

04-622-CD
MARY A., OLSON, admx. vs. ERNEST P. JONES, JR. M.D. et al.

Mary A. Olson et al vs. Ernest Jones et al
2004-622-CD

LORENZO, GIANVITO & LAVELLE, P.C.
ATTORNEYS AT LAW
410 WEST MAHONING STREET
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PUNXSUTAWNEY, PA 15767
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**MARY A. OLSON, Administratrix
of the ESTATE OF CHARLES R.
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,**

Type of Case - CIVIL

Case No. 04-622-CD

Type of Pleading - COMPLAINT

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Filed by:

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

**ERNEST P. JONES, JR., M.D.,
an individual; STEPHEN R.
DANNEWITZ, M.D., an
individual; STEPHEN PYO,
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,**

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

Defendants

FILED

MAY 04 2004

William A. Shaw
Prothonotary

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. _____

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL, a
corporation,

Defendants

NOTICE

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 claim 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 OBTAIN LEGAL HELP.

Prothonotary
Courthouse
230 E. Market St.
Clearfield, PA 16830
(814) 765-2641

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

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an individual; STEPHEN R.
DANNEWITZ, M.D., an
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P.A., an individual; and
CLEARFIELD HOSPITAL, a
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Defendants

COMPLAINT

AND NOW, comes the plaintiff, MARY A. OLSON, Administratrix of the Estate of CHARLES R. OLSON, deceased, on behalf of the Estate and Next-of-Kin of CHARLES R. OLSON, deceased, by and through her attorneys, LORENZO, GIANVITO & LAVELLE, P.C., who file the following Complaint, of which the facts set forth hereinafter are a true and concise summary:

**General Allegations as to All Counts
and All Defendants**

1. Plaintiff, MARY A. OLSON, is an adult individual who resides at P.O. Box 59, Curwensville, Clearfield County, Pennsylvania, 16833.

2. Plaintiff, MARY A. OLSON, was appointed as Administratrix of the Estate of CHARLES R. OLSON ("decedent"), on January 16, 2003, by the Register of Wills of Clearfield County, Pennsylvania, at No. 2003-24. Plaintiff brings this action on behalf of the estate and next-of-kin of the aforementioned decedent.

3. The decedent, CHARLES R. OLSON, was, at the time of his death on December 28, 2002, a forty-four (44) year old male who resided at R.D. #2, Box 148, Curwensville, Clearfield County, Pennsylvania.

4. Defendant, ERNEST P. JONES, JR., M.D. ("Defendant-JONES"), is an adult individual and a duly licensed physician within the Commonwealth of Pennsylvania who holds himself out to the public as an expert in the field of emergency medicine. Defendant JONES' professional office is located at the facilities of defendant, CLEARFIELD HOSPITAL, 809 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania. At all times material to this Complaint, defendant JONES was an agent or employee of defendant, CLEARFIELD HOSPITAL, and/or was an ostensible agent of defendant, CLEARFIELD HOSPITAL.

5. Defendant, STEPHEN R. DANNEWITZ, M.D., ("Defendant-DANNEWITZ"), is an adult individual and a duly licensed physician within the Commonwealth of Pennsylvania who holds himself out to the public as an expert in the field of emergency medicine. Defendant JONES' professional office is located at the facilities of defendant, CLEARFIELD HOSPITAL, 809 Turnpike Avenue, Clearfield,

Clearfield County, Pennsylvania. At all times material to this Complaint, defendant DANNEWITZ was an agent or employee of defendant, CLEARFIELD HOSPITAL, and/or was an ostensible agent of defendant, CLEARFIELD HOSPITAL.

6. Defendant, STEPHEN PYO, P.A., is an adult individual and a duly licensed physician's assistant within the Commonwealth of Pennsylvania. At all times material to this Complaint, defendant PYO was an agent or employee of defendant, CLEARFIELD HOSPITAL, and/or was an ostensible agent of defendant, CLEARFIELD HOSPITAL.

7. Defendant, CLEARFIELD HOSPITAL ("Defendant-Hospital"), is a medical care/service provider which holds itself out to the public as an institution providing such services as emergency medical services, employing competent medical staff to meet these service needs. Said defendant is a corporation and a duly licensed hospital, with its principle place of business located at 809 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania.

8. On October 23, 2002, decedent, CHARLES R. OLSON, presented himself to the Emergency Department of defendant-hospital, CLEARFIELD HOSPITAL, with a chief complaint of pain in his upper back, radiating into his arms and axillary areas, which had begun about three and one-half hours earlier.

9. Decedent was examined by defendant-physician, ERNEST P. JONES, M.D., who diagnosed "back pain". No further diagnostic or ancillary studies were done, and decedent was administered an injection of Toradol, given Percocet tablets, and discharged to

home with a prescription for Vicodin and instructions to follow-up with his family physician in 2-4 days if no improvement.

10. On December 26, 2002, decedent presented himself to the Emergency Department of defendant-hospital, CLEARFIELD HOSPITAL, complaining of shortness of breath/trouble breathing, for about a month, worse over past week, especially worse with exertion. He exhibited edema in both lower legs, a slightly distended abdomen, and pain in the middle of his back.

11. Decedent was examined by defendant, STEPHEN PYO, P.A., under the direction of defendant-physician, STEPHEN DANNEWITZ, M.D. Chest X-rays, EKG, and laboratory studies, including cardiac enzymes, were ordered and performed. Chest X-rays showed "cardiomegaly with increased heart size from prior study" and interstitial edema. Laboratory studies revealed normal total CK, but elevated CK MB cardiac fraction and troponin level. EKG demonstrated sinus rhythm and poor R-wave progression across the precordial leads; the computerized interpretation included "cannot rule out old anterior MI" (myocardial infarction). Decedent was discharged to home in stable condition, and prescribed Spirolactone.

12. Two days later, on December 28, 2002, at approximately 3:15 a.m., decedent, CHARLES R. OLSON, was transported to Clearfield Hospital via ambulance service with the following symptoms: upper back pain, index 9, radiating through to chest; shortness of breath; nausea; pitting edema of both legs; mild

productive cough; jaundice. He was seen by defendant-physician JONES, given IV medications, ordered oxygen, laboratory studies, portable chest X-rays, EKG. The EKG demonstrated junctional rhythm. Diagnosis was myocardial infarction-inferior, acute; abnormal liver function study; jaundice. He was treated with Retavase therapy and transferred to Altoona General Hospital via life-flight at 5:47 a.m., in critical but stable condition.

13. Decedent arrived at Altoona Hospital at 7:08 a.m. in hypotensive shock, despite dopamine and fluids in transit. Despite aggressive supportive care throughout the day, Mr. Olson was pronounced dead at 5:40 p.m.

General Allegations of Negligence
Against Defendant, Ernest P. Jones, M.D.

14. Defendant, ERNEST P. JONES, M.D., was negligent and careless in the following respects:

a) in mis-diagnosing plaintiff-decedent's condition, on October 23, 2002, as "musculoskeletal back pain", which is a diagnosis of exclusion, and was inappropriate given that other, more serious, conditions had never been evaluated and eliminated. Further, this diagnosis did not explain the severe pain, its spontaneous onset, and its radiation;

b) in taking a deficient history, on October 23, 2002, by not noting the nature of the pain, such as sharp, stabbing, tearing, etc.;

c) in not addressing the patient's abnormal vital signs on October 23, 2002;

d) in not addressing the major life threatening possibilities, including, at least, a dissecting aneurysm, pulmonary embolism, and acute coronary syndrome, on October 23, 2002;

e) in taking a physical examination on October 23, 2002, which was below the standard of care as no cardiovascular or pulmonary exams were performed;

f) in not ordering diagnostic testing such as, but not limited to, chest x-ray, EKG, CT scan of the chest, CBC, and cardiac enzymes, on October 23, 2002;

g) in failing to admit the plaintiff-decedent as an inpatient and/or discharging plaintiff-decedent from the emergency room;

h) in failing to monitor the plaintiff-decedent's progress after discharge and/or failing to give the decedent proper discharge instructions for follow up if the condition worsened;

i) in failing to refer the patient-plaintiff to a cardiology specialist more skilled and/or knowledgeable in the treatment of plaintiff's condition;

j) in failing to consult with a physician more skilled and/or knowledgeable in the treatment of plaintiff-decedent's condition.

15. Any and/or all acts of negligence and carelessness set forth above directly caused and/or increased the risk of harm to

the plaintiff-decedent, and pursuant to law, thereby caused the injury, damage and harm to plaintiff as herein described.

General Allegations of Negligence
Against Defendant, Stephen Dannewitz, M.D.

16. Defendant, STEPHEN DANNEWITZ, M.D., was negligent and careless in the following respects:

- a) Failing to address patient's persistent back pain on emergency room visit of December 26, 2002;
- b) Failing to evaluate or explain patient's persistently abnormal vital signs;
- c) In ignoring obviously abnormal cardiac enzymes and EKG;
- d) In mis-diagnosing, on discharge of December 26, 2002, as ascites, liver disease and edema-pitting, which did not explain or account for patient's pulmonary and cardiac findings;
- e) In dismissing from consideration acute, potentially life threatening conditions, even though there were numerous findings compatible with such conditions, which primarily included significant cardiac illness and/or acute myocardial infarction;
- f) In failing to properly supervise, review and monitor the care given by the Physicians' Assistant, defendant STEPHEN PYO;
- g) In failing to independently evaluate the history, physical examination findings, laboratory studies, and tests which clearly indicated or at least failed to rule out an acute myocardial infarction, but rather, relied upon the assessment of defendant, STEPHEN PYO, P.A., that plaintiff's decedent was not

sufficiently ill to demand or require future treatment or hospitalization;

h) In failing to admit the plaintiff-decedent as an inpatient and/or discharging plaintiff-decedent from the emergency room;

i) In failing to monitor the plaintiff-decedent's progress after discharge and/or failing to give the decedent proper discharge instructions for follow up if the condition worsened;

j) In failing to refer the patient-plaintiff to a cardiology specialist more skilled and/or knowledgeable in the treatment of plaintiff's condition;

k) In failing to consult with a physician more skilled and/or knowledgeable in the treatment of plaintiff-decedent's condition.

17. Any and/or all acts of negligence and carelessness set forth above directly caused and/or increased the risk of harm to the plaintiff-decedent, and pursuant to law, thereby caused the injury, damage and harm to plaintiff as herein described.

General Allegations of Negligence
Against Defendant, Stephen Pyo, P.A.

18. Defendant, STEPHEN PYO, P.A., was negligent and careless in the following respects:

a) Failing to address patient's persistent back pain on emergency room visit of December 26, 2002;

- b) Failing to evaluate or explain patient's persistently abnormal vital signs;
- c) In ignoring obviously abnormal cardiac enzymes and EKG;
- d) In mis-diagnosing, on discharge of December 26, 2002, as ascites, liver disease and edema-pitting, which did not explain or account for patient's pulmonary and cardiac findings;
- e) In dismissing from consideration acute, potentially life threatening conditions, even though there were numerous findings compatible with such conditions, which primarily included significant cardiac illness and/or acute myocardial infarction;
- f) In failing to communicate and/or fully and completely communicate physical findings and laboratory results to attending physician;
- g) In failing to call for consult by either a specialist or emergency room physician who would be more skilled and trained in the interpretation of EKG results and cardiac enzyme studies in light of decedent's history.

19. Any and/or all acts of negligence and carelessness set forth above directly caused and/or increased the risk of harm to the plaintiff-decedent, and pursuant to law, thereby caused the injury, damage and harm to plaintiff as herein described.

**General Allegations of Vicarious Liability
Against Defendant, Clearfield Hospital**

20. The acts of defendant-physicians, ERNEST P. JONES, M.D., and STEPHEN DANNEWITZ, M.D., and physicians' assistant,

defendant STEPHEN PYO, fully described hereinbefore, and incorporated herein by reference, were the acts of agents, servants, and/or employees of defendant, CLEARFIELD HOSPITAL, acting within the scope of their agency, authority, and/or employment, for which this defendant is vicariously liable.

21. In addition to and/or in lieu of actual agency, the acts of defendant-physicians, ERNEST P. JONES, M.D., and STEPHEN DANNEWITZ, M.D., and physicians' assistant, defendant STEPHEN PYO, fully described hereinbefore and incorporated herein by reference, were the acts of ostensible physician agents, for which defendant is vicariously liable.

General Allegations of Corporate Negligence
Against Defendant, Clearfield Hospital

22. Defendant-hospital, through its agents, servants and/or employees, was negligent and careless in failing to formulate, adopt and/or enforce adequate rules, protocols, and policies to ensure quality of care for patients, in particular, rules and/or policies to ensure that:

a) physicians would take an adequate and proper history and physical examination of patients, so as to be able ascertain the patient's risk factors and formulate a proper treatment plan;

b) physicians would order and/or implement appropriate diagnostic studies, where such studies are warranted when the history and physical examinations raise a high suspicion of cardiac etiology;

c) physicians would order and/or implement appropriate plans of follow up care and treatment;

d) physicians would monitor, direct and review diagnostic findings of allied personnel, including physicians' assistants.

23. The defendant-hospital, through its agents, servants and/or employees, was negligent and careless in failing to properly oversee physicians practicing within defendant-hospital's facilities, and the defendant-physicians in particular, to ensure that:

a) physicians would take an adequate and proper history and physical examination of patients, so as to be able ascertain the patient's risk factors and formulate a proper treatment plan;

b) physicians would order and/or implement appropriate diagnostic studies, where such studies are warranted when the history and physical examinations raise a high suspicion of cardiac etiology;

c) physicians would order and/or implement appropriate plans of follow up care and treatment;

d) physicians would monitor, direct and review diagnostic findings of allied personnel, including physicians' assistants.

24. The defendant-hospital, through its agents, servants and/or employees, was negligent and careless in failing to select and/or retain competent physicians, and the defendant-physicians in particular, to ensure that:

- a) physicians would take an adequate and proper history and physical examination of patients, so as to be able ascertain the patient's risk factors and formulate a proper treatment plan;
- b) physicians would order and/or implement appropriate diagnostic studies, where such studies are warranted when the history and physical examinations raise a high suspicion of cardiac etiology;
- c) physicians would order and/or implement appropriate plans of follow up care and treatment;
- d) physicians would monitor, direct and review diagnostic findings of allied personnel, including physicians' assistants.

25. Any and all of the acts of negligence or carelessness set forth above directly caused, and/or increased the risk of harm to the plaintiff-decedent, CHARLES R. OLSON, and, pursuant to law, thereby caused the injury, damage and harm to the plaintiff as herein described.

COUNT ONE

Mary A. Olson, as Administratrix of the
Estate of Charles R. Olson, Deceased, on Behalf
of the Estate and Next-of-Kin of Charles R. Olson,
Deceased, Plaintiff
vs.
Ernest P. Jones, M.D., Stephen Dannewitz, M.D.,
Stephen Pyo, P.A., and Clearfield Hospital, Defendants

Wrongful Death Action

26. Paragraphs one (1) through twenty-five (25) above are incorporated herein by reference as though set forth fully and at length.

27. Plaintiff, MARY A. OLSON, duly appointed Administratrix of the Estate of CHARLES R. OLSON, deceased, brings this action under the provisions of law hereinafter set forth on behalf of the next-of-kin of said decedent to recover damages for those persons so entitled by law, to-wit:

a) Mary A. Olson - mother
P.O. Box 59
Curwensville, PA 16833

28. The right to bring this action is conferred upon the above-named plaintiff as Administratrix by the following laws, upon which said action is brought:

a) Wrongful Death Act of 1851, P.L. 699, as amended by the Act of 1855, P.L. 309; the Act of 1911, P.L. 678; the Act of 1927, P.L. 992, 480; the Act of 1937, P.L. 1961; and

b) The Act of April 18, 1949, P.L. 512; and

c) Any other wrongful death act or amendments thereof, Fiduciary Acts, Supreme Court rulings, the Pennsylvania Rules of Civil Procedure, Pa.R.C.P. No. 2201, et seq., and the Judiciary Act, 42 Pa.C.S. Section 8301.

29. No action was filed by the decedent against the defendants named herein.

30. Plaintiff, MARY A. OLSON, Administratrix of the Estate of CHARLES R. OLSON, deceased, brings these causes of action to recover the following:

a) funeral expenses;

b) expenses of administration related to decedent's injuries and death;

c) such other damages as are permissible in a wrongful death action.

WHEREFORE, plaintiff demands judgment against defendants, individually, jointly and/or severally, in an amount in excess of the mandatory limits of compulsory arbitration in this jurisdiction.

COUNT TWO

Mary A. Olson, as Administratrix of the
Estate of Charles R. Olson, Deceased, on Behalf of
the Estate and Next-of-Kin of Charles R. Olson,
Deceased, Plaintiff
vs.
Ernest P. Jones, M.D., Stephen Dannewitz, M.D.,
Stephen Pyo, P.A., and Clearfield Hospital, Defendants

Survival Action

29. Paragraphs one (1) through twenty-eight (28) above are incorporated herein by reference as though the same were set forth fully and at length.

30. Plaintiff, MARY A. OLSON, Administratrix of the Estate of CHARLES R. OLSON, deceased, brings this cause of action on behalf of the Estate of CHARLES R. OLSON, deceased, by virtue of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. Section 3373, and 42 Pa.C.S. Section 8302, their predecessory legislation, court rulings, all as amended and/or supplemented.

31. The defendants are liable to the Olson Estate for the following damages:

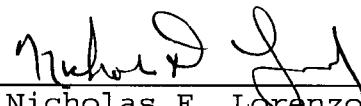
- a) Decedent's pain and suffering between the time of his injuries and the time of his death; and
- b) Decedent's total estimated future earning power, less his estimated cost of personal maintenance; and
- c) Decedent's loss of retirement and Social Security income; and
- d) Decedent's other financial losses suffered as a result of his death; and
- e) Decedent's loss of enjoyment of life.

WHEREFORE, plaintiff demands judgment against defendants, individually, jointly and/or severally, in an amount in excess of the mandatory limits of compulsory arbitration in this jurisdiction.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

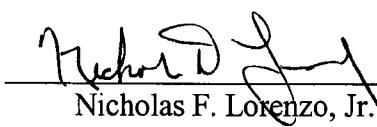
LORENZO, GIANVITO & LAVELLE, P.C.

Date: 5/3/04

By: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff
410 W. Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

STATE OF PENNSYLVANIA
SS:
COUNTY OF JEFFERSON

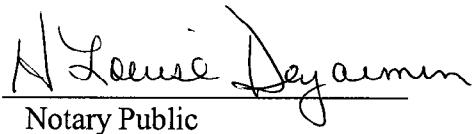
NICHOLAS F. LORENZO, JR., ESQ., being duly sworn according to law, depose and say that I am the attorney for the plaintiff, MARY A. OLSON, Administratrix of the ESTATE OF CHARLES R. OLSON, deceased, that I am authorized to make this affidavit on her behalf, that the facts set forth in the foregoing Complaint are true and correct, not of my own knowledge, but from information supplied to me by said plaintiff, that the purpose of this affidavit is to expedite the litigation, and that an affidavit of the plaintiff will be supplied if demanded.



Nicholas F. Lorenzo, Jr.

Sworn and subscribed before me

this 3rd day of May, 2004.



H. Louise Desimmin
Notary Public



STATE OF PENNSYLVANIA

SS:

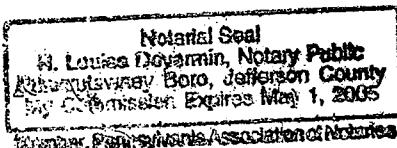
COUNTY OF JEFFERSON

MARY A. OLSON, Administratrix of the Estate of CHARLES R. OLSON, Plaintiff, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of her information, knowledge and belief.

Mary A. Olson
Mary A. Olson

Sworn and subscribed before me
this 16th day of February, 2004.

H. Louise Deyamin
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

**MARY A. OLSON, Administratrix
of the ESTATE OF CHARLES R.
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,**

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
CERTIFICATE OF MERIT

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

Filed by:

**ERNEST P. JONES, JR., M.D.,
an individual; STEPHEN R.
DANNEWITZ, M.D., an
individual; STEPHEN PYO,
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,**

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED

MAY 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
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MARY A. OLSON, Administratrix
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Plaintiff

Vs.

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an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants

CERTIFICATE OF MERIT AS
TO ERNEST P. JONES, JR., M.D.

I, NICHOLAS F. LORENZO, JR., ESQ., certify that:

A. 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

B. 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

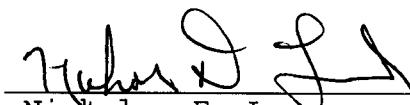
other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

C. Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

LORENZO, GIANVITO & LAVELLE, P.C.

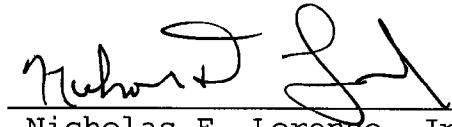
Date: 5/6/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2004, a true and correct copy of the foregoing Certificate of Merit was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648


Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
CERTIFICATE OF MERIT

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Plaintiff

Filed by:

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

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Defendants

FILED

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William A. Shaw
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MARY A. OLSON, Administratrix
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an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants

CERTIFICATE OF MERIT AS
TO STEPHEN R. DANNEWITZ, M.D.

I, NICHOLAS F. LORENZO, JR., ESQ., certify that:

A. 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

B. 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

C. Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 5/6/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2004, a true and correct copy of the foregoing Certificate of Merit was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648


Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
CERTIFICATE OF MERIT

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

Filed by:

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED

MAY 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants

CERTIFICATE OF MERIT AS
TO CLEARFIELD HOSPITAL

I, NICHOLAS F. LORENZO, JR., ESQ., certify that:

A. 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

B. 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

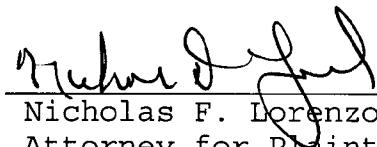
other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

C. Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 5/6/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2004, a true and correct copy of the foregoing Certificate of Merit was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648



Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
CERTIFICATE OF MERIT

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED

MAY 10 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

**MARY A. OLSON, Administratrix
of the ESTATE OF CHARLES R.
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,**

Plaintiff

Vs.

No. 04-622 C.D.

**ERNEST P. JONES, JR., M.D.,
an individual; STEPHEN R.
DANNEWITZ, M.D., an
individual; STEPHEN PYO, an
individual; and CLEARFIELD
HOSPITAL, a corporation,**

Defendants

CERTIFICATE OF MERIT AS
TO STEPHEN PYO, P.A.

I, NICHOLAS F. LORENZO, JR., ESQ., certify that:

A. 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

B. 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

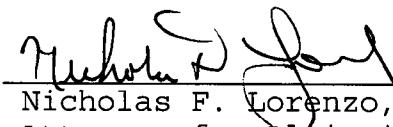
other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

C. Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 5/6/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2004, a true and correct copy of the foregoing Certificate of Merit was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648


Nicholas F. Lorenzo, Jr., Esq.

In The Court of Common Pleas of Clearfield County, Pennsylvania

OLSON, MARY A. ADMINISTRATRIX

VS.

JONES, ERNEST P. JR., M.D., al

COMPLAINT

Sheriff Docket #

15523

04-622-CD

SHERIFF RETURNS

NOW MAY 6, 2004 AT 10:56 AM SERVED THE WITHIN COMPLAINT ON ERNEST P. JONES JR., M.D. IND., DEFENDANT AT EMPLOYMENT, CLEARFIELD HOSPITAL, 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ELAINE C. KARCHNER, SEC. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF

SERVED BY: NEVILING/HUNTER

NOW MAY 6, 2004 AT 10:56 AM SERVED THE WITHIN COMPLAINT ON STEPHEN R. DANNEWITZ, M.D., IND., DEFENDANT AT EMPLOYMENT, CLEARFIELD HOSPITAL, 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ELAINE C. KARCHNER, SEC. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: NEVLING/HUNTER

NOW MAY 6, 2004 AT 10:56 AM SERVED THE WITHIN COMPLAINT ON STEPHEN PYO, P.A. IND., DEFENDANT AT EMPLOYMENT, CLEARFIELD HOSPITAL, 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ELAINE C. KARCHNER, SEC. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

MADE KNOWN TO HER THE CON-
SERVED BY: NEVILLE HUNTER

NOW MAY 6, 2004 AT 10:56 AM SERVED THE WITHIN COMPLAINT ON CLEARFIELD HOSPITAL, DEFENDANT AT EMPLOYMENT, 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ELAINE C. KARCHNER, SEC. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

THE CONTENTS THEREOF:
SERVED BY: NEVILLE HUNTER

Return Costs

Cost Description

36.37 SHERIFF HAWKINS PAID BY: ATTY CK# 15357

40.00 SURCHARGE PAID BY: ATT CK# 15358

FILED
01:51 AM
MAY 18 2004
SAC

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

18 Day Of May 2004

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

So Answers.

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

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

: No. 04 - 622 CD

: **ISSUE:
ANSWER AND NEW MATTER
TO PLAINTIFF'S COMPLAINT**

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

: Filed on behalf of Defendants,
CLEARFIELD HOSPITAL,
STEPHEN R. DANNEWITZ, M.D. and
STEPHEN PYO, P.A.

: Counsel of Record for These Parties:
Frank J. Hartye, Esquire
PA I.D. #25568

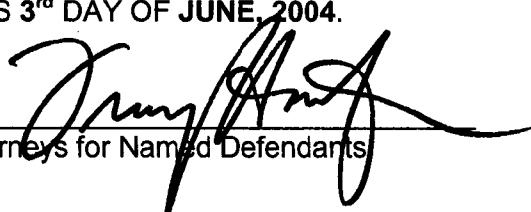
: McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

Defendants

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 3rd DAY OF JUNE, 2004.

Atorneys for Named Defendants



FILED

JUN 04 2004

m/2200/a

William A. Shaw
Prothonotary

W.A.S. 6/1/04

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 – 622 CD

: JURY TRIAL DEMANDED

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

AND NOW, come the defendants, Stephen R. Dannewitz, M.D., Stephen Pyo,
P.A., and Clearfield Hospital, by and through their attorneys, McIntyre, Dugas, Hartye &
Schmitt, and file the following Answer and New Matter to Plaintiff's Complaint.

1. The allegations contained in Paragraph 1 are true to the best of
defendants' knowledge.

2. After reasonable investigation, defendants are without sufficient
knowledge or information as to the truth of these averments and therefore they are
denied as stated.

3. The allegations contained in Paragraph 3 are true to the best of
defendants' knowledge.

4. The allegations contained in Paragraph 4 are not directed to answering defendant and no further response is required.

5. Admitted in part, denied in part. It is admitted that Stephen R. Dannewitz, M.D., is a duly licensed physician within the Commonwealth of Pennsylvania and is Board Certified in Emergency Medicine. At the time of the events set forth in plaintiff's Complaint, he was an Employee of Clearfield Hospital. The remaining allegations are denied.

6. It is admitted that Stephen Pyo is a duly licensed physician's assistant in the Commonwealth of Pennsylvania and was employed by Clearfield Hospital at the time of the events set forth in plaintiff's Complaint.

7. It is admitted that Clearfield Hospital is a corporation and medical care provider with its principal place of business located at 809 Turnpike Avenue, Clearfield, Clearfield County, Pennsylvania.

8. It is admitted that Charles Olson presented to the Emergency Department at Clearfield Hospital on October 23, 2002 at approximately 7:42 p.m. To the extent that the remaining allegations are consistent with the Clearfield Hospital Emergency Department record, the same are admitted. To the extent that they are inconsistent, they are denied.

9. The allegations contained in Paragraph 9 are directed to Dr. Jones and therefore no further response is required. Insofar as a response may be deemed to be necessary, it is admitted that the patient was discharged to follow up with his family physician, Dr. Luge in 2-4 days if there was no improvement in his condition and that a

prescription was given for medication as more specifically set forth in the Emergency Department record for October 23, 2002.

10. Admitted in part, denied in part. It is admitted that on December 26, 2002, that Charles Olson came to the Emergency Department at Clearfield Hospital with complaints of shortness of breath and trouble breathing for approximately one month and that his shortness of breath was worse with exertion. It is admitted that he had edema in his legs, and a distended abdomen. While the patient initially complained to the nurse of having back pain, there were no complaints of back pain thereafter and therefore the remaining allegations are denied as stated.

11. It is admitted that Charles Olson was examined by Stephen Pyo, physician's assistant, who was practicing under the direction of Dr. Stephen Dannewitz. It is admitted that numerous tests were ordered. The results of the test are more specifically set forth in the record and therefore the remaining allegations are denied to the extent that they are inaccurate or incomplete. It is admitted that the patient was discharged home in stable condition and was prescribed Spirolactone after consultations between Dr. Dannewitz and various consulting physicians.

12. It is admitted that Charles Olson came to the Emergency Department at Clearfield Hospital on December 28, 2002 at approximately 3:15 a.m. and was transported by ambulance. The remaining allegations are admitted to the extent that they are consistent with the Clearfield Hospital Emergency Department record for October 28, 2002 are denied to the extent that they are inconsistent with the record or

are otherwise incomplete. It is admitted that the record reflects that the patient was transferred in clinical but stable condition to Altoona Hospital.

13. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments and therefore they are denied as stated.

General Allegations of Negligence
Against Defendant, Ernest P. Jones, M.D.

14-15. The allegations contained in Paragraphs 14 and 15 are not directed to answering defendants and no further response is required. Insofar as a response may be deemed to be necessary, these allegations are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendants demand judgment in their favor with costs of suit awarded to defendants.

General Allegations of Negligence
Against Defendant, Stephen Dannewitz, M.D.

16. The allegations contained in Paragraph 16 and subparagraphs thereof are specifically denied. It is denied that Dr. Dannewitz was negligent or careless or failed to meet the appropriate standard of care applicable to him. Therefore all the allegations contained in Paragraph 16 and the subparagraphs thereof are denied and strict proof is demanded at time of trial.

17. Denied. It is denied that Stephen Dannewitz, M.D., was negligent or careless in any manner. It is denied that any action or inaction on the part of Stephen

Dannevitz, M.D., either caused or contributed to or increased the risk of harm to plaintiff's decedent and all the allegations in Paragraph 17 are denied.

WHEREFORE, Stephen Dannewitz, M.D., demands judgment in his favor with cost of suit awarded to defendant.

**General Allegations of Negligence
Against Defendant, Stephen Pyo, P.A.**

18. Denied. It is denied that Stephen Pyo, P.A., was negligent or careless or failed to meet the standard of care applicable to him. All the allegations contained in Paragraph 18 and the subparagraphs thereof are specifically denied and strict proof thereof is demanded at time of trial.

19. Denied. It is denied that Stephen Pyo, P.A., was negligent or careless or breached the standard of care. It is denied that any action or inaction on behalf of Stephen Pyo, P.A., caused, contributed to or increased the risk of harm to the plaintiff's decedent and therefore all the allegations contained in Paragraph 19 are denied.

WHEREFORE, Stephen Pyo, P.A., demands judgment in his favor with cost of suit awarded to defendant.

**General Allegations of Vicarious Liability
Against Defendant, Clearfield Hospital**

20. It is admitted that Ernest P. Jones, M.D., Stephen Dannewitz, M.D., and Stephen Pyo, P.A., were employees of Clearfield Hospital. It is admitted that they provided care in the Emergency Department in the course and scope of their employment. The remaining allegations are conclusions of law and are denied as stated.

21. The allegations contained in Paragraph 21 are conclusions of law and are denied as stated.

General Allegations of Corporate Negligence
Against Defendant, Clearfield Hospital

22. It is denied that Clearfield Hospital or any of its actual or ostensible agents, servants or employees were negligent, careless or breached the standard of care applicable to them. It is further denied that Clearfield Hospital failed to properly formulate, adopt or enforce adequate rules, protocols and policies to ensure quality care for patients and therefore all the allegations contained in Paragraph 22 and the subparagraphs thereof are denied and strict proof thereof is demanded.

23. It is denied that Clearfield Hospital or any of its agents, servants or employees were negligent or careless in any manner. It is denied that Clearfield Hospital was negligent or careless in any manner. It is denied that Clearfield Hospital failed to properly oversee physicians practicing within its facility and therefore all the allegations contained in Paragraph 23 and the subparagraphs thereof are denied.

24. It is denied that Clearfield Hospital or any of its agents, servants or employees were negligent or careless in the selecting and retaining of competent physicians and therefore all the allegations contained in Paragraph 24 and the subparagraphs thereof are denied.

25. Denied. It is denied that Clearfield Hospital or any of its actual or ostensible agents, servants or employees were negligent or careless in any manner. It is denied that any action or inaction on the part of Clearfield Hospital or any of its agents, servants or employees either caused, contributed to or increased the risk of harm to the

plaintiff's decedent and therefore all the allegations contained in Paragraph 25 are denied.

WHEREFORE, Clearfield Hospital demands judgment in its favor with costs of suit awarded to defendant.

COUNT ONE

**Mary A. Olson, as Administratrix of the
Estate of Charles R. Olson, Deceased, on Behalf
of the Estate and Next-of-Kin of Charles R. Olson,
Deceased Plaintiff**

vs.

**Ernest P. Jones, M.D., Stephen Dannewitz, M.D.,
Stephen Pyo, P.A., and Clearfield Hospital, Defendants**

Wrongful Death Action

26. Defendants incorporate by reference previous paragraphs of the within Answer and New Matter as though the same were set forth herein and at length.

27. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments and therefore they are denied.

28. The allegations contained in Paragraph 28 are conclusions of law and no further response is required.

29. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments.

30. Denied. It is denied that Mary Olson, Administratrix of the Estate of Charles Olson, is entitled to damages as a result of the cause of action set forth in plaintiff's Complaint and therefore all the allegations contained in this count are denied.

WHEREFORE, defendants demand judgment in their favor with cost of suit awarded to the defendants.

COUNT TWO

**Mary A. Olson, as Administratrix of the
Estate of Charles R. Olson, Deceased, on behalf of
the Estate and Next-of-Kin of Charles R. Olson,
Deceased, Plaintiff**
vs.
**Ernest P. Jones, M.D., Stephen Dannewitz, M.D.,
Stephen Pyo, P.A., and Clearfield Hospital, Defendants**

Survival Action

29. Defendants incorporate by reference previous paragraphs of the within Answer and New Matter as though the same were set forth herein and at length.

30. The allegations contained in Paragraph 30 are conclusions of law and no further response is required.

31. Denied. It is denied that answering defendants were negligent or careless in any manner and therefore it is denied that defendants are liable to the Olson Estate for any damages. As a result, all the allegations contained in Paragraph 31 and the subparagraphs thereof are denied.

WHEREFORE, defendants demand judgment in their favor with costs of suit awarded to defendants.

NEW MATTER

By way of further and more complete answer, defendants aver the following New Matter.

32. Plaintiff previously filed a cause of action against answering defendants wherein answering defendants obtained a judgment of Non Pros for plaintiff's failure to timely file Certificates of Merit. As a result, plaintiff's cause of action is barred.

33. Defendants hereby plead all bars, rights and limitations pursuant to the Healthcare Services Malpractice Act 40 P.S. §1301.103 et seq.

34. Defendants hereby affirmatively plead all bars, rights and limitations under the Care Availability and Reduction of Error (MCARE) Act 40 P.S. §1301 et seq.

35. Some or all of plaintiff's cause of action is barred by the applicable statute of limitations.

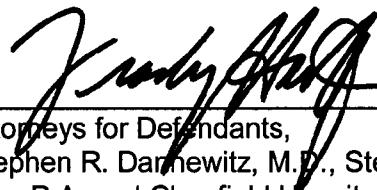
36. Plaintiff has failed to comply with Pa. R.C.P. 1042.3 and therefore plaintiff's Complaint should be dismissed.

WHEREFORE, defendants demand judgment in their favor with cost of suit awarded to defendants.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

By

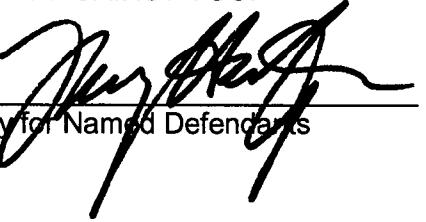


Attorneys for Defendants,
Stephen R. Darnowitz, M.D., Stephen
Pyo, P.A. and Clearfield Hospital

Frank J. Hartye, Esquire
PA I.D. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

TO: PLAINTIFF

YOU ARE HEREBY NOTIFIED TO FILE
A WRITTEN RESPONSE TO THE
ENCLOSED **NEW MATTER** WITHIN
TWENTY (20) DAYS FROM SERVICE
HEREOF OR A JUDGMENT MAY BE
ENTERED AGAINST YOU.

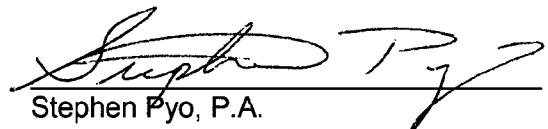


Attorney for Named Defendants

VERIFICATION

I, STEPHEN PYO, P.A., do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER**. The statements therein are correct to the best of my personal knowledge or information and belief.

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



Stephen Pyo, P.A.

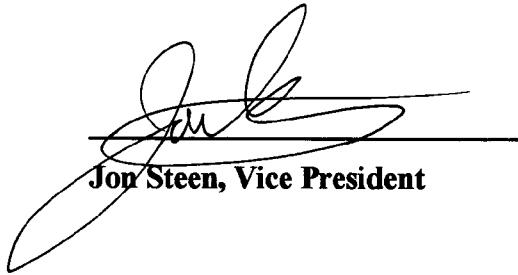
Date: May 13, 2004

VERIFICATION

I **JON STEEN, VICE PRESIDENT** of **CLEARFIELD HOSPITAL** do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

CLEARFIELD HOSPITAL



Jon Steen, Vice President

Date: 5/17/04

VERIFICATION

I, **FRANK J. HARTYE, ESQUIRE**, being the attorney of record for **Defendant, Stephen R. Dannewitz, M.D.**, verify that I am authorized to make this verification on behalf of Defendant in the within action, and that the statements made in the foregoing **ANSWER AND NEW MATTER TO PLAINTIFF'S COMPLAINT** are true and correct to the best of my knowledge, information, and belief.



FRANK J. HARTYE, ESQUIRE

Date: June 3, 2004

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

: No. 04 – 622 CD

ISSUE:

**PRAECIPE TO SUBSTITUTE
VERIFICATION TO ANSWER AND
NEW MATTER**

Plaintiff

Filed on behalf of Defendants,
CLEARFIELD HOSPITAL,
ERNEST P. JONES, JR., M.D.,
STEPHEN R. DANNEWITZ, M.D. and
STEPHEN PYO, P.A.

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

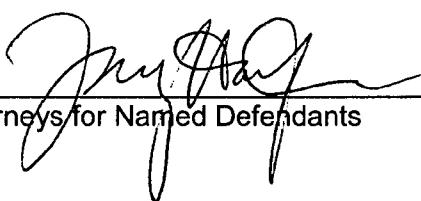
Counsel of Record for These Parties:
Frank J. Hartye, Esquire
PA I.D. #25568

McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

Defendants

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 7TH DAY OF JUNE, 2004.



Attorneys for Named Defendants

FILED

JUN 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

No. 04 – 622 CD

JURY TRIAL DEMANDED

**PRAECIPE TO SUBSTITUTE
VERIFICATION TO ANSWER AND NEW MATTER**

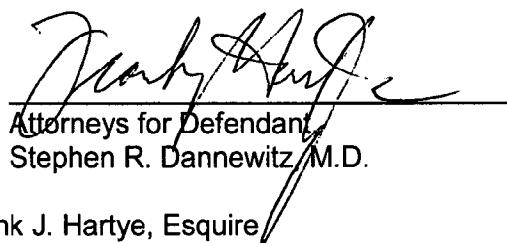
TO: PROTHONOTARY

Kindly substitute the enclosed Verification to the previously filed Answer and New
Matter submitted on behalf of Defendant, Stephen R. Dannewitz, M.D.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By



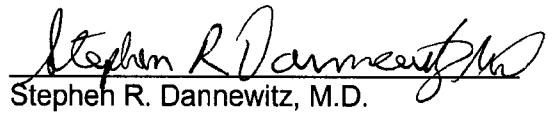
Attorneys for Defendant
Stephen R. Dannewitz, M.D.

Frank J. Hartye, Esquire
PA I.D. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

VERIFICATION

I, **STEPHEN R. DANNEWITZ, M.D.**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER**. The statements therein are correct to the best of my personal knowledge or information and belief.

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


Stephen R. Dannewitz, M.D.

Date: 6-1-04

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

: No. 04 – 622 CD

:
ISSUE:
**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF DATED
06/07/04**

Plaintiff

:
Filed on behalf of Defendants,
CLEARFIELD HOSPITAL,
ERNEST P. JONES, JR., M.D.,
STEPHEN R. DANNEWITZ, M.D. and
STEPHEN PYO, P.A.

:
Counsel of Record for These Parties:
Frank J. Hartye, Esquire
PA I.D. #25568

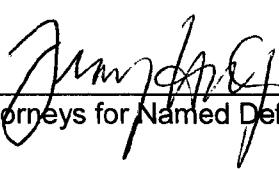
:
McINTYRE, DUGAS, HARTYE &
SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

:
JURY TRIAL DEMANDED

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 7th DAY OF JUNE, 2004.



Attorneys for Named Defendants

FILED

JUN 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

MARY A. OLSON, Administratrix of the : No. 04 - 622 CD
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

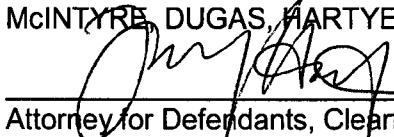
: JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF DATED 06/07/04**

TO: PROTHONOTARY

You are hereby notified that on the 7TH day of June 2004, Defendants, Clearfield Hospital, Ernest P. Jones, Jr., M.D., Stephen R. Dannewitz, M.D. and Stephen Pyo, P.A., served Interrogatories and Request for Production of Documents Directed to Plaintiff Dated 06/07/04, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendants, Clearfield Hospital, Ernest P. Jones Jr., M.D., Stephen R. Dannewitz, M.D., and Stephen Pyo, P.A..

FRANK J. HARTYE, ESQUIRE
PA ID# 25568
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading - **REPLY TO
NEW MATTER OF DEFENDANTS,
CLEARFIELD HOSPITAL, STEPHEN
DANNEWITZ, M.D., AND STEPHEN
PYO, P.A.**

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED

JUN 24 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

**MARY A. OLSON, Administratrix
of the ESTATE OF CHARLES R.
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,**

Plaintiff

Vs.

No. 04-622 C.D.

**ERNEST P. JONES, JR., M.D.,
an individual; STEPHEN R.
DANNEWITZ, M.D., an
individual; STEPHEN PYO, an
individual; and CLEARFIELD
HOSPITAL, a corporation,**

Defendants

**PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANTS,
CLEARFIELD HOSPITAL, STEPHEN DANNEWITZ, M.D.,
AND STEPHEN PYO, P.A.**

AND NOW, comes the plaintiff, MARY A. OLSON, Administratrix of the Estate of CHARLES R. OLSON, deceased, by and through her counsel, NICHOLAS F. LORENZO, JR., ESQ., of LORENZO, GIANVITO & LAVELLE, P.C., and files the following Reply to New Matter of Defendants, Clearfield Hospital, Stephen Dannewitz, M.D., and Stephen Pyo, P.A.:

32. Plaintiff's present action has been filed within the statute of limitations applicable to her cause of action. The fact that a previous complaint was dismissed on a Praecept for Non-Prosecution pursuant to Pa. R.C.P., Rule 1042.3 is not a bar to a subsequent

filings when such filing can be accomplished within the applicable statute of limitations. A judgment of Non-Pros is not a judgment on the merits and thus is not *res judicata* with respect to the plaintiff's claim. Further, a judgment of Non-Pros pursuant to Rule 1042.3 is not entered with prejudice against the plaintiff, and a judgment without prejudice ordinarily imports the contemplation of further proceedings.

33. Because the defendants' paragraph thirty-three (33) sets forth no new facts or circumstances implicating the applicability of the Healthcare Services Malpractice Act, and because there are no provisions of that Act that would preempt any claims advanced by the plaintiff in her Complaint, the defendants' assertion that the plaintiff's claims are barred or otherwise limited thereby is denied.

34. Because the defendants' paragraph thirty-four (34) sets forth no new facts or circumstances implicating the applicability of the Care Availability and Reduction of Error (MCARE) Act, and because there are no provisions of that Act that would preempt any claims advanced by the plaintiff in her Complaint, the defendants' assertion that the plaintiff's claims are barred or otherwise limited thereby is denied.

35. The negligent conduct of the defendants giving rise to the plaintiff's cause of action occurred on December 26, 2002, and this action was commenced by the filing of a Complaint on May 4, 2004. The Statute of Limitations for all causes of action alleged

in the Complaint is two years. The plaintiff therefore denies the existence of an affirmative defense based on the statute of limitations.

36. Defendant's New Matter asserted in Paragraph thirty-six (36) is denied. By way of further response, the production of a Certificate of Merit regarding this Complaint is governed by the provisions of Rule 1042.3(a)(1), (2), & (3). Plaintiff has already filed her Certificates of Merit with respect to this Complaint, as evidenced by the fact that the defendants have already filed their Answer and New Matter, and as such has already complied with the stated requirements contained in the provisions of the aforementioned Pa. R.C.P.

WHEREFORE, plaintiff respectfully requests that defendants' New Matter be dismissed.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 6/22/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2004, true and correct copies of the foregoing Reply to New Matter of Defendants was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Tyler J. Smith, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
Ste. 2900, 600 Grant St.
Pittsburgh, PA 15219


Nicholas F. Lorenzo, Jr., Esq.

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

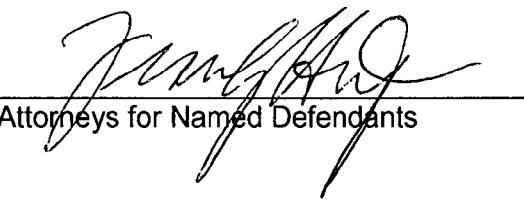
vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 - 622 CD
:
: ISSUE:
: NOTICE OF SERVICE OF ANSWERS
: TO FIRST SET OF INTERROGATORIES
: DIRECTED TO DEFENDANT, STEPHEN
: PYO, P.A. and REPLY TO
: PLAINTIFF'S FIRST REQUEST FOR
: PRODUCTIION OF DOCUMENTS
: DIRECTED TO DEFENDANT, STEPHEN
: PYO, P.A.
:
: Filed on behalf of Defendants,
: CLEARFIELD HOSPITAL,
: ERNEST P. JONES, JR., M.D.,
: STEPHEN R. DANNEWITZ, M.D. and
: STEPHEN PYO, P.A.
:
: Counsel of Record for These Parties:
: Frank J. Hartye, Esquire
: PA I.D. #25568
:
: MCINTYRE, DUGAS, HARTYE &
: SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581
:
:
: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 7th DAY OF JULY, 2004.



Attorneys for Named Defendants

FILED NO
m/2/2004
JUL 08 2004
[Handwritten initials and date]

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 – 622 CD

: JURY TRIAL DEMANDED

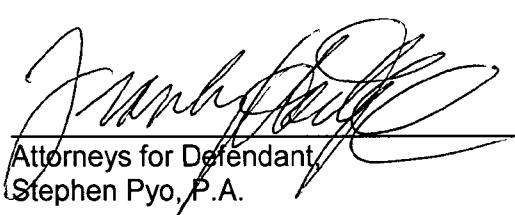
**NOTICE OF SERVICE OF ANSWERS TO FIRST SET OF INTERROGATORIES
DIRECTED TO DEFENDANT, STEPHEN PYO, P.A. and REPLY TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO
DEFENDANT, STEPHEN PYO, P.A.**

TO: PROTHONOTARY

You are hereby notified that on the 7TH day of July 2004, Defendant, Stephen Pyo, P.A., served Answers to First Set of Interrogatories Directed to Defendant, Stephen Pyo, P.A. and Reply to Plaintiff's First Request for Production of Documents Directed to Defendant, Stephen Pyo, P.A., by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

MCINTYRE, DUGAS, HARTYE & SCHMITT

By


Attnorneys for Defendant,
Stephen Pyo, P.A.

Frank J. Hartye, Esquire
PA I.D. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 - 622 CD

: ISSUE:

: NOTICE OF SERVICE OF ANSWERS
: TO PLAINTIFF'S FIRST SET OF
: INTERROGATORIES TO DEFENDANT,
: STEPHEN R. DANNEWITZ, M.D. and
: RESPONSES TO PLAINTIFF'S FIRST
: REQUEST FOR PRODUCTION OF
: DOCUMENTS TO DEFENDANT,
: STEPHEN R. DANNEWITZ, M.D.

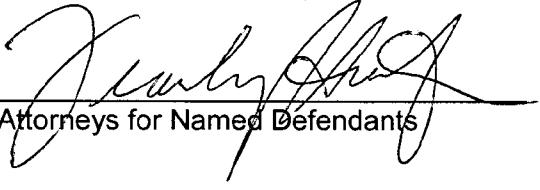
: Filed on behalf of Defendants,
: CLEARFIELD HOSPITAL,
: ERNEST P. JONES, JR., M.D.,
: STEPHEN R. DANNEWITZ, M.D. and
: STEPHEN PYO, P.A.

: Counsel of Record for These Parties:
: Frank J. Hartye, Esquire
: PA I.D. #25568

: MCINTYRE, DUGAS, HARTYE &
: SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 7th DAY OF JULY, 2004.


Attnorneys for Named Defendants

FILED
12/12/04
JUL 08 2004
NO CC

W.A. Shaw
Prothonotary/Clerk of Courts

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 – 622 CD

: JURY TRIAL DEMANDED

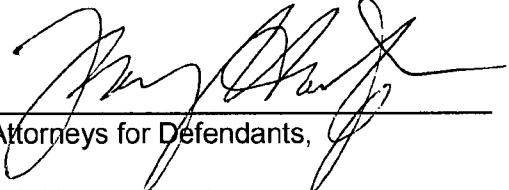
**NOTICE OF SERVICE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES TO
DEFENDANT, STEPHEN R. DANNEWITZ, M.D. and RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT, STEPHEN
R. DANNEWITZ, M.D.**

TO: PROTHONOTARY

You are hereby notified that on the 7TH day of July 2004, Defendant, Stephen Pyo, P.A., served Answers to First Set of Interrogatories Directed to Defendant, Stephen Pyo, P.A. and Reply to Plaintiff's First Request for Production of Documents Directed to Defendant, Stephen Pyo, P.A., by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

MCINTYRE, DUGAS, HARTYE & SCHMITT

By



Attorneys for Defendants,

Frank J. Hartye, Esquire
PA I.D. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading - **REPLY**
TO NEW MATTER OF DEFENDANT,
ERNEST P. JONES, JR., M.D.

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

Defendants

LORENZO, GIANVITO & LAVELLE,
P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
m/19/04
JUL 12 2004
W.A. Shaw
Prothonotary/Clerk of Courts

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R. OLSON**, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R. DANNEWITZ, M.D.**, an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD HOSPITAL**, a corporation,

Defendants

PLAINTIFF'S REPLY TO NEW MATTER OF
DEFENDANT, ERNEST P. JONES, JR., M.D.

AND NOW, comes the plaintiff, **MARY A. OLSON**, Administratrix of the Estate of **CHARLES R. OLSON**, deceased, by and through her counsel, **NICHOLAS F. LORENZO, JR., ESQ.**, of **LORENZO, GIANVITO & LAVELLE, P.C.**, and files the following Reply to New Matter of Defendant, **ERNEST P. JONES, JR. M.D.**

32. Paragraph 32 of defendant's New Matter incorporates by reference defendant's answers to paragraphs 1 through 31 of plaintiff's Complaint. Inasmuch as none of the allegations in paragraphs 1 through 31 aver any facts, but only assert denials and conclusions of law, the same cannot be answered by plaintiff.

Further, the bald legal assertions and legal conclusions asserted in paragraphs 1 through 31 require no response.

33. Plaintiff's Complaint sets forth a cause of action as required by law. Defendant, in paragraph 33, asserts the Complaint fails to state a proper cause of action, and demands that plaintiff's case be dismissed. Defendant's allegations contain no assertions of fact upon which such an allegation can be based. As a result, defendant's paragraph 33 of New Matter states a bald assertion of law and does not require any answer pursuant to Pa.R.C.P.

34. Defendant asserts in paragraph 34 of New Matter that plaintiff has failed to comply with Pa.R.C.P. 1042.3. On the contrary, plaintiff's Complaint fully complies with Pa.R.C.P. 1042.3, as the same was filed as an original pleading within the statute of limitations. No prior decision on the merits was ever made by a court of competent jurisdiction in this matter. Further, plaintiff has filed affidavits of merit as required by 1042.3, and as such, cannot be dismissed. By way of further response, defendant fails completely to assert any facts which would justify a conclusion that plaintiff has failed to comply with Pa.R.C.P. 1042.3. Defendant has merely asserted a bald allegations which requires no answer.

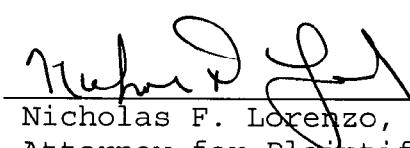
35. Defendant, without averment of any facts, seeks to preserve defenses such as estoppel, immunity from suit, release, statute of limitations, and apparently by the use of the phrase

"et al", seeks to include any and all other possible defenses. The Pa.R.C.P. do not provide for the assertion of any defenses unless the same are set forth fully and are supported by specific averments of fact which make the legal defenses applicable to the case at bar. As a result, the assertions in paragraph 35 of New Matter constitute a legal nullity which seeks relief to which it is not entitled pursuant to Pa.R.C.P. Accordingly, no response is required to this paragraph.

WHEREFORE, plaintiff respectfully requests that defendant's New Matter be dismissed.

LORENZO, GIANVITO & LAVELLE, P.C.

Date: 7/7/04

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2004, true and correct copies of the foregoing Reply to New Matter of Defendant Jones were forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Tyler J. Smith, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggin
Ste. 2900, 600 Grant St.
Pittsburgh, PA 15219


Nicholas F. Lorenzo, Jr., Esq.

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

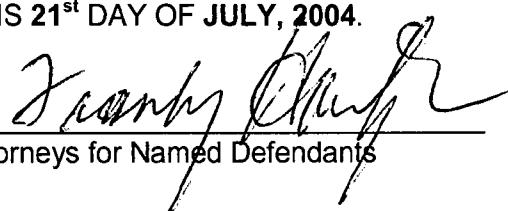
vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 – 622 CD
: ISSUE:
: NOTICE OF SERVICE OF ANSWERS
: TO FIRST SET OF INTERROGATORIES
: TO DEFENDANT, CLEARFIELD
: HOSPITAL and REPLY TO FIRST SET
: OF REQUEST FOR PRODUCTION OF
: DOCUMENTS TO DEFENDANT,
: CLEARFIELD HOSPITAL
:
: Filed on behalf of Defendants,
: CLEARFIELD HOSPITAL,
: ERNEST P. JONES, JR., M.D.,
: STEPHEN R. DANNEWITZ, M.D. and
: STEPHEN PYO, P.A.
:
: Counsel of Record for These Parties:
: Frank J. Hartye, Esquire
: PA I.D. #25568
:
: MCINTYRE, DUGAS, HARTYE &
: SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581
:
: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 21st DAY OF JULY, 2004.



Attorneys for Named Defendants

FILED NO
JUL 23 2004
11:00 AM
CLERK OF COURT
CLEARFIELD COUNTY, PENNSYLVANIA

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

MARY A. OLSON, Administratrix of the
ESTATE OF CHARLES R. OLSON,
deceased, on behalf of the Estate and
Next-of-Kin of CHARLES R. OLSON,
deceased,

Plaintiff

vs.

ERNEST P. JONES, JR., M.D., an
individual; STEPHEN R. DANNEWITZ,
M.D., an individual; STEPHEN PYO,
P.A., an individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

: No. 04 – 622 CD

: JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO FIRST SET OF INTERROGATORIES TO
DEFENDANT, CLEARFIELD HOSPITAL and REPLY TO FIRST SET OF REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT, CLEARFIELD HOSPITAL**

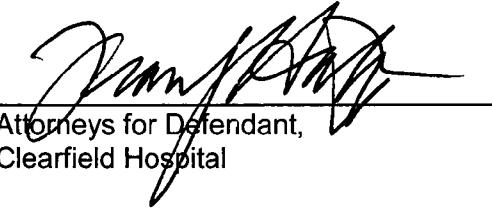
TO: PROTHONOTARY

You are hereby notified that on the 21st day of July 2004, Defendant, Clearfield Hospital, served Answers to First Set of Interrogatories to Defendant, Clearfield Hospital and Reply to First Set of Request for Production of Documents to Defendant, Clearfield Hospital, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Nicholas F. Lorenzo, Jr., Esquire
Lorenzo, Gianvito & Lavelle, P.C.
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

McINTYRE, DUGAS, HARTYE & SCHMITT

By



Attorneys for Defendant,
Clearfield Hospital

Frank J. Hartye, Esquire
PA I.D. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

LORENZO & GIANVITO, P.C.
ATTORNEYS AT LAW
410 WEST MAHONING STREET
P. O. BOX 495
PUNXSUTAWNEY, PA 15767
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
NOTICE OF VIDEO DEPOSITION OF
STEPHEN R. DANNEWITZ, M.D.

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

Defendants

Filed
by:
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
6K m 11/28/04 NO CC
JAN 13 2005

William A. Shaw
Prothonotary Clerk of Courts

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No.

04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants.

NOTICE OF VIDEO DEPOSITION

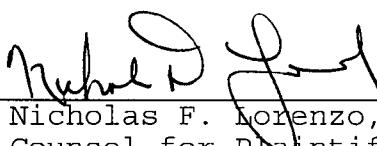
TO: **STEPHEN R. DANNEWITZ, M.D.**
% **Frank J. Hartye, Esq.**
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules
of Civil Procedure, MARY A. OLSON, et al., plaintiff herein,
gives notice that the video deposition of **STEPHEN R. DANNEWITZ**,
M.D. will be taken on **TUESDAY, FEBRUARY 15, 2005** beginning at
11:00 AM at the office of SARGENTS COURT REPORTING SERVICE,
106 North Second Street, Clearfield, Pennsylvania, 16830.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: 1/12/05

By: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2005 a true and correct copies of the foregoing Notice of Video Deposition was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dubas, Hartye & Schmitt
P.O. Box 588
Hollidaysburg, PA 16648-0533

Tyler J. Smith, Esq.
Marshall, Dennehey, Warner
Coleman & Goggin
Suite 2900, 600 Grant St.
Pittsburgh, PA 15219

Sargent's Court Reporting
210 Main St.
Johnstown, PA 1901

Sargent's Court Reporting
106 North Second St.
Clearfield, PA 16830



Nicholas F. Lorenzo, Jr.
Attorney for Plaintiff

LORENZO & GIANVITO, P.C.
ATTORNEYS AT LAW
410 WEST MAHONING STREET
P. O. BOX 495
PUNXSUTAWNEY, PA 15767
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
NOTICE OF VIDEO DEPOSITION OF
ERNEST P. JONES, JR., M.D.

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

Defendants

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED
6/14 10:52 AM 2005
FEB 23 2005

William A. Shaw
Prothonotary

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants.

NOTICE OF VIDEO DEPOSITION

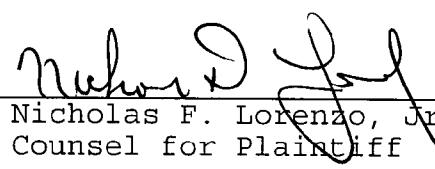
TO: **ERNEST P. JONES, JR., ESQ.**
% Tyler J. Smith, Esq.
Pietragallo Bosick & Gordon
The Thirty-Eighth Floor
One Oxford Centre
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules
of Civil Procedure, MARY A. OLSON, et al., plaintiff herein,
gives notice that the video deposition of Ernest P. Jones, Jr.,
M.D. will be taken on **TUESDAY, MARCH 8, 2005** beginning at **10:00**
AM at the office of Pietragallo, Bosick & Gordon, the Thirty-
Eighth Floor, One Oxford Centre, Pittsburgh, PA 15219.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: 2/22/05

By: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2005 a true and correct copies of the foregoing Notice of Video Deposition was forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dubas, Hartye & Schmitt
P.O. Box 588
Hollidaysburg, PA 16648-0533

Tyler J. Smith, Esq.
Pietragallo, Bosick & Gordon
The Thirty-Eighth Floor
One Oxford Centre
Pittsburgh, PA 15219

Sargent's Court Reporting
210 Main St.
Johnstown, PA 1901
(Court Reporter and Video Service)


Nicholas F. Lorenzo, Jr.
Attorney for Plaintiff

LORENZO & GIANVITO, P.C.
ATTORNEYS AT LAW
410 WEST MAHONING STREET
P. O. BOX 495
PUNXSUTAWNEY, PA 15767
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,
Plaintiff

Type of Case - CIVIL

Case No. 04-622 C.D.

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

Defendants

Type of Pleading -
NOTICE OF VIDEO DEPOSITION
OF STEPHEN PYO, PA-C

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Filed by
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

NO
m/12/30/05
SEP 23 2005 (JW)

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No.

04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants.

NOTICE OF VIDEO DEPOSITION

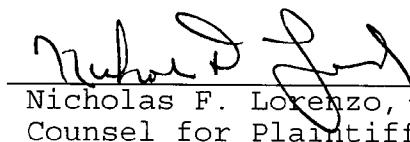
TO: **STEPHEN PYO PA-C**
% **Frank J. Hartye, Esq.**
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules
of Civil Procedure, MARY A. OLSON, et al., plaintiff herein,
gives notice that the video deposition of **STEPHEN PYO, PA-C**
will be taken on **TUESDAY, NOVEMBER 15, 2005** beginning at **10:00 AM**
at the office of McIntyre, Dugas, Hartye & Schmitt, 1816 Old
Route 220, North Business, Duncansville, PA 16635.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: 9/22/05

By: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiff

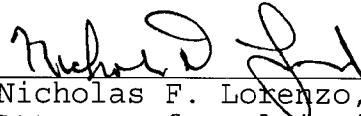
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the
Foregoing Notice of Video Deposition was mailed on September
22, 2005 first class mail, postage prepaid to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 588
Hollidaysburg, PA 16648-0533

Tyler J. Smith, Esq.
Marshall, Dennehey, Warner
Coleman & Goggin
Suite 2900, 600 Grant St.
Pittsburgh, PA 15219

Sargent's Court Reporting
210 Main St.
Johnstown, PA 15901
(VIDEO AND COURT REPORTER)



Nicholas F. Lorenzo, Jr.
Attorney for Plaintiff

LORENZO & GIANVITO, P.C.
ATTORNEYS AT LAW
410 WEST MAHONING STREET
P. O. BOX 495
PUNXSUTAWNEY, PA 15767
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,
Plaintiff

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
NOTICE OF VIDEO DEPOSITION
OF STEPHEN PYO, PA-C

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

Defendants

Filed by
NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED

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Villa A Shaw
Prothonotary Clerk of Courts
1 CENT TO FILE

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff
Vs. No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants.

NOTICE OF VIDEO DEPOSITION

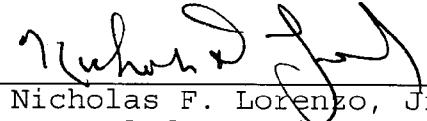
TO: **STEPHEN PYO PA-C**
% Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that pursuant to the Pennsylvania Rules
Of Civil Procedure, MARY A. OLSON, et al., plaintiff herein,
gives notice that the video deposition of **STEPHEN PYO, PA-C**
will be taken on **TUESDAY, DECEMBER 13, 2005** beginning at **10:00 AM**
at the office of McIntyre, Dugas, Hartye & Schmitt, 1816 Old
Route 220, North Business, Duncansville, PA 16635.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LORENZO & GIANVITO, P.C.

Date: 11/2/05

By: 
Nicholas F. Lorenzo, Jr., Esq.
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Foregoing Notice of Video Deposition was mailed on November 2, 2005 first class mail, postage prepaid to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 588
Hollidaysburg, PA 16648-0533

Tyler J. Smith, Esq.
Marshall, Dennehey, Warner
Coleman & Goggin
Suite 2900, 600 Grant St.
Pittsburgh, PA 15219

Sargent's Court Reporting
210 Main St.
Johnstown, PA 15901
(VIDEO AND COURT REPORTER)


Nicholas F. Lorenzo, Jr.
Attorney for Plaintiff

LORENZO & GIANVITO, P.C.
ATTORNEYS AT LAW
410 WEST MAHONING STREET
P. O. BOX 495
PUNXSUTAWNEY, PA 15767
(814) 938-6390.

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - CIVIL

Case No. 04-622 C.D.

Type of Pleading - PETITION FOR
APPROVAL TO SETTLE, COMPROMISE
AND DISCONTINUE WRONGFUL DEATH
AND SURVIVAL ACTIONS

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

Filed by:

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 W. Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

Defendants

FILED ^{ICC}
MAY 12 2006 *Any Lorenzo*
MAY 02 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

**MARY A. OLSON, Administratrix
of the ESTATE OF CHARLES R.
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,**

Plaintiff

Vs.

No. 04-622 C.D.

**ERNEST P. JONES, JR., M.D.,
an individual; STEPHEN R.
DANNEWITZ, M.D., an
individual; STEPHEN PYO, an
individual; and CLEARFIELD
HOSPITAL, a corporation,**

Defendants

**PETITION FOR APPROVAL TO SETTLE,
COMPROMISE, AND DISCONTINUE WRONGFUL DEATH
AND SURVIVAL ACTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

AND NOW, comes your Petitioner, MARY A. OLSON, Administratrix of the ESTATE OF CHARLES R. OLSON, deceased, on behalf of the Estate and Next-of-Kin of CHARLES R. OLSON, deceased, by and through her counsel, NICHOLAS F. LORENZO, JR., ESQ., of LORENZO & GIANVITO, P.C., and presents the following Petition for Approval to Settle, Compromise, and Discontinue Wrongful Death and Survival Actions, as follows:

1. Your Petitioner, MARY A. OLSON, is an adult individual who resides at 990 Windy Hill Road, Curwensville, Clearfield County, Pennsylvania, and is the natural mother of decedent, CHARLES R. OLSON.

2. Said plaintiff was appointed as Administratrix of the estate of her late son, CHARLES R. OLSON, deceased, on January 16, 2003, by the Register of Wills of Clearfield County, Pennsylvania, at No. 2003-24.

3. The Petitioner instituted this civil action at the above-stated case number by the filing of a Complaint on May 4, 2004. The named defendants, as captioned herein, are: ERNEST P. JONES, JR., M.D., an individual; STEPHEN R. DANNEWITZ, M.D., an individual; STEPHEN PYO, an individual; and CLEARFIELD HOSPITAL, a corporation.

4. The claim of the decedent's estate arose out of an incident which occurred on October 23, 2002, when plaintiff's decedent presented himself to the Emergency Department of defendant-hospital, CLEARFIELD HOSPITAL, with a chief complaint of pain in his upper back, radiating into his arms and axillary areas, which had begun about three and one-half hours earlier. Decedent was examined by defendant-physician, ERNEST P. JONES, M.D., who diagnosed "back pain". No further diagnostic or ancillary studies were done, and decedent was discharged to home with pain medications and instructions to follow-up with his family physician if no improvement.

5. On December 26, 2002, defendant again presented himself to the Emergency Department of defendant-hospital, complaining of shortness of breath/trouble breathing, for about a month, especially worse with exertion. He exhibited edema in both legs, a slightly distended abdomen, and pain in the middle of his back. Decedent was examined by defendant, STEPHEN PYO, P.A., under the direction of defendant-physician STEPHEN DANNEWITZ, M.D. Chest x-rays, EKG, and laboratory studies, including cardiac enzymes, were ordered and performed. Despite the fact that the studies showed "cardiomegaly with increased heart size from prior study," plaintiff's decedent was discharged to home.

6. Two days later, on December 28, 2002, decedent was transported to defendant-hospital via ambulance service with severe upper back pain radiating through to chest and shortness of breath; an EKG indicated acute myocardial infarction. He was life-flighted to another facility for further treatment, but despite aggressive supportive care throughout the day, he was pronounced dead that evening due to his cardiac condition.

7. The defendants have offered the aggregate sum of Two Hundred Thousand (\$200,000.00) Dollars for a full and complete release of all claims. Your Petitioner has agreed to accept said settlement in full of any and all causes of action relating to the Estate of Charles R. Olson, deceased. All parties will execute this settlement subject to the approval of this Honorable Court. A copy of the proposed Release is attached hereto and marked Exhibit #1.

8. The purpose of this Petition is to obtain court approval of the settlement in the gross amount of Two Hundred Thousand (\$200,000.00) Dollars on behalf of the Estate of Charles R. Olson, deceased, with the understanding that said settlement also releases, quitclaims, and discharges defendants, above-identified, and their insurance carriers from any suit, demand, claim, or cause of action which the Estate of Charles R. Olson, deceased, may have against said defendants or their insurance carriers, to further approve the allocation of settlement funds between the Wrongful Death and Survival Actions, and to provide for the payment of legal fees and expenses.

9. The decedent, Charles R. Olson, was a male, age 44, who resided at R.D. #2, Box 148, Curwensville, Clearfield County, Pennsylvania.

10. The heirs of the Estate of Charles R. Olson, deceased, are:

a) Mother: Mary A. Olson, Petitioner
990 Windy Hill Road
Curwensville, PA 16833

11. The Estate of Charles R. Olson, deceased, is obligated to pay the following debts and expenses relative to decedent's estate:

a) Chester Chidboy Funeral Home	\$ 4,594.20
b) Clearfield County Register of Wills	120.00
c) The Progress – estate advertisement	45.86
d) Clearfield Cty. Legal Journal	32.00
e) Amon, Shimmel & Walsh – appraisal	250.00
f) James Naddeo, Esq. – legal fees for estate administration	2,000.00
TOTAL	\$ 7,042.06

13. A Pennsylvania Inheritance Tax return was filed and approved. There are no other creditors known to your Petitioner who have claims against this estate.

14. Your Petitioner retained Nicholas F. Lorenzo, Jr., Esq., of Lorenzo & Gianvito, P.C., as counsel on a contingent fee basis, and said counsel did investigate, prepare, and institute suit on behalf of your Petitioner under the above civil action number. The written contingent fee agreement provides for the payment of a thirty-three and one-third (33 1/3%) percent fee of all gross settlement funds received, together with a repayment of advanced costs of investigation and litigation. The costs of litigation are itemized as follows:

a) Federal Express	\$ 25.92
b) Rieback Medical-Legal	2,325.00
c) Prothonotary-Clearfield Cty.	245.00
d) Sheriff-Clearfield Cty.	79.74
e) Rieback Medical-Legal	712.50
f) Federal Express	25.35
g) Federal Express	54.21
h) Sargent's Court Reporting	1,473.55
i) Rieback Medical-Legal	1,575.00
j) Sargent's Court Reporting	185.75
k) Sargent's Court Reporting	620.50
l) Federal Express	39.64
m) Federal Express	38.05
n) Rieback Medical-Legal	<u>900.00</u>

TOTAL **\$ 8,300.21**

The above-listed costs are payable in addition to the counsel fees in the sum of Sixty-Six Thousand, Six Hundred Sixty-Six and 67/100 (\$66,666.67) Dollars, for legal services rendered in conjunction with the investigation of this incident, briefing law, preparing pleadings, conferences with Petitioner, negotiations for settlement, and other related activities.

The value of the claims, after deduction for legal fees and costs of litigation, is in the sum of One Hundred Twenty-Five Thousand, Thirty-Three and 12/100 (\$125,033.12) Dollars. The proposed allocation of the recovery between the Wrongful Death claim and the Survival Action claim is as follows:

a) Wrongful Death	\$ 120,033.12
b) Survival Action	<u>5,000.00</u>
Total	\$ 125,033.12

WHEREFORE, your Petitioners pray this Honorable Court approve the settlement of the Wrongful Death and Survival Actions in the gross sum of Two Hundred Thousand and 00/100 (\$200,000.00) Dollars, and the allocable sum of One Hundred Twenty-Five Thousand, Thirty-Three and 12/100 (\$125,033.12) Dollars, and to further authorize the payment and distribution of said amount as follows:

- A. The net sum of Five Thousand (\$5,000.00) Dollars to your Petitioner as Administratrix of the Estate of Charles R. Olson, deceased, as the net proceeds of the Survival Action;
- B. The sum of One Hundred Twenty Thousand, Thirty-Three and 12/100 (\$120,033.12) Dollars to your Petitioner as proceeds of the Wrongful Death Action;
- C. The sum of Seventy-Four Thousand, Nine Hundred Sixty-Six and 88/100 (\$74,966.88) Dollars as counsel fees and costs to Nicholas F. Lorenzo, Jr., Esq., of Lorenzo & Gianvito, P.C.

Further, your Petitioner prays for leave to execute any drafts, discontinuances, or other documents necessary to settle and discontinue this action.

PETITIONER:

Mary A. Olson

Mary A. Olson, Administratrix of the
Estate of Charles R. Olson, Deceased

LORENZO & GIANVITO, P.C.

BY: Nicholas F. Lorenzo, Jr.

Nicholas F. Lorenzo, Jr., Esq.
Attorney for Petitioner

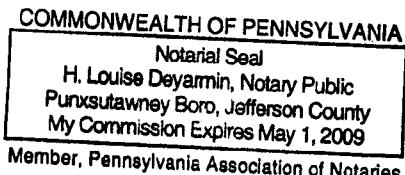
COMMONWEALTH OF PENNSYLVANIA
SS:
COUNTY OF JEFFERSON

MARY A. OLSON, Petitioner, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of her information, knowledge and belief.

Mary A. Olson
Mary A. Olson

Sworn and subscribed before me
this 27th day of April, 2006.

H. Louise Deyarmin
Notary Public



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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants

ORDER OF COURT

AND NOW, this _____ day of _____, 2006, upon presentation of the
foregoing Petition, it is hereby ORDERED AND DECREED as follows:

- A. The gross settlement in the sum of Two Hundred Thousand (\$200,000.00)
Dollars is hereby approved;
- B. The distribution of the settlement amount is approved as follows:
 1. The net sum of Five Thousand (\$5,000.00) Dollars to your Petitioner as Administratrix
of the Estate of Charles R. Olson, deceased, as the net proceeds of the Survival Action;
 2. The sum of One Hundred Twenty Thousand, Thirty-Three and 12/100 (\$120,033.12)
Dollars to your Petitioner as proceeds of the Wrongful Death Action;

3. The sum of Seventy-Four Thousand, Nine Hundred Sixty-Six and 88/100 (\$74,966.88) Dollars as counsel fees and costs to Nicholas F. Lorenzo, Jr., Esq., of Lorenzo & Gianvito, P.C.

C. Petitioner is authorized and empowered to execute any documents necessary to effect a complete settlement, release and discontinuance of the above-entitled action.

BY THE COURT:

J.

FULL AND FINAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that I, **MARY A. OLSON**, Administratrix of the ESTATE OF CHARLES R. OLSON, Deceased, being of full legal age and sound mind, for and in consideration of the payment of **TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS**, paid by **CLEARFIELD HOSPITAL AND THE COMMUNITY HOSPITAL ALTERNATIVE FOR RISK TRANSFER ("CHART")**, receipt of which is hereby acknowledged, do hereby release and forever discharge **CLEARFIELD HOSPITAL , STEPHEN R. DANNEWITZ, STEPHEN PYO AND ERNEST P. JONES JR. AND CHART**, their agents, servants and employees, heirs, executors, administrators, successors, assigns, and insurers, from any and all liability, claims, causes of action, joinders, damages, costs, contributions, demands whatsoever in law or in equity, which against the said **CLEARFIELD HOSPITAL, STEPHEN R. DANNEWITZ, STEPHEN PYO, ERNEST P. JONES AND CHART**, I have ever had, now or which I may have in the future, or which my heirs, executors, successors, assigns, hereinafter can or may have by reason of any bodily or personal injury and death, damages and the consequences thereof, known or unknown, foreseen or unforeseen, arising or which may arise as a result of or in anyway connected with medical professional health care services rendered to **CHARLES P. OLSON on or about OCTOBER 2002 through DECEMBER 28, 2002 at CLEARFIELD HOSPITAL** in Clearfield, PA. All of the above particulars pertaining to the medical care and said claims for injuries, damages, and



death, are more fully set forth in the **Complaint filed at No. 2004 – 622 CD in the Court of Common Pleas of Clearfield County, PA.**

It is further understood and agreed that the acceptance of this sum as set forth above is in full accord and satisfaction of a disputed claim and the payment of said sum is not to be construed as an admission of liability by any party named herein and liability is hereby expressly denied.

It is further understood and agreed that this is a complete release agreement and that there is no written or oral understanding or agreement directly or indirectly connected with this Release and settlement that is not incorporated herein.

The undersigned hereby agrees, on her behalf, and on behalf of her heirs, executors, successors and/or assigns, to satisfy any and all liens that have been asserted and/or which could be or may be asserted for reimbursement of any medical expenses, medical benefits or other expenses provided to Albert Wachs, Deceased by a third party as a result of the injuries and/or death claimed in the legal action referenced herein. Additionally, the undersigned hereby agrees, on her behalf, and on behalf of all heirs, executors, successors and/or assigns, to indemnify and save forever harmless the releasees named in this document from and against any and all claims, demands or actions, known or unknown, made against the releasees by any person or entity on account of, or in any manner related to or arising from the legal action noted herein. I hereby agree and acknowledge responsibility of any liens or charges against the settlement sum should any person or entity make a claim for payment of any liens or charges against the said **CLEARFIELD HOSPITAL, STEPHEN R. DANNNEWITZ, STEPHEN PYO, ERNEST P. JONES , CHART or McIntyre, HARTYE & SCHMITT.** I

hereby agree to indemnify and hold harmless the aforesaid entities from any and all liens, charges, fees, costs, interest and other sums.

It is further understood and agreed and made a part hereof, that neither the undersigned nor my attorneys, nor other representatives, will in anyway publicize in any news or communications media, including but not limited to newspapers, magazines, radio or television, the facts or terms and conditions of this settlement. All parties to this settlement agreement expressly agree to decline comment on any aspect of this settlement to anyone. This paragraph is intended to become part of the consideration for the settlement.

Settlement of the above action includes obtaining Court approval of the settlement and providing to counsel for the defendants the appropriate Order of Court approving the settlement. In addition, settlement includes having the above action discontinued and marking the docket satisfied at No. 2004 – 622 CD in the Court of Common Pleas of Clearfield County, PA.

The undersigned declares that the terms of this settlement have been completely read; and that she has discussed the terms of this settlement with legal counsel of her choice; and said terms are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims on account of injuries, death and damages above-mentioned and for the express purpose of precluding forever any further or additional suits arising out of the aforesaid claims.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____
day of _____, 2006.

WITNESS:

MARY A. OLSON, Administratrix of the
Estate of CHARLES R. OLSON, Deceased

Social Security No. _____

SWORN TO AND SUBSCRIBED BEFORE
ME THIS _____ DAY OF _____,
2006.

Notary Public

My Commission Expires:

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

MARY A. OLSON, Administratrix
of the ESTATE OF CHARLES R.
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; STEPHEN R.
DANNEWITZ, M.D., an
individual; STEPHEN PYO, an
individual; and CLEARFIELD
HOSPITAL, a corporation,

Defendants

FILED
01/25/06
MAY 02 2006
William A. Shaw
Prothonotary/Clerk of Courts
cc Atty Lorenzo

ORDER OF COURT

AND NOW, this 15th day of May, 2006, upon presentation of the
foregoing Petition, it is hereby ORDERED AND DECREED as follows:

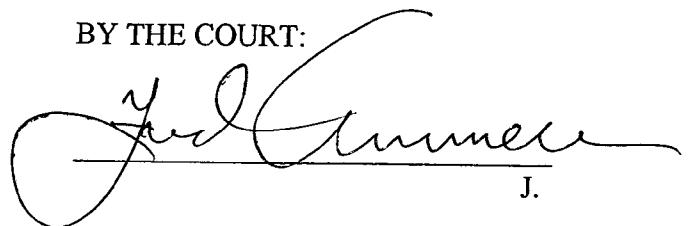
- A. The gross settlement in the sum of Two Hundred Thousand (\$200,000.00)
Dollars is hereby approved;
- B. The distribution of the settlement amount is approved as follows:
 1. The net sum of Five Thousand (\$5,000.00) Dollars to your Petitioner as Administratrix
of the Estate of Charles R. Olson, deceased, as the net proceeds of the Survival Action;
 2. The sum of One Hundred Twenty Thousand, Thirty-Three and 12/100 (\$120,033.12)
Dollars to your Petitioner as proceeds of the Wrongful Death Action;

3. The sum of Seventy-Four Thousand, Nine Hundred Sixty-Six and 88/100 (\$74,966.88)

Dollars as counsel fees and costs to Nicholas F. Lorenzo, Jr., Esq., of Lorenzo & Gianvito, P.C.

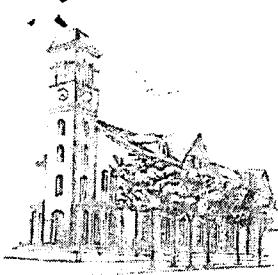
C. Petitioner is authorized and empowered to execute any documents necessary to effect a complete settlement, release and discontinuance of the above-entitled action.

BY THE COURT:



A handwritten signature in black ink, appearing to read "Nicholas F. Lorenzo, Jr.", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'N' at the beginning.

J.



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 5/21/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Type of Case - **CIVIL**

Case No. 04-622 C.D.

Type of Pleading -
PRAECIPE FOR DISCONTINUANCE

Plaintiff

Filed on Behalf of -
PLAINTIFF, MARY A. OLSON

Vs.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO,**
P.A., an individual; and
CLEARFIELD HOSPITAL,
a corporation,

Defendants

NICHOLAS F. LORENZO, JR., ESQ.
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.
410 West Mahoning St.
P.O. Box 495
Punxsutawney, PA 15767
(814) 938-6390

FILED *ICC & Cert of
M/10:35am disc issued to
MAY 10 2006 Atty Lorenzo.
(un) Copy to c/a*

William A. Shaw
Prothonotary

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

MARY A. OLSON, Administratrix
of the **ESTATE OF CHARLES R.**
OLSON, deceased, on behalf of
the Estate and Next-of-Kin of
CHARLES R. OLSON, deceased,

Plaintiff

Vs.

No. 04-622 C.D.

ERNEST P. JONES, JR., M.D.,
an individual; **STEPHEN R.**
DANNEWITZ, M.D., an
individual; **STEPHEN PYO**, an
individual; and **CLEARFIELD**
HOSPITAL, a corporation,

Defendants

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled,
discontinued and terminated.

LORENZO & GIANVITO, P.C.

Date: 5/5/06

BY: 
Nicholas F. Lorenzo, Jr., Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2006, true and correct copies of the foregoing Praeclipe for Discontinuance were forwarded via first-class mail, postage prepaid, to the following:

Frank J. Hartye, Esq.
McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Tyler J. Smith, Esq.
Marshall, Dennehey, Warner,
Coleman & Goggins
Ste. 2900, 600 Grant St.
Pittsburgh, PA 15219


Nicholas F. Lorenzo, Jr., Esq.

LORENZO & GIANVITO, P.C.
Attorneys at Law
410 West Mahoning Street
P.O. Box 495
Punxsutawney, PA 15767

Nicholas F. Lorenzo, Jr.
Nicholas Gianvito

(814) 938-6390 phone
(814) 938-6412 fax

May 9, 2006

William A. Shaw,
Prothonotary
Courthouse
230 E. Market St.
P.O. Box 549
Clearfield, PA 16830

Re: Olson vs. Jones, et al.
No. 04-622 C.D.

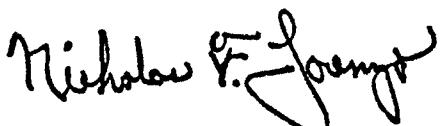
Dear Mr. Shaw:

Enclosed please find the original and one (1) copy of a Praeclipe for Discontinuance in the above-referenced matter. Kindly file the original of this Praeclipe on behalf of the plaintiff, and return the copy, together with a Certificate of Discontinuance, to our office in the self-addressed envelope provided.

All counsel of record in this action are being provided a copy of the enclosed Praeclipe this date, via a copy of this letter.

Thank you for your time and attention in this matter.

Sincerely yours,



Nicholas F. Lorenzo, Jr.

Enclosures

Cc: Frank J. Hartye, Esq.
Tyler J. Smith, Esq.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Mary A. Olson, Administratrix
Charles R. Olson, Estate

Vs.

No. 2004-00622-CD

Ernest P. Jones Jr.
Stephen R. Dannewitz MD
Stephen Pyo PA
Clearfield Hospital

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 May 10, 2006, marked:

Settled, discontinued and terminated

Record costs in the sum of \$85.00 have been paid in full by Nicholas F. Lorenzo Jr. Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 10th day of May A.D. 2006.

William A. Shaw

William A. Shaw, Prothonotary