD

PRAECIPE TO SETTLE AND DISCONTINUE

To the Prothonotary:

Please settle and discontinue the above captioned action.



JEFFREY A. PRIBANC
Attorney for Plaintiffs

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

CIVIL DIVISION

**Rhonda L. Wood
Scott A. Wood**

**Vs.
Adolfo Rapaport DO**

No. 2004-00314-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 September 24, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$143.25 have been paid in full by Pribanic & Pribanic, LLC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 24th day of September A.D. 2007.

William A. Shaw, Prothonotary

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

RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband,

Plaintiffs,

v.

DUBOIS REGIONAL MEDICAL
CENTER and ADOLFO RAPAPORT,
D.O.,

Defendants.

CIVIL DIVISION

No.: 04-314-CD

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Filed on behalf of Plaintiffs:
RHONDA L. WOOD and SCOTT A.
WOOD, JR., her husband

Counsel of Record for this Party:

JEFFREY A. PRIBANIC
PA ID No.: 56808

PRIBANIC AND PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FOX

JURY TRIAL DEMANDED

FILED No CC
m/11: 25um
OCT 26 2007
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cert of disc
issued to
Atty Pribanic
William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
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DUBOIS REGIONAL MEDICAL)	
CENTER and ADOLFO RAPAPORT,)	
D.O.,)	
)	
)	
Defendants.)	

PRAECIPE TO SETTLE AND DISCONTINUE

To The Prothonotary:

Kindly settle and discontinue the above-captioned action.

RESPECTFULLY SUBMITTED:



JEFFREY A. PRIBANIC
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via U.S. Postal Service, postage prepaid this 24th day of October, 2007 upon the following:

Ms. Ronda J. Wisor
Deputy Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Bernard R. Rizza, Esquire
GACA MATIS BAUM & RIZZA
Four Gateway Center, Suite 300
Pittsburgh, PA 15222

PRIBANIC & PRIBANIC, L.L.C.



JEFFREY A. PRIBANIC
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Rhonda L. Wood
Scott A. Wood

Vs.
Adolfo Rapaport DO

No. 2004-00314-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 26, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Pribanic and Pribanic.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of October A.D. 2007.



William A. Shaw, Prothonotary *lm*