

04-967-CD  
DANIEL BOWEN vs. BJR, INC. d/b/a CONSERVCO  
CONSTRUCTION

Daniel Bowen vs BJR Inc et al  
2004-967-CD

Date: 7/9/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:59 AM

ROA Report

Page 1 of 6

Case: 2004-00967-CD

Current Judge: Fredric Joseph Ammerman

Daniel Bowen vs. BJR, Inc., Conservco Construction

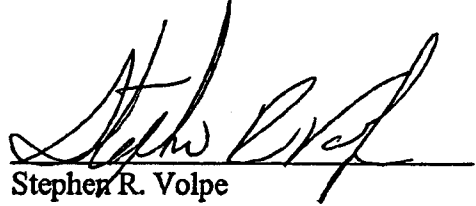
Civil Other

Date		Judge
6/24/2004	<input checked="" type="checkbox"/> Filing: Praecipe for Writ of Summons Paid by: Andracki Law Offices, PLLC Receipt number: 1881532 Dated: 06/24/2004 Amount: \$85.00 (Check) Three CC and Writs of Summons to Sheriff	No Judge
7/14/2004	<input checked="" type="checkbox"/> Sheriff Return, NOW June 29, 2004, Praecipe & Summons, served on Conservco Construction, handing to Owner, Joe Kane. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
10/6/2004	<input checked="" type="checkbox"/> Praecipe For Appearance, on Behalf of Plaintiff, filed by s/Edward J. Balzarini, Jr., Esquire. No CC	No Judge
	<input checked="" type="checkbox"/> Certificate of Service, October 4, 2004, upon Brad N. Sommer, Esquire.	
	<input checked="" type="checkbox"/> Complaint, on behalf of Plaintiff, filed by s/ Edward J. Balzarini, Jr., Esquire. No-CC	No Judge
10/14/2004	<input checked="" type="checkbox"/> Affidavit Of Service Pursuant to Rules 2180 and 2079 (c) (3) of the Pennsylvania Rules of Civil Procedure, on behalf of Plaintiff, filed by s/Lisa Domer, secretary to Edward J. Balzarini, attorney for plaintiff. No CC.	No Judge
11/5/2004	<input checked="" type="checkbox"/> Praecipe for Substitution of Counsel, on behalf of Plaintiff. Kindly withdraw my appearance on behalf of the plaintiff in the above-captioned action. Brad N. Sommer, Esq. Kindly enter the appearance of Edward J. Balzarini and the law firm of Balzarini & Watson for the Plaintiff in the above-captioned action. Filed by s/Edward J. Balzarini, Jr. NoCC	No Judge
12/2/2004	<input checked="" type="checkbox"/> Affidavit of Service filed. Notice of Intention to File Praecipe for Default Judgement, by Certified Mail, to the defendant, BJR, INC., on Nov. 24, 2004. Filed by s/ Lisa Domer, Secretary to Edward J. Balzarini, Jr., Esquire. No CC	No Judge
1/31/2005	<input checked="" type="checkbox"/> Filing: Judgment Paid by: Balzarini, Edward J. Jr. (attorney for Bowen, Daniel) Receipt number: 1894733 Dated: 01/31/2005 Amount: \$20.00 (Check)	No Judge
	<input checked="" type="checkbox"/> Praecipe For Default Judgment Pursuant to PA R.C. P. 1037(b), filed by s/ Edward J. Balzarini, Jr., Esquire. No CC, Notice to Def.	No Judge
8/2/2005	Miscellaneous Payment: Certification - Docket Paid by: Dennison Dennison & Harper Receipt number: 1905798 Dated: 08/02/2005 Amount: \$12.00 (Check)	No Judge
5/17/2006	<input checked="" type="checkbox"/> Certificate of Readiness for Non-Jury Trial, Filed by s/ Edward J. Balzarini, Jr., Esquire. No CC	No Judge
7/17/2006	<input checked="" type="checkbox"/> Praecipe For Entry of Appearance, filed. Enter our Appearance on behalf of BJR Inc. d/b/a Conservco Contruction, the defendant in the above captioned matter, filed by s/ John C. Dennison II Esq. No CC., copy to c/a.	No Judge
8/14/2006	<input checked="" type="checkbox"/> Notice of Service of Plaintiff's Request for Production of Documents directed to BJR Inc. d/b/a Conservco Construction to John C. Dennison II Esq on the 10th day of August 2006, filed by s/ Edward J. Balzarini Esq. No CC.	No Judge
8/24/2006	<input checked="" type="checkbox"/> Petition to Open Judgment, filed by s/ John C. Dennison, II. No CC	No Judge
8/25/2006	<input checked="" type="checkbox"/> Order, NOW, this 24th day of august, 2006, Ordered that Judgment entered on Jan. 31, 2005, is hereby opened and is no longer of any force or effect, and the Def. BJR, Inc., is given 20 days from service of this Order to respond to plaintiff's Complaint in accordance with the PA Rule of Civil Procedure. Further Ordered that the above captioned matter is removed from the trial List. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Dennison	Paul E. Cherry

## RESIGNATION

I, Stephen R. Volpe, hereby resign as officer and director of Swift Kennedy & Associates, Inc. effective April 30, 2002.

Dated: April 30, 2002



Stephen R. Volpe

Date: 7/9/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:59 AM

ROA Report

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Case: 2004-00967-CD

Current Judge: Fredric Joseph Ammerman

Daniel Bowen vs. BJR, Inc., Conservco Construction

Civil Other

Date		Judge
9/7/2006	<input checked="" type="checkbox"/> Answer and New Matter, filed by s/ John C. Dennison II Esq. No CC.	No Judge
9/11/2006	<input checked="" type="checkbox"/> Plaintiff's Reply to New Matter, filed by s/ Edward J. Balzarini Esq. No CC.	No Judge
10/5/2006	<input checked="" type="checkbox"/> Notice of Service, filed. That copies of Plaintiffs' Answer to Interrogatories and Request for Production was served on this 3rd day of October 2006 on John C. Dennison II Esq., filed by s/ Edward J. Balzarini Jr. Esq. No CC.	No Judge
10/10/2006	<input checked="" type="checkbox"/> Notice of Intent to Serve an Subpoena to Produce Documents And Things For Discovery Pursuant to Rule 4009.21. filed by s/ Edward J. Balzarini, Jr., Esquire. No CC	No Judge
10/19/2006	<input checked="" type="checkbox"/> Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21, filed by s/ Edward J. Balzarini Jr. Esq. No CC.	No Judge
10/24/2006	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen filed by s/ John C. Dennison II Esq. (in re: Fiaz A. Choudhri M.D.) NO CC.	No Judge
	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen filed by s/ John C. Dennison II Esq. (in re: Michael G. Moncman M.D.) NO CC.	No Judge
	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen filed by s/ John C. Dennison II Esq. (in re: Richard Bonfiglio M.D.) NO CC.	No Judge
	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen filed by s/ John C. Dennison II Esq. (in re: J. William Bookwalter M.D.) No CC.	No Judge
	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen filed by s/ John C. Dennison II Esq. (in re: Paul Lieber M.D.) NO CC.	No Judge
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	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen, filed by s/ John C. Dennison II Esq. (in re: Kenneth Langille M.D.) No CC.	No Judge
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	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen, filed by s/ John C. Dennison II Esq. (in re: Michael Allison M.D.) No CC.	No Judge
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Current Judge: Fredric Joseph Ammerman

Daniel Bowen vs. BJR, Inc., Conservco Construction

Civil Other

Date		Judge
10/24/2006	<input checked="" type="checkbox"/> <del>X</del> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen, filed by s/ John C. Dennison II Esq. (in re: Roger Laroche M.D.) No CC.	No Judge
	<input checked="" type="checkbox"/> <del>X</del> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen, filed by s/ John C. Dennison II Esq. (in re: Thomas Freenock M.D.) No CC.	No Judge
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	<input checked="" type="checkbox"/> <del>X</del> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, to Daniel Bowen, filed by s/ John C. Dennison II Esq. (in re: Records Custodian) No CC.	No Judge
11/20/2006	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Fiaz A. Choudhri M.D.)	No Judge
	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. NO CC. (in Re: Richard W. Foust, M.ED)	No Judge
	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. NO CC. (In Re: Records Custodian-St. Paul Travelers)	No Judge
	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Jamil Sarfraz M.D.)	No Judge
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	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Paul W. Layden M.D.)	No Judge
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	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Manuel Soares M.D.)	No Judge
	<input checked="" type="checkbox"/> <del>X</del> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. NO CC. (In Re: Michael Allison M.D.)	No Judge

1. Section 30 is hereby added to read as follows:

In the event Buyer sells, conveys, merges or consolidates Swift Kennedy & Associates, Inc. within ten years of the closing date, Buyer shall pay Seller One Million Dollars (\$1,000,000.00) on the date of transfer.

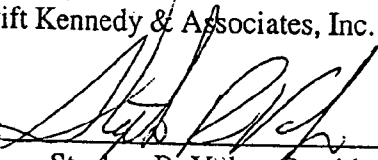
2. Section 1 of the Employment Agreement shall be amended to read as follows:


During the period of employment, Employee agrees to devote his attention, skill and efforts to the performance of duties on behalf of the Corporation, as a salesperson of health related benefits, and for no other reason without the express written consent of employee, to maintain and promote the business of the Corporation, and at the Corporation's request to serve as an officer in/or director of the Corporation at least five (5) hours per week.

3. All other provisions of the March 26, 2002 Stock Purchase Agreement as amended by the First Addendum to the Stock Purchase Agreement shall remain in full force and effect unless modified by this Second Addendum.

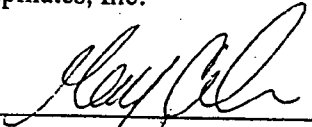
IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have duly executed this Agreement on the date first above written.

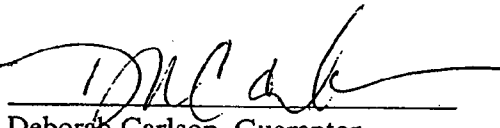
Company:  
Swift Kennedy & Associates, Inc.

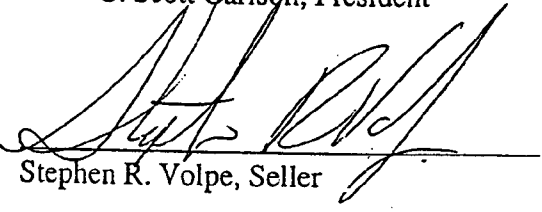
By:   
Stephen R. Volpe, President

  
G. Scott Carlson, Guarantor

Buyer:  
Helpmates, Inc.

By:   
G. Scott Carlson, President

  
Deborah Carlson, Guarantor

  
Stephen R. Volpe, Seller

## Civil Other

Date		Judge
11/20/2006	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Kripa S. Singh M.D.)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Dennis Harris DC)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. NO CC. (In Re: Kenneth Langille M.D.)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Paul Lieber M.D.)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. NO CC. Paul K. Maurer M.D./ Mary S. Lang R.N.)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: J. William Bookwalter M.D.)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. NO CC. (In Re: Michael G. Moncman M.D.)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Richard Bonfiglio M.D.)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Jamil Sarfraz M.D.)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Record Custodian-St. Paul Travelers)	No Judge
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	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Dennis Harris DC)	No Judge

**SECOND ADDENDUM TO STOCK PURCHASE AGREEMENT**

THIS ADDENDUM, is made as of the 30<sup>th</sup> day of April, 2002, by and among:

Swift Kennedy & Associates, Inc., a Pennsylvania business corporation with offices at 994 Beaver Drive, DuBois, Pennsylvania (hereinafter referred to as the "Company"),

AND

Stephen R. Volpe, of 1017 Green Glen Drive, DuBois, Pennsylvania, an adult individual and resident of the Commonwealth of Pennsylvania, being the holder of all the issued and outstanding shares of capital stock of the Company, (hereinafter referred to as the "Seller"),

AND

Helpmates, Inc., a Pennsylvania business corporation, with offices at 225 South Street, Ridgway, Pennsylvania (hereinafter referred to as the "Buyer").

AND

G. Scott Carlson,

AND

Deborah Carlson,

WITNESSETH:

WHEREAS, on March 26, 2002, the parties executed a Stock Purchase Agreement.

WHEREAS, on April \_\_\_\_, 2002, the parties executed a First Addendum to the Stock Purchase Agreement.

WHEREAS, the parties wish to further amend the March 26, 2002 Stock Purchase Agreement set forth herein.

NOW, THEREFORE, in consideration of the foregoing and of the respective promises, representations, warranties and covenants herein contained, and intending to be legally bound, the parties hereto do hereby agree as follows:

Date: 7/9/2008

Clearfield County Court of Common Pleas

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Time: 10:59 AM

ROA Report

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Case: 2004-00967-CD

Current Judge: Fredric Joseph Ammerman

Daniel Bowen vs. BJR, Inc., Conservco Construction

Civil Other

Date		Judge
11/20/2006	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Kenneth Langille M.D.)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Paul K. Maurer M.D./Mary S. Lang R.N.)	No Judge
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	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: J. William Bookwalter M.D.)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Richard Bonfiglio M.D.)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Michael G. Moncman M.D.)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Fiaz A. Choudhri M.D.)	No Judge
12/15/2006	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/ John C. Dennison II Esq. No CC. (In Re: Records Custodian-Kane Community Hospital)	No Judge
12/18/2006	<input checked="" type="checkbox"/> Notice of Service of Plaintiff's First Set of Interrogatories and Second Request for Production and Inspection of Documents Directed to Defendant were served on counsel for Defendant, filed by s/ Edward Balzarini Esq. No CC.	No Judge
	<input checked="" type="checkbox"/> Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery pursuant to Rule 4009.21, filed by Edward J. Balzarini Esq. No CC.	No Judge
1/8/2007	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Records Custodian-Kane Community Hospital)	No Judge
	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Records Custodian-Kane Community Hospital)	No Judge
1/26/2007	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/ John C. Dennison, II. No CC	No Judge
2/20/2007	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison II Esq. No CC. (In Re: Records Custodian-St. Callistus Church)	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison II Esq. No CC. (In Re: Records Custodian-St. Callistus Church)	No Judge
3/9/2007	<input checked="" type="checkbox"/> Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/ John C. Dennison II Esq. NO CC. (In Re: Anthony Dorsch)	No Judge
3/30/2007	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John C. Dennison, Esquire. No CC	No Judge
	<input checked="" type="checkbox"/> Notice of Deposition for the Purpose of Copying Records Only, filed by s/ John C. Dennison, II. No CC	No Judge

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Clearfield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2004-00967-CD

Current Judge: Fredric Joseph Ammerman

Daniel Bowen vs. BJR, Inc., Conservco Construction

Civil Other

Date		Judge
11/28/2007	✓ Notice of Deposition of Joseph F. Kane, filed by s/ Edward J. Balzarini Jr Esq. No CC.	No Judge
1/4/2008	✓ Amended Notice of Deposition of Joseph F. Kane, filed by s/ Michael Balzarini, Esquire. No CC	No Judge
2/8/2008	✓ Notice of Deposition of Patrick Kane, filed by s/ Edward J. Balzarini Jr Esq. No CC.	No Judge
	✓ Notice of Service of Plaintiff's Second Set of Interrogatories and Second Request for Production of Documents directed to the Defendant, filed by s/ Edward J. Balzarini Jr. Esq. No CC.	No Judge
5/1/2008	✓ Motion for Summary Judgment, filed by s/ John C. Dennison II Esq. No CC.	No Judge
	✓ Praecipe to Establish Briefing Schedule and Oral Argument, filed by s/ John C. Dennison II Esq. No CC.	No Judge
	✓ Transcript of Proceedings, filed. Deposition of Daniel Bowen, Feb. 4, 2008.	No Judge
5/6/2008	✓ Order, this 6th day of May, 2008, argument on Defendant's Motion for Summary Judgment is scheduled for the 4th day of June, 2008 at 10:45 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; E. Balzarini, J. Dennison	Fredric Joseph Ammerman
5/14/2008	✓ Motion For Continuance, filed by s/ John C. Dennison, II, Esquire. No CC	Fredric Joseph Ammerman
5/15/2008	✓ Order, this 14th day of May, 2008, after consideration of the Motion for Continuance, it is Ordered that the oral argument on Defendant's Motion for Summary Judgment is rescheduled for July 17, 2008, at 9:30 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Dennison	Fredric Joseph Ammerman
6/2/2008	✓ Plaintiff's Response to Defendant's Motion For Summary Judgment Pursuant to Pa. R.C.P. 1035.3, filed by s/ Edward J. Balzarini, Jr., Esquire. no CC	Fredric Joseph Ammerman

8-7-08 ✓ opinion & order, dated 8-6-08

4-13-09 ✓ Amended Notice of deposition of Patrick Kane

9-8-09 ✓ Notice of Telephonic deposition of Patrick Kane

10-26-09 ✓ Certificate of Readiness

10-30-09 ✓ order 10-30-09

11-9-09 ✓ Notice of videotape deposition of Paul S. Lieberman

11-17-09 ✓ Motion to Amend Answer

11-17-09 ✓ Motion in Limine

11-19-09 ✓ order 11-17-09

11-25-09 ✓ order 11-24-09

✓ 11-30-09 order 11-24-09

✓ 11-30-09 order 11-24-09

**Schedule A**

Effective date of this agreement: May \_\_\_\_\_, 2002

Amount of annual salary: Thirty Five Thousand (\$35,000.00) Dollars per year, payable in accordance with the Corporation's normal payroll periods plus commission.

Commission: Employee shall be entitled to receive a fifty (50%) percent commission on the net commission payable to the Corporation on all new business and on renewals of new business (not existing or renewal business that existed prior to May 1, 2002) generated directly by Employee for all new policies written by Employee during the term of this Agreement. Payments to be made to Employee quarterly.

Annual vacation: Ten (10) weeks

Benefits: Normal health insurance benefits for Employee and Employee's spouse shall be maintained and paid by the Corporation until such time as Employee and/or Employee's spouse reaches an age which will qualify them for Medicare. Said health insurance shall be equal or equivalent to that which Employee currently possesses - Keystone Select Blue.

Automobile: Corporation shall pay the lease payment on Employee's leased Cadillac automobile until the term of said lease ends. Thereafter, Employer shall provide Employee with an automobile lease allowance of \$700.00 per month that Employee can supplement as Employee so desires.

Swift Kennedy & Associates, Inc.

Stephen R. Volpe

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

v.

CIVIL ACTION NO.:

04-967-02

BJR, INC., a Pennsylvania Corporation, d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

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

Filed on behalf of Plaintiffs

Counsel of Record for this party

RICHARD F. ANDRACKI, ESQ.  
PA I.D.# 16301

BRAD N. SOMMER, ESQ.  
PA I.D.# 87312

ANDRACKI LAW OFFICES, P.L.L.C  
21<sup>st</sup> Floor - Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
Phone # (412) 281-3330  
Fax # (412) 281-2922

**JURY TRIAL DEMANDED**

**FILED**

**JUN 24 2004**

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

CIVIL ACTION NO.:

Plaintiff,

v.

BJR, INC., a Pennsylvania Corporation, d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

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

TO: THE PROTHONOTARY

Please issue a Writ of Summons in the above-captioned civil matter against Defendants, BJR, INC., a Pennsylvania Corporation, trading and doing business as CONSERVCO CONSTRUCTION.

Respectfully submitted,

Dated: 6/24/04

  
\_\_\_\_\_  
BRAD N. SOMMER, ESQUIRE  
Attorney for Plaintiffs

**FILED**

May 12, 1904. 85.00  
JUN 24 2004

William A. Shaw

Specialty/Clerk of Courts

3060 counts

ff 45 of

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

CIVIL ACTION NO.:

Plaintiff,

v.

BJR, INC., a Pennsylvania Corporation, d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

**WRIT OF SUMMONS**

TO: Conservco Construction  
610 South Second Street  
Clearfield, PA 16830

BJR, Inc.  
805 South Second Street  
Clearfield, PA 16830


You are notified that Highlander Energy Products, the plaintiffs, have commenced an action against you.

Date: 6/24/04

\_\_\_\_\_  
Prothonotary

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

Deputy Prothonotary

  
\_\_\_\_\_  
BRAD N. SOMMER, ESQUIRE  
Attorney for Plaintiffs  
ANDRACKI LAW OFFICES, P.L.L.C.  
21<sup>st</sup> Floor - Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
Phone # (412) 281-3330

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

BOWEN, DANIEL

Sheriff Docket # 15853

VS:

04-967-CD

BJR, INC. a Pennsylvania corp d/b/a CONSERVCO CONST.

**PRAECIPE & WRIT OF SUMMONS**

**SHERIFF RETURNS**

NOW JUNE 29, 2004 AT 3:03 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON CONSERVO CONSTRUCTION, DEFENDANT AT RESIDENCE, 9 GUELICH AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOE KANE, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: NEVLING/HUNTER

NOW JUNE 29, 2004 AT 3:03 PM SERVED THE WITHIN PRAECIPE & SUMMONS ON BJR, INC. a Pennsylvania Corp., DEFENDANT AT RESIDENCE, 9 GUELICH AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOE KANE, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & SUMMONS AND MADE KNOWN TO HIM THE CONTENTS THEREOF.  
SERVED BY: NEVLING/HUNTER

**Return Costs**

Cost	Description
28.00	SHERIFF HAWKINS PAID BY: ATTY CK# 10460
20.00	SURCHARGE PAID BY: ATTY CK# 10461

Sworn to Before Me This

14 Day Of July 2004  
*William A. Shaw*

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

So Answers,

*Chester A. Hawkins*  
Chester A. Hawkins  
Sheriff

**FILED**

0/3: 52pm AS  
JUL 14 2004  
eps

William A. Shaw  
Prothonotary

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

v.

CIVIL ACTION NO.: 2004-967-6

BJR, INC., a Pennsylvania Corporation, d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

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

Filed on behalf of Plaintiffs

Counsel of Record for this party

RICHARD F. ANDRACKI, ESQ.  
PA I.D.# 16301

BRAD N. SOMMER, ESQ.  
PA I.D.# 87312

ANDRACKI LAW OFFICES, P.L.L.C  
21<sup>st</sup> Floor - Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
Phone # (412) 281-3330  
Fax # (412) 281-2922

**JURY TRIAL DEMANDED**

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

JUN 24 2004

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

CIVIL ACTION NO.:

Plaintiff,

v.

BJR, INC., a Pennsylvania Corporation, d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

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

TO: THE PROTHONOTARY

Please issue a Writ of Summons in the above-captioned civil matter against Defendants, BJR, INC., a Pennsylvania Corporation, trading and doing business as CONSERVCO CONSTRUCTION.

Respectfully submitted,

Dated: 6/24/64

  
\_\_\_\_\_  
BRAD N. SOMMER, ESQUIRE  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

CIVIL ACTION NO.:

Plaintiff,

v.

BJR, INC., a Pennsylvania Corporation, d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

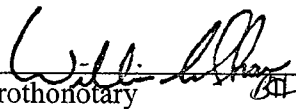
**WRIT OF SUMMONS**

TO: Conservco Construction  
610 South Second Street  
Clearfield, PA 16830

BJR, Inc.  
805 South Second Street  
Clearfield, PA 16830

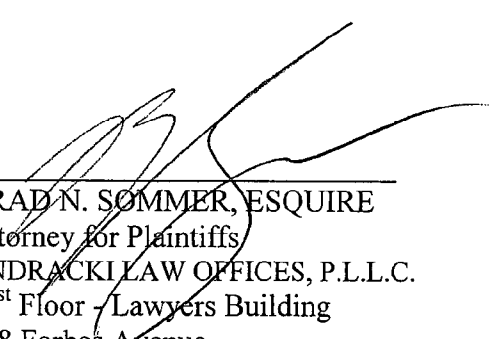
You are notified that Highlander Energy Products, the plaintiffs, have commenced an action against you.

Date: 6/24/04

  
Prothonotary

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

Deputy Prothonotary

  
BRAD N. SOMMER, ESQUIRE  
Attorney for Plaintiffs  
ANDRACKI LAW OFFICES, P.L.L.C.  
21<sup>st</sup> Floor - Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
Phone # (412) 281-3330

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

PRAECIPE FOR APPEARANCE

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON

Firm No. 013

3303 Grant Building

Pittsburgh, PA 15219

(412) 471-1200

FILED  
mjl:583/EGK  
OCT 06 2004

William A. Shaw  
Prothonotary/Clerk of Courts



PRAECIPE FOR APPEARANCE

TO: WILLIAM SHAW, PROTHONOTARY

Kindly enter the appearance of Edward J. Balzarini, Jr.,  
Esq. for the plaintiff, Daniel Bowen.

BALZARINI & WATSON

BY 

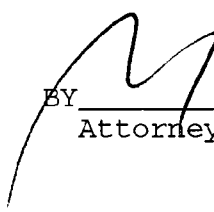
Edward J. Balzarini, Jr.  
Attorneys for Plaintiff  
Daniel Bowen

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE was served by first class mail, postage prepaid, upon the following this 4<sup>th</sup> day of October, 2004:

Brad N. Sommer, Esq.  
Andracki Law Offices, P.L.L.C.  
21st Floor - Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219-1603

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

COMPLAINT

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED

m/1:58 PM  
OCT 06 2004

EBK  
NO  
cc

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

NO. 04-967-CD

COMPLAINT

JURY TRIAL DEMANDED

NOTICE TO DEFEND

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAVID S. MEHOLICK, COURT ADMIN.  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830

814-765-2641, Ext. 5982

### COMPLAINT

AND NOW, comes the plaintiff, Daniel Bowen, by his attorneys, Edward J. Balzarini, Jr. and Balzarini & Watson, and complains against the defendant, BJR, Inc., a Pennsylvania corporation d/b/a Conservco Construction, as follows:

1. The plaintiff, Daniel Bowen, is an individual who currently resides, and at all times relevant hereto did reside, at 481 Gunsmoke Road, Kane, McKean County, Pennsylvania 16735.

2. The defendant, BJR, Inc., is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a registered office for the transaction of business located at 805 S. Second Street, Clearfield, Clearfield County, Pennsylvania 16830.

3. At all times relevant hereto, the defendant, BJR, Inc., was trading and doing business as Conservco Construction.

4. The incident which is hereinafter complained of occurred on or about June 28, 2002 on the site of a construction project which was being performed at St. Callistus Church located at 342 Chase Street, Kane, Pennsylvania 16735.

5. At the time of the event complained of, the defendant, BJR, Inc. d/b/a Conservco Construction, was acting as the general contractor on the above-described construction

project in accordance with a contract between the defendant, BJR, Inc. d/b/a Conservco Construction and St. Callistus Church.

6. At all times relevant hereto, in accordance with its role and responsibilities as general contractor of the above-described construction project, the defendant, BJR, Inc. d/b/a Conservco Construction, was in possession of and maintained control of the area in which the above-described construction project was taking place, including the basement area of the construction site.

7. At all times relevant hereto, the plaintiff, Daniel Bowen, was lawfully on the premises of the above-described construction project at St. Callistus Church in the course and scope of his employment duties for his employer, Highlander Energy Products, Inc., which had been retained by St. Callistus Church to install a new hot water heating system at the above-described construction project.

8. On the date and at the place identified above, the plaintiff, Daniel Bowen, was caused and permitted to sustain serious personal injuries when as a direct and proximate result of the recklessness, negligence and carelessness of the defendant, BJR, Inc. d/b/a Conservco Construction, the plaintiff, Daniel Bowen, was caused and permitted to fall while attempting to utilize a defective, unsafe and inadequate walkway which had been constructed by BJR, Inc. d/b/a Conservco Construction as a means of entry and exit

from the basement area of the above-described construction project.

9. The incident described above and the resulting injuries and damages were a direct and proximate result of the recklessness, negligence and carelessness of the defendant, BJR, Inc. d/b/a Conservco Construction, acting by and through its agents, servants, workmen and/or employees, as follows:

- a. In failing to exercise due care to make its premises reasonably safe for the reception of business invitees such as the plaintiff herein;
- b. In carelessly and improperly designing the walkway/ramp which the plaintiff was attempting to use at the time of his fall;
- c. In carelessly and improperly constructing the walkway/ramp which the plaintiff was attempting to use at the time of his fall;
- d. In failing to inspect or to properly inspect the walkway/ramp which the plaintiff was utilizing at the time of his fall so as to discover the defects and unsafe conditions in the walkway;
- e. In that the involved walkway/ramp was defective and unsafe in that it was constructed at an unsafe and/or excessive angle or slope;
- f. In that the involved walkway/ramp was defective and unsafe in that the defendant did not incorporate or include on it steps or treads;
- g. In that the involved ramp/walkway was defective and unsafe in that the defendant did not include on it any type of anti-skid strips or material;
- h. In that the involved walkway/ramp was defective and unsafe in that the defendant did not include on it any type of handrail or support;
- i. In that the involved ramp/walkway which the defendant constructed was defective and unsafe and had consisted only of a smooth/untreated

piece of plywood which was positioned or located at an excessive and unsafe angle or slope;

- j. In that the defendant failed to provide a safe means of ingress and egress to and from the involved construction site;
- k. In that the defendant carelessly and improperly constructed and installed a defective and unsafe means of ingress and egress to and from the involved construction site;
- l. In that the defendant failed to warn a business invitee such as the plaintiff of the defective and unsafe walkway/ramp which it had constructed and installed at the involved location;
- m. In that the defendant failed to provide business invitees and other contractors with a safe means of entering and leaving the involved construction site, and a safe means of transporting equipment and materials into and out of the involved construction site;
- n. In that the defendant either failed to perform or failed to properly perform necessary and indicated safety surveys and safety inspections of the involved construction site so as to discover and correct dangerous conditions such as the condition of the involved walkway/ramp which is described above;
- o. In that the defendant either failed to perform or improperly perform pre-construction planning so as to provide a safe means of entry and exit from the involved construction site;
- p. In that the defendant failed to design and construct a temporary means of access to and from the involved construction site which would have prevented the type of injury complained of from occurring to the plaintiff;
- q. In that the walkway/ramp which the defendant designed and constructed did not comply with regulations of the Occupational Safety and Health Administration for temporary walkways/ramps at construction sites.

10. As a direct and proximate result of the recklessness, negligence and carelessness of the defendant as



specifically set forth above, the plaintiff, Daniel Bowen, has sustained the following injuries, all of which are or may be of a serious and permanent nature:

- a. Lumbar herniated disc;
- b. Injury and damage to the nerves, joints, intervertebral discs, blood vessels and surrounding soft tissue and ligaments of the lumbosacral spine;
- c. Other serious and permanent injuries.


11. Solely as the result of the aforesaid injuries, the plaintiff has sustained the following damages:

- a. He has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish;
- b. He has been and will be required to expend large sums of money for medical and surgical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services;
- c. He has been and will be deprived of his earnings;
- d. His earning capacity has been reduced and permanently impaired;
- e. His general health, strength and vitality have been impaired;
- f. He has been unable to enjoy the ordinary pleasures of life.

WHEREFORE, the plaintiff claims damages of the defendant, BJR, Inc., a Pennsylvania corporation d/b/a Conservco Construction, in a sum in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS.

JURY TRIAL DEMANDED.

BALZARINI & WATSON

BY  \_\_\_\_\_  
Attorneys for Plaintiff

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
: ss:  
COUNTY OF ALLEGHENY :

BEFORE ME, the undersigned authority, personally appeared  
Daniel Bowen, who, being first 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 (his/~~her~~) knowledge, information  
and belief.

x Daniel A Bowen  
Daniel Bowen

SWORN TO AND SUBSCRIBED

Before me this 4th day  
of October, 2004.

Lisa M. Domer  
Notary Public

Notarial Seal  
Lisa M. Domer, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires September 12, 2006  
Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

AFFIDAVIT OF SERVICE  
PURSUANT TO RULES 2180 and  
2079(c)(3) OF THE  
PENNSYLVANIA RULES OF CIVIL  
PROCEDURE

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON

Firm No. 013

3303 Grant Building

Pittsburgh, PA 15219

(412) 471-1200

FILED <sup>EW</sup>  
m/11:46/39/ <sup>NO</sup>  
OCT 14 2004 <sup>CC</sup>

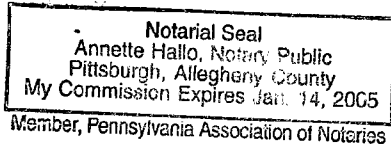
William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 : ss:  
COUNTY OF ALLEGHENY :

Lisa Domer  
Lisa Domer

Before me this 12<sup>th</sup> day  
of October, 2004.

Arnette Wells  
Notary Public



U.S. Postal Service  
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Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.88</b>

Sent To *BTR, Inc., a Pennsylvania Corporation*  
*d/b/a Conserven Construction*  
 Street, Apt. No.,  
 or PO Box No. *9 Guelich Avenue*  
 City, State, ZIP+4 *Clearfield PA 16830*  
 PS Form 3800, April 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <i>x Wendy L Kane</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Wendy L Kane</i></p> <p>C. Date of Delivery  <i>10-6-04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:  <i>BTR, Inc., a Pennsylvania Corporation d/b/a Conserven Construction</i>  <i>9 Guelich Avenue</i>  <i>Clearfield, PA 16830</i></p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number        (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7002 0860 0006 1376 9210</p>			
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

PRAECIPE FOR SUBSTITUTION OF  
COUNSEL

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

**FILED** <sup>EOK</sup>

*m 1:35 BA NCC*

NOV 05 2004

William A. Shaw  
Prothonotary

PRAECIPE FOR SUBSTITUTION OF COUNSEL

TO: WILLIAM SHAW, PROTHONOTARY

Kindly withdraw my appearance on behalf of the plaintiff  
in the above-captioned action.

ANDRACKI LAW OFFICES, P.L.L.C.

BY 

Brad N. Sommer, Esq.

TO: WILLIAM SHAW, PROTHONOTARY

Kindly enter the appearance of Edward J. Balzarini, Jr.,  
Esq. and the law firm of Balzarini & Watson for the plaintiff  
in the above-captioned action.

BALZARINI & WATSON

BY 

Edward J. Balzarini, Jr., Esq.  
Attorneys for Plaintiff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

AFFIDAVIT OF SERVICE  
PURSUANT TO RULES 2180 and  
2079(c)(3) OF THE  
PENNSYLVANIA RULES OF CIVIL  
PROCEDURE

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON

Firm No. 013

3303 Grant Building

Pittsburgh, PA 15219

(412) 471-1200

**FILED** *No cc*  
*m/1:42/*  
**DEC 02 2004**

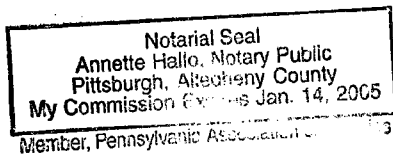
William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 : ss:  
COUNTY OF ALLEGHENY :

Lisa Domer  
Lisa Domer

Before me this 30<sup>th</sup> day  
of November, 2004

Annette Kelle  
Notary Public

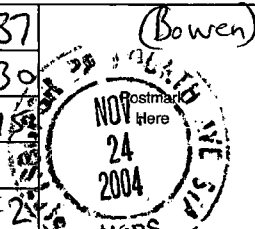


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For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ .37	
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)	1.00	
Total Postage & Fees	\$ 4.42	

Sent To BTR, Inc., a Pennsylvania corporation  
d/b/a Consensus Construction  
 Street, Apt. No.,  
 or PO Box No. 9 Guelich Avenue  
 City, State, ZIP+4 Clearfield, PA 16830  
 PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BTR, Inc., a Pennsylvania corporation  
d/b/a Consensus Construction  
9 Guelich Avenue  
Clearfield, PA 16830

2. Article Number

(Transfer from service label)

7002 3150 0000 2426 7146

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Wendy L Kane ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Wendy L Kane

C. Date of Delivery

11-26-04

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,	:	CIVIL DIVISION
	:	
Plaintiff,	:	No. 04-967-CD
	:	
vs.	:	
	:	
BJR, INC., a Pennsylvania	:	
corporation d/b/a CONSERVCO	:	
CONSTRUCTION,	:	
	:	
Defendant.	:	

NOTICE OF INTENTION TO FILE  
PRAECIPE FOR DEFAULT JUDGEMENT

TO: BJR, INC., a Pennsylvania corporation  
d/b/a CONSERVCO CONSTRUCTION  
9 Guelich Avenue  
Clearfield, PA 16830

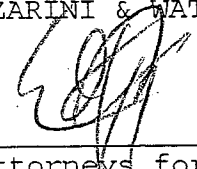
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGEMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service  
Allegheny County Bar Association  
920 City-County Building  
Pittsburgh, PA 15219

Telephone: (412) 261-2088

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

Dated: November 24, 2004

cc: Brad N. Sommer, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

PRAECIPE FOR DEFAULT  
JUDGMENT PURSUANT TO  
PA R.C.P. §1037(b)

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

<sup>612</sup>  
**FILED** <sup>NoCC</sup>  
<sup>m/a: 12/01</sup> Notice to Def.  
**JAN 31 2005** No Statement -  
No dollar amt.  
William A. Shaw  
Prothonotary/Clerk of Courts  
<sup>Atty pd. 20.00</sup>

PRAECIPE FOR DEFAULT JUDGMENT PURSUANT TO PA R.C.P. §1037(b)

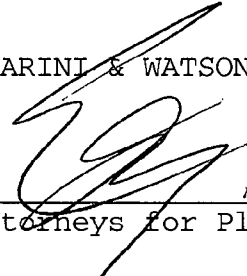
TO: WILLIAM SHAW, PROTHONOTARY

Please enter judgment against the defendant, BJR, Inc., a Pennsylvania corporation d/b/a Conservco Construction, for failure to file an answer to plaintiff's Complaint.

CERTIFICATION

I hereby certify that a written Notice of Intention to File Praecipe for Default Judgment was mailed to the defendant, BJR, Inc., a corporation d/b/a Conservco, Construction, as required by Pa.R.C.P. §237.1 on November 24, 2004, more than ten (10) days prior to the date of filing of this Praecipe. I further certify that the defendant received the above-referenced Notice of Intention to File Default Judgment and has failed to respond to the same within the appropriate time period. A copy of the Notice of Intention to File Praecipe for Default Judgment is attached hereto as Exhibit "A".

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN, : CIVIL DIVISION  
 :  
Plaintiff, : No. 04-967-CD  
 :  
vs. :  
 :  
BJR, INC., a Pennsylvania :  
corporation d/b/a CONSERVCO :  
CONSTRUCTION, :  
 :  
Defendant. :

NOTICE OF INTENTION TO FILE  
PRAECIPE FOR DEFAULT JUDGEMENT

TO: BJR, INC., a Pennsylvania corporation  
d/b/a CONSERVCO CONSTRUCTION  
9 Guelich Avenue  
Clearfield, PA 16830

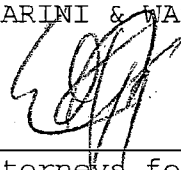
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGEMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service  
Allegheny County Bar Association  
920 City-County Building  
Pittsburgh, PA 15219

Telephone: (412) 261-2088

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

Dated: November 24, 2004

cc: Brad N. Sommer, Esq.

Exhibit "A"

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

NOTICE OF JUDGMENT

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON

Firm No. 013

3303 Grant Building

Pittsburgh, PA 15219

(412) 471-1200



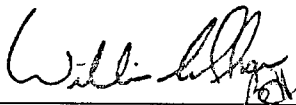
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. 04-967-CD
	)	
vs.	)	
	)	
BJR, INC., a Pennsylvania	)	
corporation d/b/a CONSERVCO	)	
CONSTRUCTION,	)	
	)	
Defendant.	)	

NOTICE OF JUDGMENT

TO: BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION  
9 Guelich Avenue  
Clearfield, PA 16830

Please be advised that a default judgment was entered  
against BJR, INC., a Pennsylvania corporation d/b/a  
CONSERVCO CONSTRUCTION, in the above-captioned matter this  
31<sup>st</sup> day of January, 2005.

  
\_\_\_\_\_  
Prothonotary, William Shaw

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

CERTIFICATION OF READINESS

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED <sup>NO</sup> <sup>CC</sup>  
MAY 17 2006 <sup>CR</sup>

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

CIVIL DIVISION

Plaintiff,

No. 04-967-CD

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CERTIFICATION OF READINESS

Edward J. Balzarini, Jr., attorney for the plaintiff,  
certifies that the above-captioned case is ready for trial.

**Plaintiff requests a non-jury trial.**

Since there has been no Appearance on behalf of the  
defendant, and a default judgment on the issue of liability  
has been obtained, plaintiff estimates that the number of  
days needed for trial will be one day, or a lesser portion  
of one day.

This case can be classified as involving personal  
injury and premises liability.

Respectfully submitted,

BALZARINI & WATSON

BY 

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within CERTIFICATION OF READINESS was served by certified mail, return receipt requested, and first class mail, postage prepaid, upon the following this 17<sup>th</sup> day of May, 2006:

**CERTIFIED MAIL and REGULAR MAIL:**

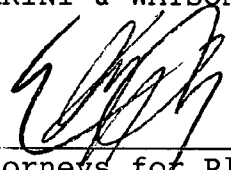
Joseph F. Kane  
BJR, Inc., a Pennsylvania corporation  
d/b/a Conservco Construction  
9 Guelich Avenue  
Clearfield, PA 16830

Joseph F. Kane  
BJR, Inc., a Pennsylvania corporation  
d/b/a Conservco Construction  
P.O. Box 1404  
Clearfield, PA 16830

**CERTIFIED MAIL:**

Bernard J. Lyons, Jr.  
Claims Specialist  
Penn National Insurance  
Pittsburgh Claims Service Office  
Penn National Claims Central Imaging  
P.O. Box 1364  
Harrisburg, PA 17105-1364

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Appearance

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*0115067*  
JUL 17 2006  
*(LM)*  
William A. Shaw *copy to CIA*  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\*

\*

\* Number 04 - 967 - C. D.

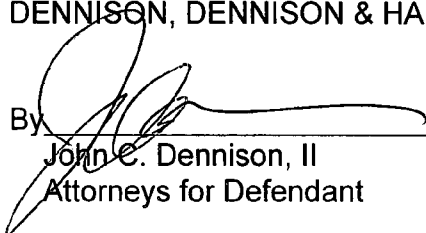
#### APPEARANCE

TO THE PROTHONOTARY:

Enter our Appearance on behalf of BJR, Inc., d/b/a Conservco Construction, the  
Defendant in the above captioned matter.

DENNISON, DENNISON & HARPER

By

  
\_\_\_\_\_  
John C. Dennison, II  
Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

NOTICE OF SERVICE OF  
REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO  
BJR, INC. d/b/a CONSERVCO  
CONSTRUCTION

Filed on Behalf of  
Plaintiff

Counsel of Record for this  
party:

Edward J. Balzarini, Jr.  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED *no cc*  
*m 11:01/01*  
AUG 14 2006 *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE OF SERVICE OF PLAINTIFF'S  
REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO  
BJR, INC., d/b/a CONSERVCO CONSTRUCTION

TO: PROTHONOTARY OF CLEARFIELD COUNTY

This is to advise that a copy of Plaintiff's Request for Production of Documents Directed to BJR, Inc. d/b/a Conservco Construction was served on counsel for defendant by First Class mail on this 10<sup>th</sup> day of Auguste, 2006:

John C. Dennison, II, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

BALZARINI & WATSON

By   
Attorney for Plaintiffs



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Petition to Open Judgment

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**

*m/12-201*  
**AUG 24 2006**

*NO CC*

*CR*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

\*

\*

\*

\*

\* Number 04 - 967 - C. D.

### **PETITION TO OPEN JUDGMENT**

TO THE HONORABLE PAUL E. CHERRY, PRESIDING JUDGE:

AND NOW, comes the Defendant, BJR, INC., a Pennsylvania corporation, d/b/a CONSERVCO CONSTRUCTION, by its attorneys, Dennison, Dennison & Harper, who file the within Petition to Open Judgment:

1. Your Petitioner, BJR, Inc., d/b/a Conservco Construction, Defendant, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its registered office designated as 805 S. Second Ave., Clearfield, Pennsylvania.

2. The Plaintiff is an individual of full age and sui juris who resides at 481 Gunsmoke Road, Kane, Pennsylvania.

2. Your Petitioner was formerly engaged in the commercial construction business, but is presently no longer actively pursuing any business.

3. A Praecipe for Writ of Summons was filed in the above matter on June 24, 2004, and your Petitioner was served with the Writ of Summons on June 29, 2004.

4. A Complaint was filed in the above captioned matter on October 6, 2004, and your Petitioner was served with a copy of the Complaint on November 24, 2004.

5. On January 31, 2005, judgment was entered for an unliquidated amount of damages as a result of the failure of your Petitioner to file an Answer to Plaintiff's Complaint.

6. Your Petitioner files the within Petition to Open the Judgment because the Petitioner failed to understand the ramifications of failing to answer the Plaintiff's Complaint and the Defendant intends to present a meritorious defense in the event that the prayer of the within Petition is granted.

7. The Plaintiff consents to Your Honorable Court granting the prayer of the within Petition and opening the Judgment as evidenced by his Joinder which is attached hereto and is made part hereof.


WHEREFORE, Your Petitioner requests that Your Honorable Court enter an Order of Court which opens the judgment entered on January 31, 2005, and grants Your Petitioner twenty (20) days within which to respond to Plaintiff's Complaint in accordance with the Pennsylvania Rules of Civil Procedure.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for BJR, Inc. d/b/a Conservco  
Construction, Defendant

I verify that I am the President of BJR, Inc., d/b/a Conservco Construction, a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania, the Defendant; I make this Affidavit on its behalf being authorized to do so; I verify that the statements made in the foregoing Petition to Open Judgment are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Joseph F. Kane

JOINDER

AND NOW, comes the Plaintiff, Daniel Bowen, by his attorneys, Balzarini & Watson, who joins in the prayer of the within Petition and requests that Your Honorable Court enter an Order of Court which opens the Judgment entered on January 31, 2005, and grants the Defendant leave to respond to his Complaint in accordance with the Pennsylvania Rules of Civil Procedure.

BALZARINI & WATSON

By

  
Edward J. Balzarini, Jr.

Attorneys for Plaintiff, Daniel Bowen

STATE OF NEW YORK  
IN SENATE  
January 11, 1906

REPORT  
OF THE  
COMMISSIONER OF THE LAND OFFICE

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...the ... of the ...  
...the ... of the ...  
...the ... of the ...  
...the ... of the ...

**FILED**  
**AUG 24 2006**  
William A. Shaw  
Prothonotary/Clerk of Courts

UA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

\*

\*

\*

\*

\* Number 04 - 967 - C. D.

ORDER

AND NOW, this 24<sup>th</sup> day of August, 2006, upon review of Defendant's Petition to Open Judgment, and review of the Joinder filed by Daniel Bowen, the Plaintiff, it is hereby ORDERED AND DECREED that the Judgment entered on January 31, 2005, is hereby opened and is no longer of any force or effect, and the Defendant, BJR, Inc., d/b/a Conservco Construction, is hereby given twenty (20) days from service of this Order to respond to Plaintiff's Complaint in accordance with the Pennsylvania Rules of Civil Procedure.

It is further ORDERED AND DECREED that the above captioned matter is hereby removed from the trial list.

BY THE COURT

By Paul E. Cherry  
Paul E. Cherry, Presiding Judge

FILED

01:2:52/01  
AUG 25 2006

cc  
Atty. Dennis  
60

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/25/06

☒ You are responsible for serving all appropriate parties.

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

\_\_\_ Plaintiff(s) \_\_\_ Plaintiff(s) Attorney \_\_\_ Other

\_\_\_ Defendant(s) \_\_\_ Defendant(s) Attorney

\_\_\_ Special Instructions:

**FILED**

**AUG 25 2006**

William A. Shaw  
Prothonotary/Clerk of Courts



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>No cc</sup>  
m13:1339  
SEP 07 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

\*

\*

\*

\*

\*

\* Number 04 - 967 - C. D.

**NOTICE TO PLEAD**

**TO: PLAINTIFF, DANIEL BOWEN:**

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

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for the Defendant

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

\*

\*

\*

\*

\* Number 04 - 967 - C. D.

### ANSWER AND NEW MATTER

AND NOW, comes the Defendant, BJR, INC., a Pennsylvania corporation, d/b/a CONSERVCO CONSTRUCTION, by its attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter to Plaintiff's Complaint:

1. The averments of Paragraph 1 of Plaintiff's Complaint are admitted.
2. The averments of Paragraph 2 of Plaintiff's Complaint are admitted.
3. The averments of Paragraph 3 of Plaintiff's Complaint are admitted.
4. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4 of Plaintiff's Complaint and said averments are therefore denied.
5. With respect to the averments of Paragraph 5 of Plaintiff's Complaint, the Defendant admits that it was a general contractor of a construction project with St. Callistus Church at 342 Chase Street, Kane, Pennsylvania, in 2002 according to the terms of a contract. All other inferences are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

6. The averments of Paragraph 6 of Plaintiff's Complaint are denied. On the contrary, the Defendant was not in possession or control of the premises located at the address above set forth in Paragraph 5, but performed work there pursuant to the contract between it and St. Callistus Church.

7. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 7 of Plaintiff's Complaint and said averments are therefore denied. In addition, the averments of Paragraph 7 of Plaintiff's Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

8. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 8 of Plaintiff's Complaint, and said averments are therefore denied. The Defendant further denies that it constructed a walkway/ramp which was unsafe or that the walkway/ramp which allegedly caused injuries to the Plaintiff was constructed by the Defendant and Defendant demands proof thereof at the trial of this case. In addition, the averments of Paragraph 8 of Plaintiff's Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 8 of Plaintiff's Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

9. The averments of Paragraph 9 of Plaintiff's Complaint, including sub-parts a. through q., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto. In addition, the averments of Paragraph 9 of this Answer are incorporated herein by reference thereto.

10. The averments of Paragraph 10 of Plaintiff's Complaint, including sub-parts a. through c., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto.

11. The averments of Paragraph 11 of Plaintiff's Complaint, including sub-parts a. through f., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto.

WHEREFORE, Defendant demands judgment against the Plaintiff.

#### NEW MATTER

In further answer to the averments of Plaintiff's Complaint, the Defendant avers the following New Matter:

12. The Defendant hereby raises the affirmative defense that the Plaintiff was a statutory employer of the Defendant at all times material to the cause of action set forth in Plaintiff's Complaint as provided under the laws of the Commonwealth of Pennsylvania, and the Defendant is therefore immune from suit by the Plaintiff.

9. The averments of Paragraph 9 of Plaintiff's Complaint, including sub-parts a. through q., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto. In addition, the averments of Paragraph 9 of this Answer are incorporated herein by reference thereto.

10. The averments of Paragraph 10 of Plaintiff's Complaint, including sub-parts a. through c., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto.

11. The averments of Paragraph 11 of Plaintiff's Complaint, including sub-parts a. through f., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto.

WHEREFORE, Defendant demands judgment against the Plaintiff.

#### NEW MATTER

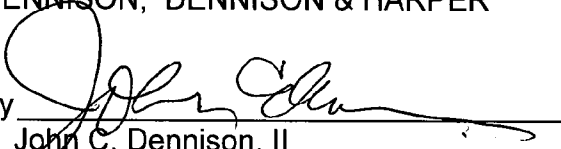
In further answer to the averments of Plaintiff's Complaint, the Defendant avers the following New Matter:

12. The Defendant hereby raises the affirmative defense that the Plaintiff was a statutory employer of the Defendant at all times material to the cause of action set forth in Plaintiff's Complaint as provided under the laws of the Commonwealth of Pennsylvania, and the Defendant is therefore immune from suit by the Plaintiff.

WHEREFORE, Defendant demands judgment against the Plaintiff.

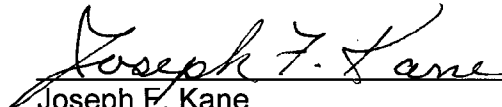
DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for the Defendant

I verify that I am the President of BJR, Inc. trading as Conservco Construction, a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania, one of the within Defendants; I make this Affidavit on its behalf being authorized to do so; I verify that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Joseph F. Kane



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

PLAINTIFF'S REPLY TO NEW  
MATTER

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

**FILED**

SEP 11 2006

m/11:30/2  
William A. Shaw  
Prothonotary/Clerk of Courts

No. 2/C

PLAINTIFF'S REPLY TO NEW MATTER

AND NOW, comes the plaintiff, Daniel Bowen, by his undersigned attorneys, Edward J. Balzarini, Jr. and Balzarini & Watson, and replies to the New Matter of the defendant, BJR, Inc., a Pennsylvania corporation d/b/a Conservco Construction, as follows:

1. The averments of paragraph 12 of the defendant's New Matter are denied. It is specifically denied that the plaintiff was a statutory employee of the defendant at all times relevant hereto and/or that the defendant is immune from suit by the plaintiff for any reason.

WHEREFORE, the plaintiff claims damages of the defendant, BJR, Inc., a Pennsylvania corporation d/b/a Conservco Construction, in a sum in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS.

BALZARINI & WATSON

BY 

Attorneys for Plaintiff

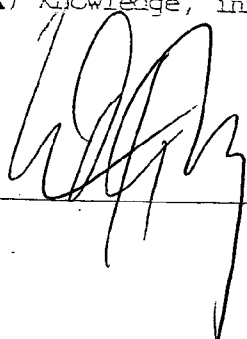
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

SS:

BEFORE ME, the undersigned authority, personally appeared  
Edward J. Balzarini, Jr., Esq., who, being first duly  
sworn according to law, deposes and says that the facts set forth  
in the foregoing Plaintiff's Reply to New Matter are  
true and correct to the best of (his/~~xxx~~) knowledge, information  
and belief.



SWORN TO AND SUBSCRIBED

Before me this 7th day

of September, 2006.

Lisa M. Dornier  
Notary Public

Notarial Seal  
Lisa M. Dornier, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires September 12, 2006  
Member, Pennsylvania Association Of Notaries

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the  
within PLAINTIFF'S REPLY TO NEW MATTER was served by first  
class mail, postage prepaid, upon the following this 7<sup>th</sup>  
day of September, 2006:

John C. Dennison, II, Esq.  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825-1291

BALZARINI & WATSON

BY 

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a  
CONSERVCO CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

NOTICE OF SERVICE OF  
PLAINTIFF'S ANSWERS TO  
INTERROGATORIES AND  
REQUEST FOR PRODUCTION  
OF DOCUMENTS

Filed on Behalf of  
Plaintiff

Counsel of Record for this  
party:

Edward J. Balzarini, Jr.  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED

OCT 05 2006

m/1:55/

William A. Shaw

Prothonotary/Clerk of Courts

no c/c

NOTICE OF SERVICE OF PLAINTIFFS' ANSWERS TO  
INTERROGATORIES AND RESPONSE TO REQUEST FOR PRODUCTION

TO: WILLIAM SHAW, PROTHONOTARY

This is to advise that copies of Plaintiffs' Answers to Interrogatories and Response to Request for Production was served by first class mail upon the following this 3<sup>rd</sup> day of October, 2006:

John C. Dennison, II, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825-1291

BALZARINI & WATSON

BY 

Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

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

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

**FILED**

OCT 10 2006

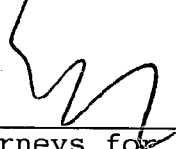
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William A. Shaw  
Prothonotary/Clerk of Courts  
No 9/c (60)

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

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

Date: 10/5/06

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

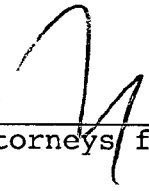


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 was served by first class mail, postage prepaid, upon the following this 5<sup>th</sup> day of October, 2006:

John C. Dennison, II, Esq.  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825-1291

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc. d/b/a  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Lori Kurtz, Clearfield Bank & Trust Company, P.O. Box 171, Clearfield, PA 16830  
(Name of Person or Entity)

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

See attached sheet.

Edward J. Balzarini, Jr., Esq.  
3303 Grant Building (Address)  
Pittsburgh, PA 15219

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

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

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

NAME: Edward J. Balzarini, Jr., Esq.  
ADDRESS: 3303 Grant Building  
Pittsburgh, PA 15219  
TELEPHONE: (412) 471-1200  
SUPREME COURT ID # 34320  
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Monday, March 06, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

1. All records and documents in your possession pertaining to a construction contract or agreement entered into by BJR, Inc., d/b/a Conservco Construction and either St. Calistus Church/parish and/or Highlander Energy Products, for construction work/HVAC work which was to be performed at St. Calistus Church, Kane, Pennsylvania. This request is intended to include but is not limited to the following:
  - a. All bid documents pertaining to the project;
  - b. All contract documents pertaining to the project, including all drawings, conditions and specifications;
  - c. Any minutes of safety meetings on the involved project;
  - d. Any photographs or videotapes pertaining to the involved project;
  - e. Any documents pertaining to an injury to Daniel Bowen which occurred on the involved project.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

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

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED  
m 10:39 AM  
OCT 19 2006  
cc  
JN

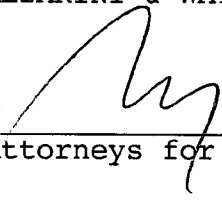
William A. Shaw  
Prothonotary/Clerk of Courts

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

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

Date: 10/17/06

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 was served by first class mail, postage prepaid, upon the following this 17<sup>th</sup> day of October, 2006:

John C. Dennison, II, Esq.  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825-1291

BALZARINI & WATSON

BY 

Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: David Parana, Highlander Energy Products, Inc., 98 South Fraley Street,  
Kane, PA 16735 (Name of Person or Entity)

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

See attached sheet.

Edward J. Balzarini, Jr., Esq.  
3303 Grant Building (Address)  
Pittsburgh, PA 15219

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

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

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

NAME: Edward J. Balzarini, Jr., Esq.  
ADDRESS: 3303 Grant Building  
Pittsburgh, PA 15219  
TELEPHONE: (412) 471-1200  
SUPREME COURT ID # 34320  
ATTORNEY FOR: Plaintiff

BY THE COURT:

  
William A. Shaw LM  
Prothonotary/Clerk, Civil Division

DATE: Friday, October 06, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

1. All records and documents in your possession pertaining to a construction contract or agreement entered into by BJR, Inc., d/b/a Conservco Construction and either St. Calistus Church/parish and/or Highlander Energy Products, for construction work/HVAC work which was to be performed at St. Calistus Church, Kane, Pennsylvania. This request is intended to include but is not limited to the following:
  - a. All bid documents pertaining to the project;
  - b. All contract documents pertaining to the project, including all drawings, conditions and specifications;
  - c. Any minutes of safety meetings on the involved project;
  - d. Any photographs or videotapes pertaining to the involved project;
  - e. Any documents pertaining to an injury to Daniel Bowen which occurred on the involved project.



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>NO</sup> CC  
mjt 12561  
OCT 24 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

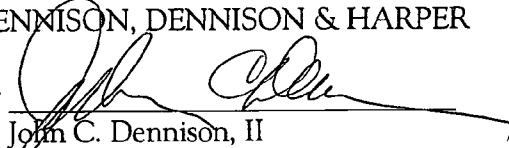
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Fiaz A. Choudhri, M.D., Neurological Surgeon, P. o. Box 96, Jamestown,  
NY 14701 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)


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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw LN  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

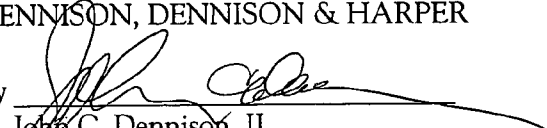
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** NO  
m/T 25/01 cc  
OCT 24 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

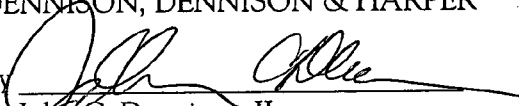
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Michael G. Moncman, M.D., 2437 E. College Avenue, Ste. 1, State College,  
PA 16801 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw LM  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

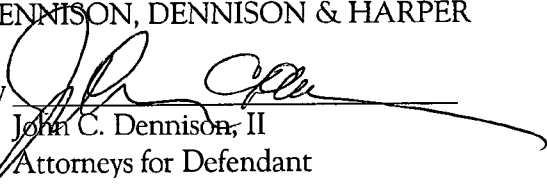
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division


Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED *WCC*  
*m/11:25/34*  
OCT 24 2006 

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

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\* Number 967 - 2004 CD

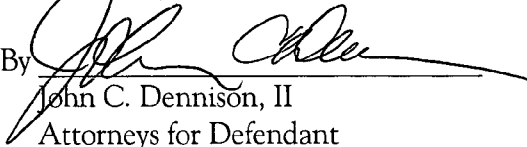
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Richard Bonfiglio, M.D., 4125 Old Wm. Penn Highway, Murrysville, PA 15668  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw *LM*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

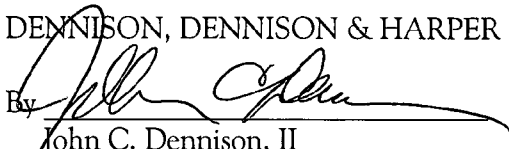
Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
m 112561 NoCC  
OCT 24 2006 (5)  
William A. Shaw  
Prothonotary/Clerk of Courts



DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: J. William Bookwalter, M.D., 5200 Centre Avenue, Pittsburgh, PA 15232  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 283 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:



William A. Shaw *WAS*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

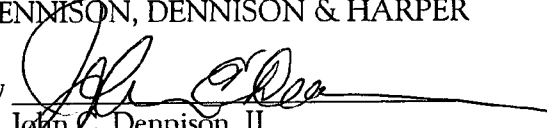
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>NO cc</sup>  
OCT 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\*  
\* Civil Action - Law  
\*  
\*  
\*  
\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

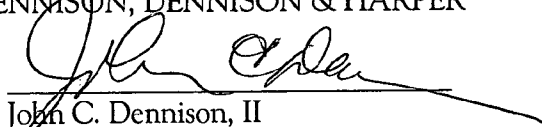
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Paul Lieber, M.D., 580 S. Aiken Avenue, Ste. 100, Pittsburgh, PA 15232  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.



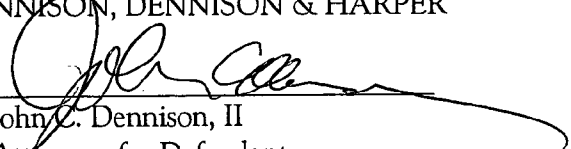
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>NOCC</sup>  
m11:25  
OCT 24 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

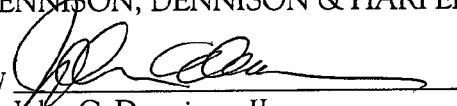
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Paul K. Maurer, M.D./Mary S. Lang R.N., 1401 Stone Road, Suite 303, Rochester,  
NY 14615  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)


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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw LM  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

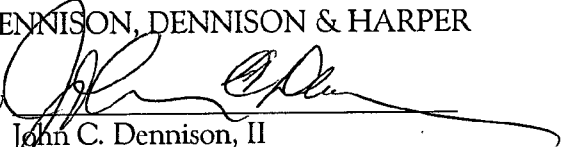
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED *nae*  
*m 11:25/04*  
OCT 24 2004 

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Kenneth Langille, M.D., 628B North Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

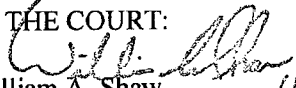
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copies or producing the things sought.

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw *lm*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

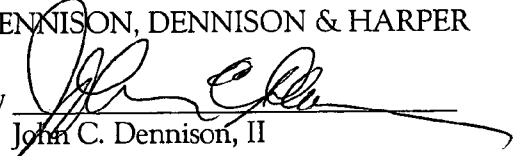
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*mt 10 5/61*  
OCT 24 2006 *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Dennis Harris, DC, 80 Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

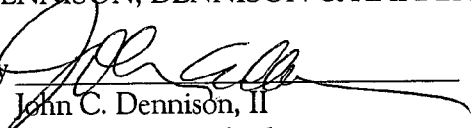
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967 - CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** <sup>NO CC</sup>  
m 11:25 AM  
OCT 24 2004

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

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\* Civil Action - Law

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Richard W. Foust, M.Ed., 20 N. Michael Street, St. Marys, PA 15857  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

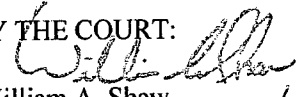
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15285  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw *lm*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

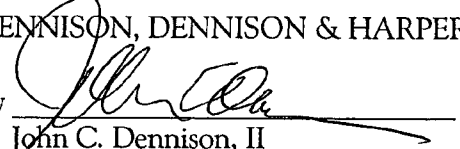
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m 11:25/01*  
OCT 24 2004 *JS*  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Kripa S. Singh, M.D., The Forest Hills IPA, Inc., 110-21 73rd Road, Ste. 1-J  
Forest Hills, NY 11375 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw *LM*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

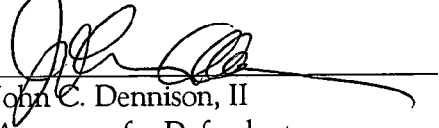
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED No cc  
m 11:25/61  
OCT 24 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Michael Allison, M.D., Bradford Hospital, Pain Management Dept.,  
Bradford, PA 16701 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

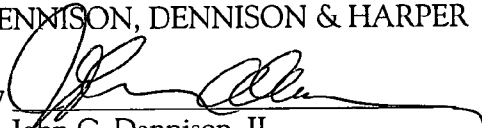
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** No cc  
m 11-25/04  
OCT 24 2006  
William A. Shaw  
Prothonotary/Clerk of Courts



DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
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P.A.R.C.P. 4009.21**

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Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Manuel Soares, M.D., Kane Community Hospital, North Fraley Street, Kane,  
PA 15853 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

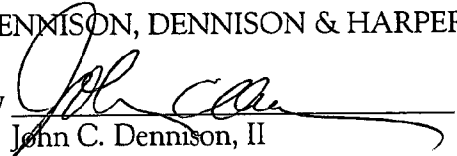
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *necc*  
*m 11:25/04*  
**OCT 24 2006** 

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
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P.A.R.C.P. 4009.21**

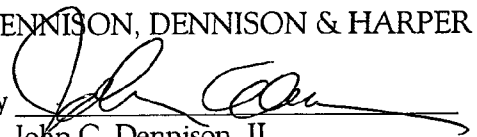
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Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

No. 2004-00967-CD

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.



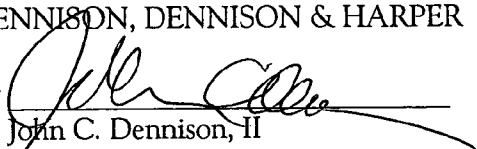
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

m/11:25/04  
OCT 24 2004

no  
cc

LF

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
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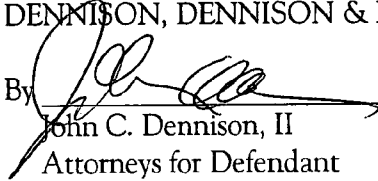
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Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Thomas Freenock, M.D., 18 Sportsman Drive, Suite 20, Clarion, PA 16214  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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to comply with it.

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

NAME: John C. Dennison, II

ADDRESS: 293 Main Street  
Brookville, PA 15825

TELEPHONE: (814) 849-8316

SUPREME COURT ID # 29408

ATTORNEY FOR: Defendant

BY THE COURT:



William A. Shaw *LM*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

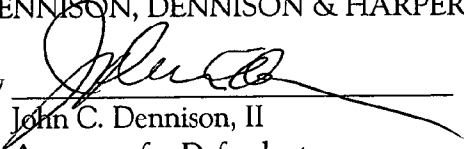
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967 - CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED<sup>no cc</sup>  
MIR 25/04  
OCT 24 2004

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John E. Dennison, II

Attorneys for Defendant



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Paul W. Layden, M.D., Erie Medical Evaluation Assoc., P. O. Box 96,  
Jamestown, NY 14701 (Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:



William A. Shaw Lh  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

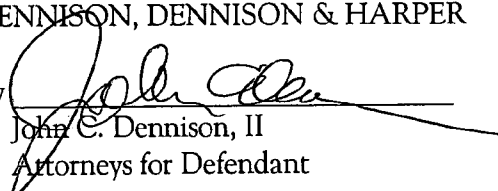
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED *NO CC*  
*MTI:2561*  
OCT 24 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

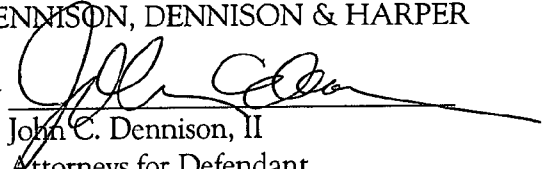
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: D. Lemay, PT, Kane Community Hospital, North Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

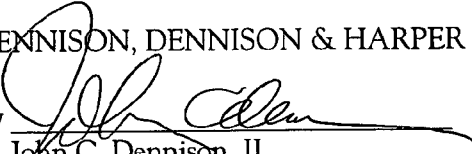
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m/1:25/20*  
OCT 24 2004  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

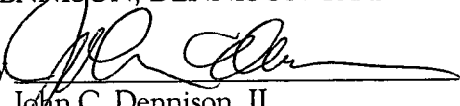
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Jamil Sarfraz, M.D., Radiologist, Kane Community Hospital, Kane, PA 16735  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

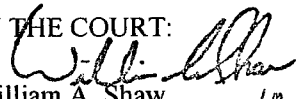
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw *LM*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

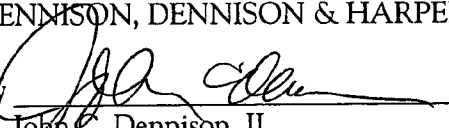
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>Mo</sup> <sub>cc</sub>  
OCT 25 2004  
OCT 24 2004

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

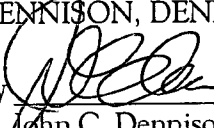
\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER  
By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Records Custodian, St. Paul Travelers, 4350 Haddonfield Road, #219,  
Pennsauken, NJ 08109 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

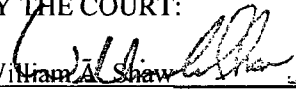
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Complete copies of any and all worker's compensation claim files for the claimant, Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, for a loss occurring on June 28, 2002, under Claim Number B6D6504001, including but not limited to all documents, correspondences, payment logs, wage logs, wage verifications, medical records, independent medical examination reports, record reviews, photographs, recorded statements, claim forms, benefit requests, loss notices, status reports and claim logs, including all electronic entries.

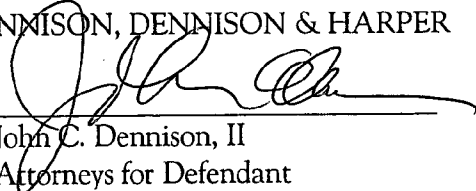
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*11:40/51*  
NOV 20 2006 *un*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

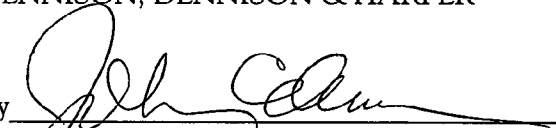
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", written over a horizontal line.

John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

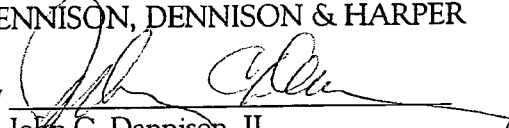
**TO : DANIEL BOWEN**

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Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Fiaz A. Choudhri, M.D., Neurological Surgeon, P. o. Box 96, Jamestown,  
NY 14701 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

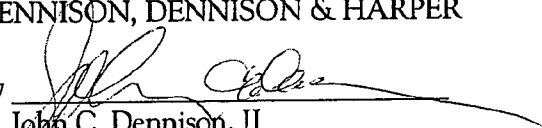
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

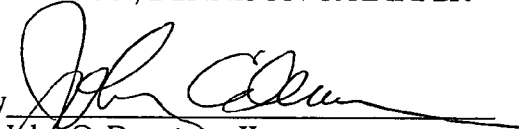
  
John C. Dennison, II  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*m/11:40*  
NOV 20 2006 *S*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

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\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

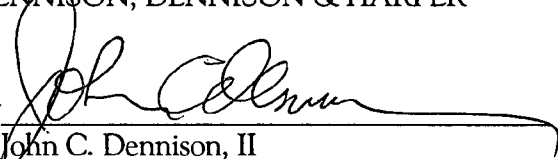
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

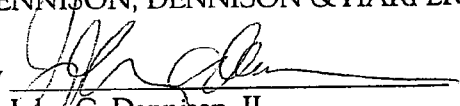
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Richard W. Foust, M.Ed., 20 N. Michael Street, St. Marys, PA 15857  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15285  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw *cm*

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

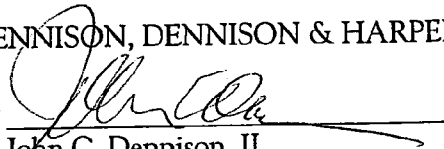
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

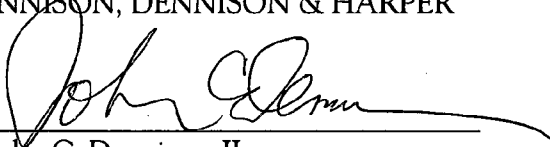
  
John C. Dennison, II  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** No  
11:40 AM CC  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

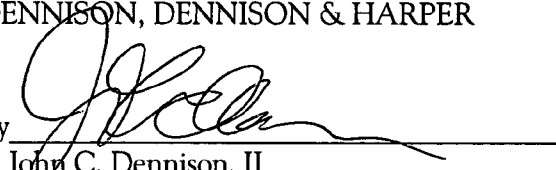
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
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2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316



DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

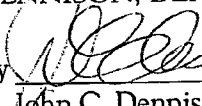
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Records Custodian, St. Paul Travelers, 4350 Haddonfield Road, #219,  
Pennsauken, NJ 08109 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Complete copies of any and all worker's compensation claim files for the claimant, Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, for a loss occurring on June 28, 2002, under Claim Number B6D6504001, including but not limited to all documents, correspondences, payment logs, wage logs, wage verifications, medical records, independent medical examination reports, record reviews, photographs, recorded statements, claim forms, benefit requests, loss notices, status reports and claim logs, including all electronic entries.

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

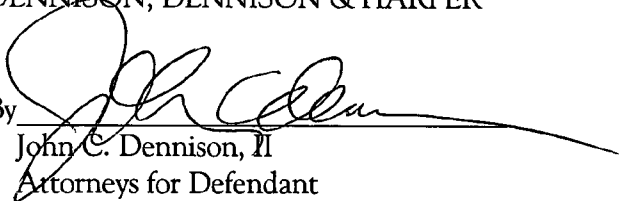
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m11:40/62*  
NOV 20 2006 *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

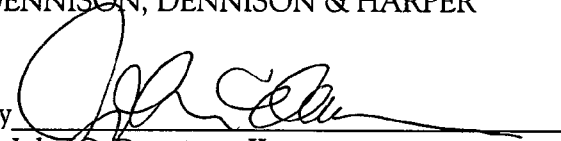
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Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
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this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", is written over a horizontal line.

John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

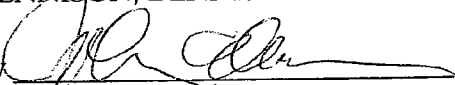
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Jamil Sarfraz, M.D., Radiologist, Kane Community Hospital, Kane, PA 16735  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

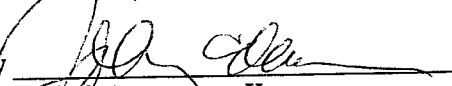
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

### CERTIFICATE OF SERVICE

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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>NO CC</sup>  
m/11:40/54  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
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1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
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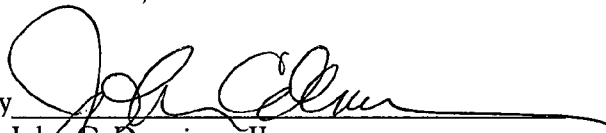


4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

Dated: November 17, 2006

By



John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

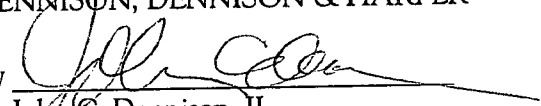
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: D. Lemay, PT, Kane Community Hospital, North Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II

ADDRESS: 293 Main Street

Brookville, PA 15825

TELEPHONE: (814) 849-8316

SUPREME COURT ID # 29408

ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

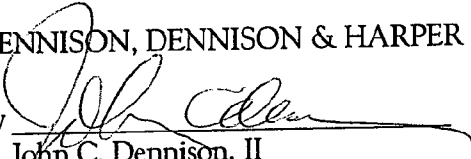
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.

4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division


Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*m h w 4068*  
NOV 20 2006 

William A. Shaw  
Prothonotary/Clerk of Courts



DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

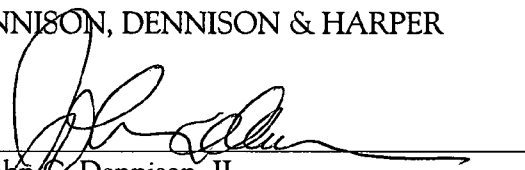
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

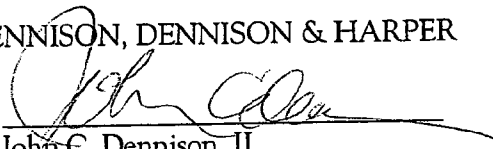
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Paul W. Layden, M.D., Erie Medical Evaluation Assoc., P. O. Box 96,  
Jamestown, NY 14701 (Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

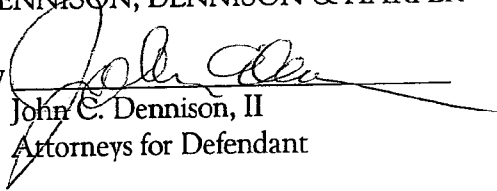
### CERTIFICATE OF SERVICE

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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

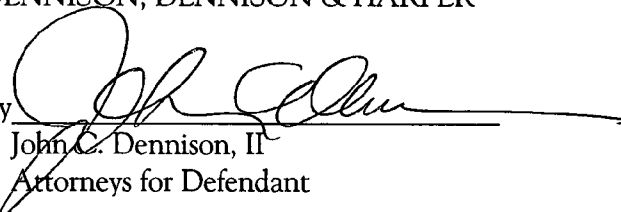
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** NO CC  
m/11:40/21  
NOV 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

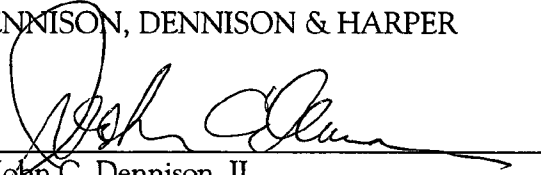
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Thomas Freenock, M.D., 18 Sportsman Drive, Suite 20, Clarion, PA 16214  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

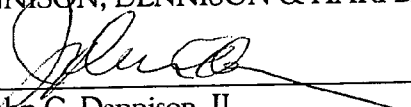
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I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

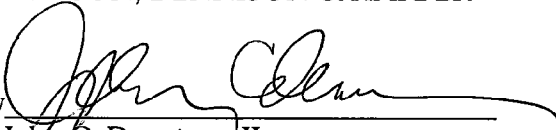


CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

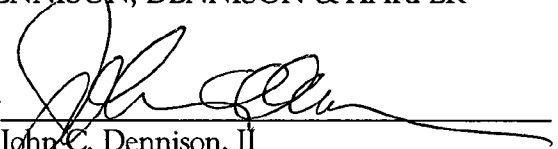
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DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

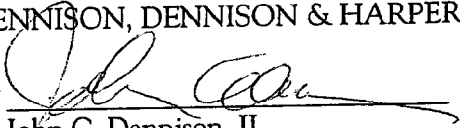
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PA.R.C.P. 4009.21**

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Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Roger Laroche, M.D., 110 Campus Drive, Bradford, PA 16701  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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copies or producing the things sought.

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8326  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.



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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
NOV 20 2006  
m/11:40 AM  
NO CC  
JW

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

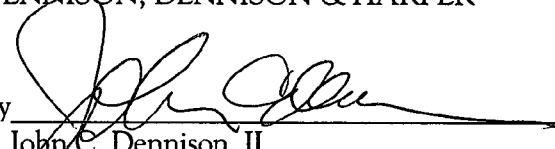
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Manuel Soares, M.D., Kane Community Hospital, North Fraley Street, Kane,  
PA 15853 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

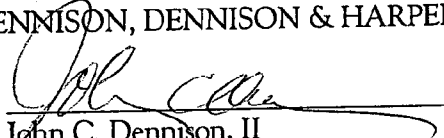
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

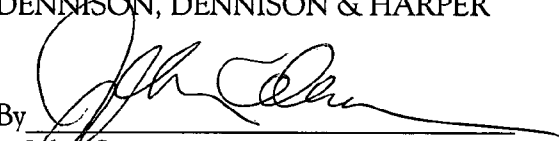
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*m/11:40 AM*  
NOV 20 2006  
*UM*  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

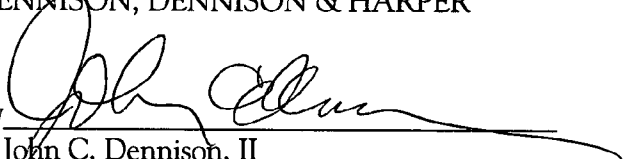
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
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mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

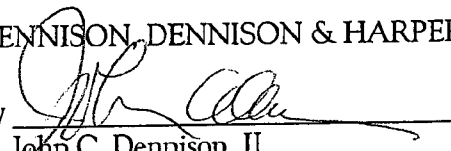
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Michael Allison, M.D., Bradford Hospital, Pain Management Dept.,  
Bradford, PA 16701 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

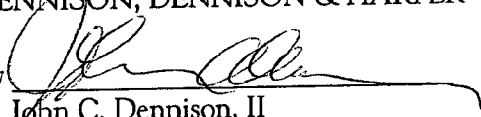
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

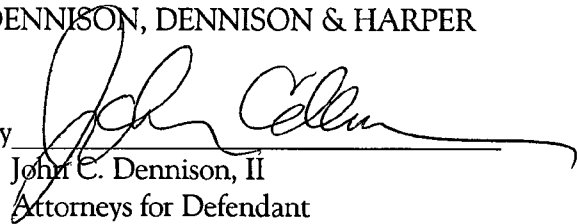
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Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*11/11:40/01*  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*  
\* Civil Action - Law

\*  
\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
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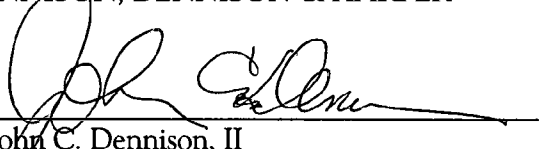
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DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316



DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

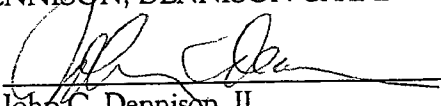
**TO : DANIEL BOWEN**

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Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Kripa S. Singh, M.D., The Forest Hills IPA, Inc., 110-21 73rd Road, Ste. 1-J  
Forest Hills, NY 11375 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

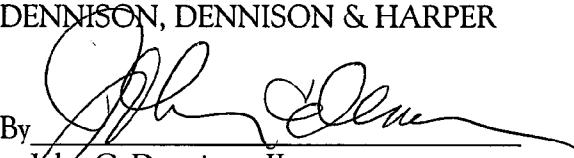
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NR*  
*MT 11:40 AM*  
NOV 20 2006 *SM*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

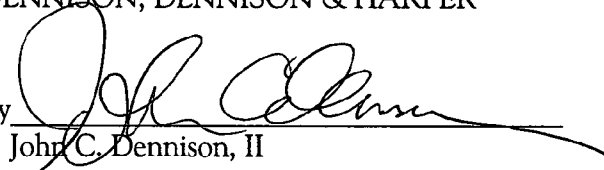
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DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Dennis Harris, DC, 80 Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED NOCC  
MT11:4061  
NOV 20 2008 (UN)

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

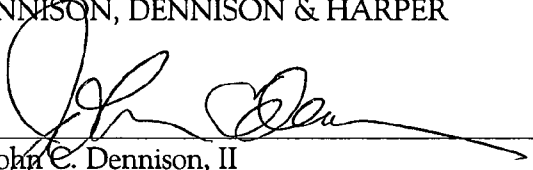
1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;



4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John E. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

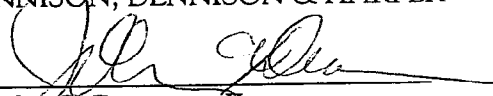
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Kenneth Langille, M.D., 628B North Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

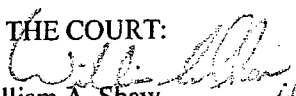
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

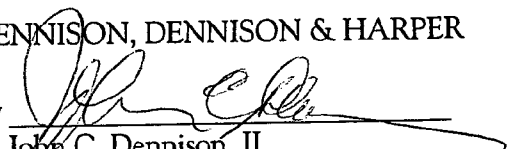
### CERTIFICATE OF SERVICE

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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

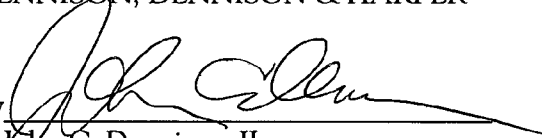
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m/11:40/5/*  
NOV 20 2006 *JS*

William A. Shaw  
Prothonotary/Clerk of Courts



DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

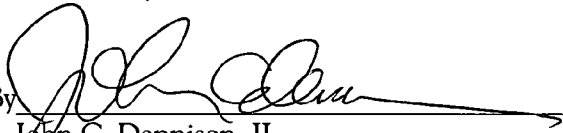
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", written over a horizontal line.

John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

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\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

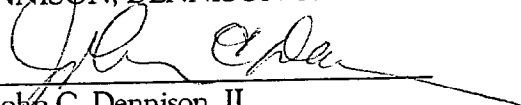
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Paul Lieber, M.D., 580 S. Aiken Avenue, Ste. 100, Pittsburgh, PA 15232  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

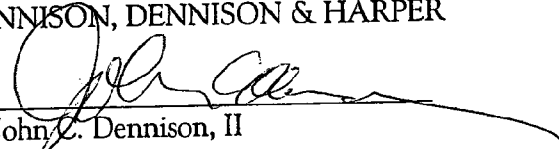
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

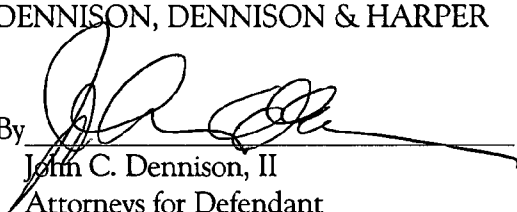
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*MT 11:40 AM*  
NOV 20 2006 *UN*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

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\* Civil Action - Law

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
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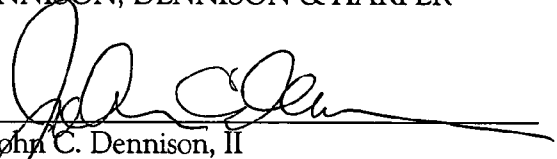
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DENNISON, DENNISON & HARPER

Dated: November 17, 2006

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

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\* Civil Action - Law

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\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
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**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Paul K. Maurer, M.D./Mary S. Lang R.N., 1401 Stone Road, Suite 303, Rochester,  
NY 14615 (Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

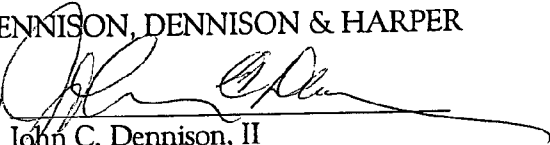
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant



CERTIFICATE OF SERVICE

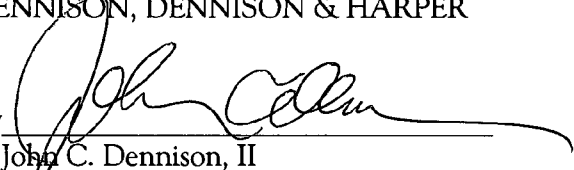
I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.

4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m 11:40 AM*  
NOV 20 2006 *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

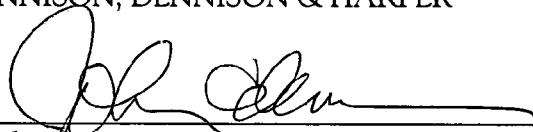
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", written over a horizontal line.

John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: J. William Bookwalter, M.D., 5200 Centre Avenue, Pittsburgh, PA 15232  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 283 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw L/n  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.



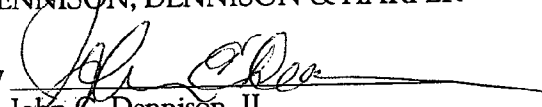
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

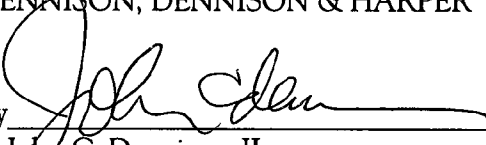
  
John C. Dennison, II  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
m/10:40/61  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

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\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

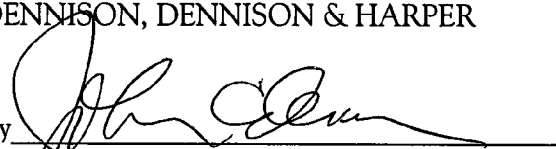
As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

Dated: November 17, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

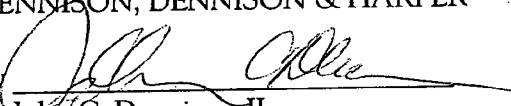
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

\*

BJR, Inc.  
Conservco Construction  
Defendant(s)

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

TO: Michael G. Moncman, M.D., 2437 E. College Avenue, Ste. 1, State College,  
PA 16801 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 23<sup>rd</sup> day of October, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

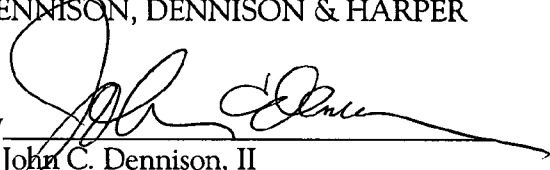
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Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**

NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

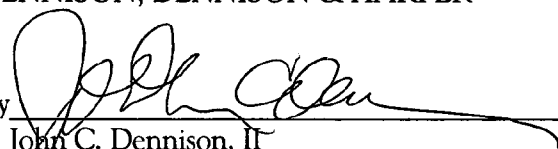
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2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

Dated: November 17, 2006

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\*  
\* Civil Action - Law  
\*  
\*  
\*  
\* Number 967 - 2004 CD

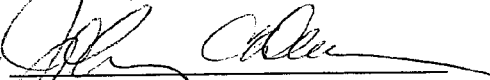
**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: October 23, 2006

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant



Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

### CERTIFICATE OF SERVICE

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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By 


John C. Dennison, II  
Attorneys for Defendant

### CERTIFICATE OF SERVICE

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4009.22 was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class,  
postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** NO  
m/10:40621 CC  
NOV 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Jamil Sarfraz, M.D.  
Radiologist  
Kane Community Hospital  
Kane, PA 16735

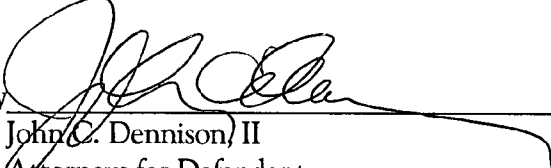
PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Jamil Sarfraz, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Jamil Sarfraz, M.D., Radiologist, Kane Community Hospital, Kane, PA 16735  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II


ADDRESS: 293 Main Street  
Brookville, PA 15825

TELEPHONE: (814) 849-8316

SUPREME COURT ID # 29408

ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

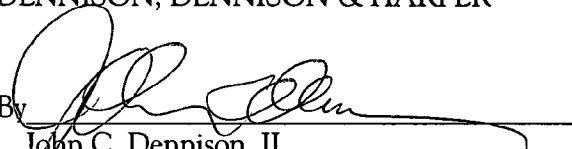
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Jamil Sarfraz, M.D.  
Radiologist  
Kane Community Hospital  
Kane, PA 16735

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO CC*  
*m/10:40/5/*  
NOV 20 2006 *JS*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Records Custodian  
St. Paul Travelers  
4350 Haddonfield Road, #219  
Pennsauken, NJ 08109

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of the Records Custodian of St. Paul Travelers, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

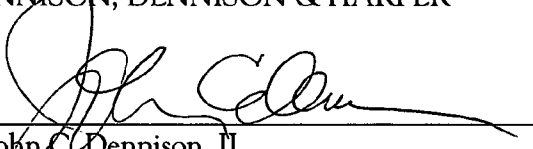
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Records Custodian, St. Paul Travelers, 4350 Haddonfield Road, #219,  
Pennsauken, NJ 08109 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Complete copies of any and all worker's compensation claim files for the claimant, Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, for a loss occurring on June 28, 2002, under Claim Number B6D6504001, including but not limited to all documents, correspondences, payment logs, wage logs, wage verifications, medical records, independent medical examination reports, record reviews, photographs, recorded statements, claim forms, benefit requests, loss notices, status reports and claim logs, including all electronic entries.

CERTIFICATE OF SERVICE

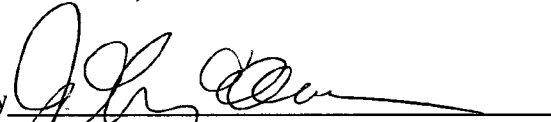
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Records Custodian  
St. Paul Travelers  
4350 Haddonfield Road, #219  
Pennsauken, NJ 08109

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>NO</sup>  
m/10:40/64  
NOV 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: D. Lemay, PT  
Kane Community Hospital  
North Fraley Street  
Kane, PA 16735

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of D. Lemay, PT, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

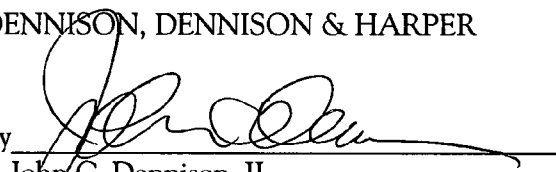
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: D. Lemay, PT, Kane Community Hospital, North Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

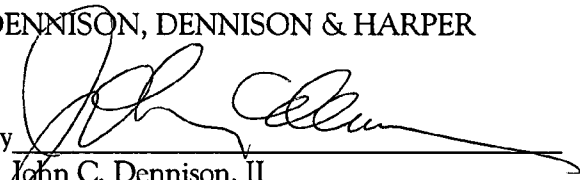
Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

D. Lemay, PT  
Kane Community Hospital  
North Fraley Street  
Kane, PA 16735

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
m/10:40/ST  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Paul W. Layden, M.D.  
Erie Medical Evaluation Assoc.  
P. O. Box 96  
Jamestown, NY 14701

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Paul W. Layden, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

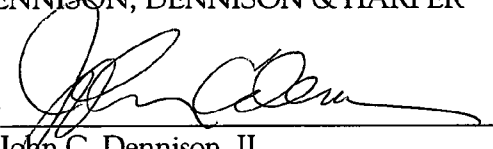
DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING



IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Paul W. Layden, M.D., Erie Medical Evaluation Assoc., P. O. Box 96,  
Jamestown, NY 14701 (Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:



William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

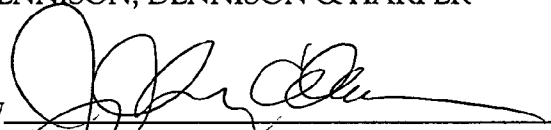
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Paul W. Layden, M.D.  
Erie Medical Evaluation Assoc.  
P. O. Box 96  
Jamestown, NY 14701

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
m104051 NO CC  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Thomas Freenock, M.D.  
18 Sportsman Drive, Suite 20  
Clarion, PA 16214

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Thomas Freenock, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING  
IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT**

CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Thomas Freenock, M.D., 18 Sportsman Drive, Suite 20, Clarion, PA 16214  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

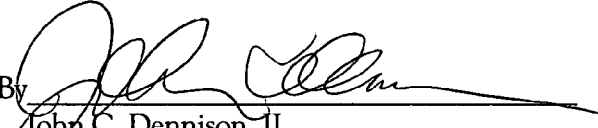
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Thomas Freenock, M.D.  
18 Sportsman Drive, Suite 20  
Clarion, PA 16214

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *NO*  
*10:40 AM* *CC*  
**NOV 20 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Roger Laroch, M.D.  
110 Campus Drive  
Bradford, PA 16701

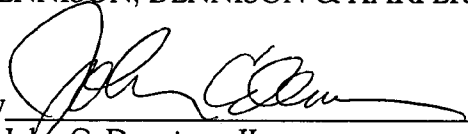
PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Roger Laroch, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT

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AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Roger Laroche, M.D., 110 Campus Drive, Bradford, PA 16701  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8326  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

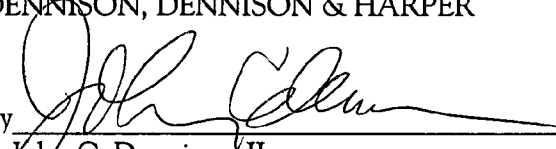
Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Roger Laroch, M.D.  
110 Campus Drive  
Bradford, PA 16701

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED *NR*  
*10-20-08*  
NOV 20 2008 *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Michael Allison, M.D.  
Bradford Hospital  
Pain Management Department  
Bradford, PA 16701

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Michael Allison, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

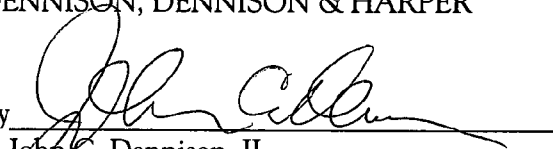
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

**COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD**

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Michael Allison, M.D., Bradford Hospital, Pain Management Dept.,  
Bradford, PA 16701 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

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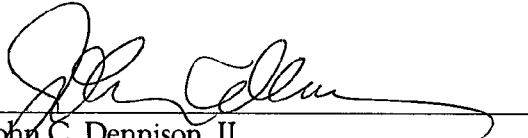
Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Michael Allison, M.D.  
Bradford Hospital  
Pain Management Department  
Bradford, PA 16701

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** NO CC  
m/10:40/61  
NOV 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Manuel Soares, M.D.  
Kane Community Hospital  
North Fraley Street  
Kane, PA 15853

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Manuel Soares, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

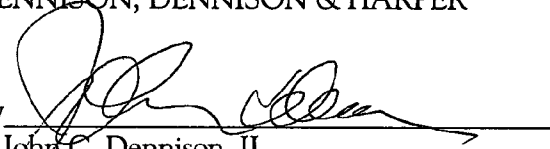
DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING



IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
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ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Manuel Soares, M.D., Kane Community Hospital, North Fraley Street, Kane,  
PA 15853 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Manuel Soares, M.D.  
Kane Community Hospital  
North Fraley Street  
Kane, PA 15853

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Kripa S. Singh, M.D.  
The Forest Hills IPA, Inc.  
110-21 73<sup>rd</sup> Road, Ste. 1-J  
Forest Hills, NY 11375

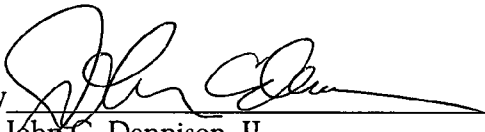
PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Kripa S. Singh, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
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ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Kripa S. Singh, M.D., The Forest Hills IPA, Inc., 110-21 73rd Road, Ste. 1-J  
Forest Hills, NY 11375 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

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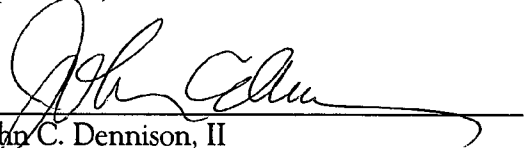
Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Kripa S. Singh, M.D.  
The Forest Hills IPA, Inc.  
110-21 73<sup>rd</sup> Road, Ste. 1-J  
Forest Hills, NY 11375

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED *NO cc*  
*m1104081*  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Richard W. Foust, M.Ed.  
20 N. Michael Street  
St. Marys, PA 15857

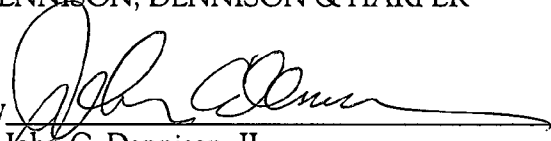
PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Richard W. Foust, M.Ed, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT

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ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Richard W. Foust, M.Ed., 20 N. Michael Street, St. Marys, PA 15857  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)


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address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15285  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw *lm*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

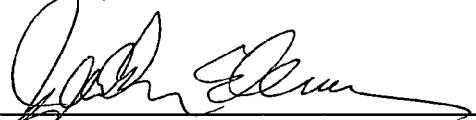
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Richard W. Foust, M.Ed.  
20 N. Michael Street  
St. Marys, PA 15857

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
m11021021  
NOV 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Dennis Harris, DC  
80 Fraley Street  
Kane, PA 15853

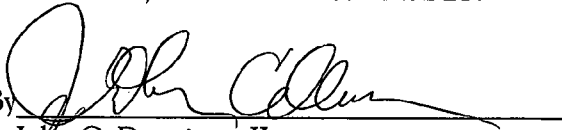
PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Dennis Harris, DC, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

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DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Dennis Harris, DC, 80 Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II

ADDRESS: 293 Main Street  
Brookville, PA 15825

TELEPHONE: (814) 849-8316

SUPREME COURT ID # 29408

ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

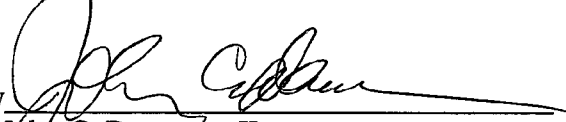
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Dennis Harris, DC  
80 Fraley Street  
Kane, PA 15853

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *ncc*  
*110:400*  
NOV 20 2006 *W*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Kenneth Langille, M.D.  
628B North Fraley Street  
Kane, PA 15853

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Kenneth Langille, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

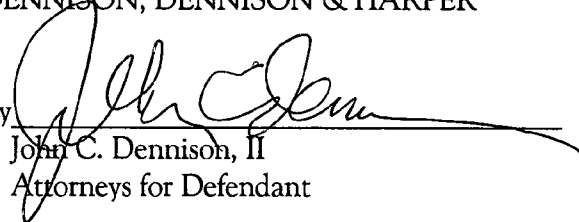
DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT



CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Kenneth Langille, M.D., 628B North Fraley Street, Kane, PA 15853  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

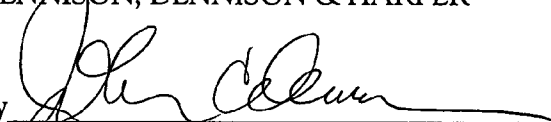
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Kenneth Langille, M.D.  
628B North Fraley Street  
Kane, PA 15853

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** NO  
m110:4084 CC  
NOV 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Records Custodian for  
Paul K. Maurer, M.D./Mary S. Lang, R.N.  
1401 Stone Road, Suite 303  
Rochester, NY 14615

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of the Records Custodian for Paul K. Maurer, M.D./Mary S. Lang, R.N., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Paul K. Maurer, M.D./Mary S. Lang R.N., 1401 Stone Road, Suite 303, Rochester,  
NY 14615  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

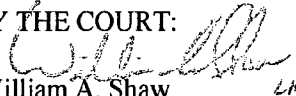
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw *lm*  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE


I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Records Custodian  
Paul K. Maurer, M.D./Mary S. Lang, R.N.  
1401 Stone Road, Suite 303  
Rochester, NY 14615

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
2011-4021-10 CC  
NOV 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Paul Lieber, M.D.  
580 S. Aiken Avenue  
Suite 100  
Pittsburgh, PA 15232

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Paul Lieber, M.D. twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
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ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Paul Lieber, M.D., 580 S. Aiken Avenue, Ste. 100, Pittsburgh, PA 15232  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Paul Lieber, M.D.  
580 S. Aiken Avenue  
Suite 100  
Pittsburgh, PA 15232

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*3/11/4061*  
NOV 20 2008 *(S)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: J. William Bookwalter, M.D.  
5200 Centre Avenue  
Pittsburgh, PA 15232

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of J. William Bookwalter, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

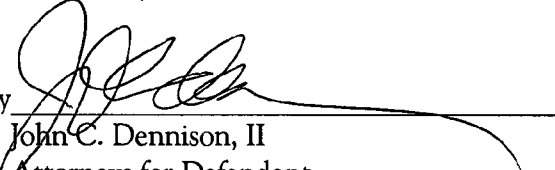
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

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MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: J. William Bookwalter, M.D., 5200 Centre Avenue, Pittsburgh, PA 15232  
(Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 283 Main Street, Brookville, PA 15825  
(Address)


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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw L/h  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

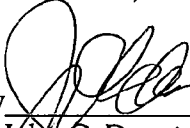
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Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

J. William Bookwalter, M.D.  
5200 Centre Avenue  
Pittsburgh, PA 15232

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**  
NOV 20 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Richard Bonfiglio, M.D.  
4125 Old Wm. Penn Highway  
Murrysville, PA 15668

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Richard Bonfiglio, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

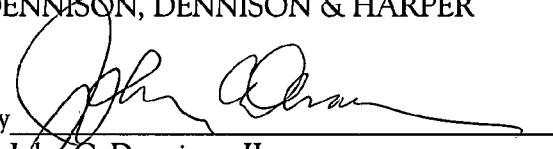
DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING



IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Richard Bonfiglio, M.D., 4125 Old Wm. Penn Highway, Murrysville, PA 15668  
(Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw LM  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Richard Bonfiglio, M.D.  
4125 Old Wm. Penn Highway  
Murrysville, PA 15668

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED NO  
m 11:40/31 CC  
NOV 20 2006

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

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\* Civil Action - Law

\*

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\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Michael G. Moncman, M.D.  
2437 E. College Avenue  
Suite 1  
State College, PA 16801

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Michael G. Moncman, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

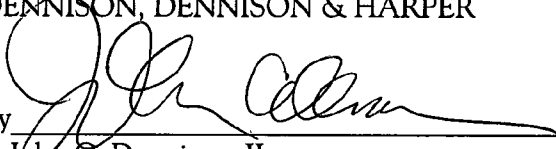
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By



John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Michael G. Moncman, M.D., 2437 E. College Avenue, Ste. 1, State College,  
PA 16801 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw LM  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy



Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

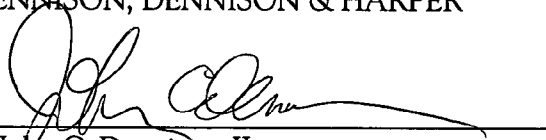
Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Michael G. Moncman, M.D.  
2437 E. College Avenue  
Suite 1  
State College, PA 16801

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** No cc  
m/11:40/61  
NOV 20 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Fiaz A. Choudhri, M.D.  
Neurological Surgeon  
P. O. Box 96  
Jamestown, NY 14701

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Fiaz A. Choudhri, M.D., twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

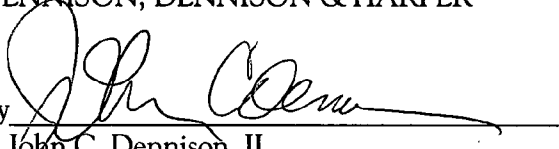
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Fiaz A. Choudhri, M.D., Neurological Surgeon, P. o. Box 96, Jamestown,  
NY 14701 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw LSH  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, October 17, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

Any and all medical records in your possession for Daniel A. Bowen, DOB: 7/19/1956, SSN: 193-48-0495, including but not limited to physician's notes, nurse's notes, office notes, patient questionnaires, reports, evaluations, consultations, lab reports, patient charts, operative reports, therapy records, admission records, discharge records, correspondences, billing statements, and all imaging and x-ray reports and films for any care and/or treatment.

CERTIFICATE OF SERVICE

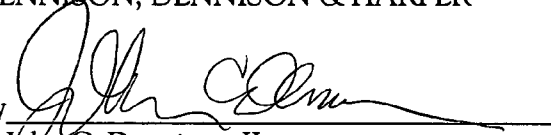
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 17<sup>th</sup> day of November, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Fiaz A. Choudhri, M.D.  
Neurological Surgeon  
P. O. Box 96  
Jamestown, NY 14701

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *WCC*  
*01/11/07/BJ*  
DEC 15 2006 *(m)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

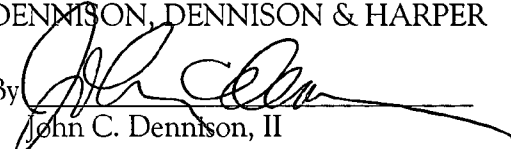
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: December 13, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Records Custodian, Kane Community Hospital, North Fraley Street, Kane, PA  
16735 (Name of Person or Entity)

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

at Dennison, Dennison & Harper, 293 Main Street, Brookville PA 15825  
(Address)

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

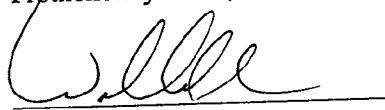
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

DATE: Wednesday, December 06, 2006  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Clearfield, PA

Any and all medical records in your possession for Daniel A. Bowen, S.S.N. 193-48-0495, date of birth: 7/19/1956, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13<sup>th</sup> day of December, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

NOTICE OF SERVICE OF  
PLAINTIFF'S FIRST SET OF  
INTERROGATORIES AND SECOND  
REQUEST FOR PRODUCTION AND  
INSPECTION OF DOCUMENTS  
DIRECTED TO DEFENDANT

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED <sup>NO</sup> <sup>CC</sup>  
m11:37/51  
DEC 18 2008

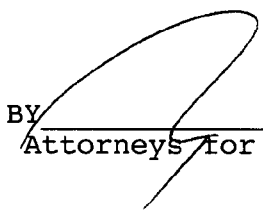
William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE OF SERVICE OF PLAINTIFFS' FIRST SET OF  
INTERROGATORIES AND SECOND REQUEST FOR PRODUCTION  
AND INSPECTION OF DOCUMENTS DIRECTED TO DEFENDANT

TO: WILLIAM SHAW, PROTHONOTARY

This is to advise that an original and two copies of plaintiff's First Set of Interrogatories and a copy of plaintiff's Second Request for Production and Inspection of Documents were served on counsel for defendant by first class mail on December 13, 2006.

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

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

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED <sup>NOCC</sup>  
m11:37:29/1m  
DEC 18 2006

William A. Shaw  
Prothonotary/Clerk of Courts

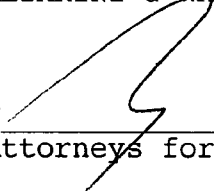


NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

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

Date: 12/13/06

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 was served by first class mail, postage prepaid, upon the following this 13<sup>th</sup> day of December, 2006:

John C. Dennison, II, Esq.  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825-1291

BALZARINI & WATSON

  
BY

Attorneys for Plaintiff

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Records Custodian, St. Callistus Church, 342 Chase Street, Kane, PA 16735  
(Name of Person or Entity)

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

Edward J. Balzarini, Jr., Esq.  
3303 Grant Building (Address)  
Pittsburgh, PA 15219

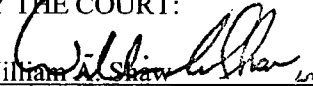
You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing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

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

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

NAME: Edward J. Balzarini, Jr., Esq.  
ADDRESS: 3303 Grant Building  
Pittsburgh, PA 15219  
TELEPHONE: (412) 471-1200  
SUPREME COURT ID # 34320  
ATTORNEY FOR: Plaintiff

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Friday, October 06, 2006  
Seal of the Court

\_\_\_\_\_  
Deputy

1. Your complete file pertaining to construction work performed on church premises by Conservco during the year 2002, including but not limited to the following:
  - a. All contract documents pertaining to the work, including but not limited to contracts between the church and Conservco;
  - b. All specifications pertaining to the involved construction project;
  - c. All specifications pertaining to the involved construction project;
  - d. All drawings and blueprints pertaining to the involved construction project;
  - e. All correspondence pertaining to the involved construction project.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** NO CC  
m/j: 21/81  
JAN 08 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

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\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Records Custodian  
Kane Community Hospital  
North Fraley Street  
Kane, PA 16735

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of the Records Custodian of Kane Community Hospital, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

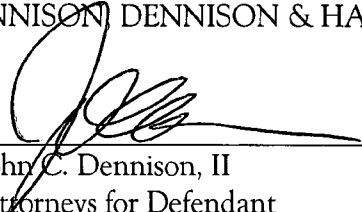
There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING**

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Records Custodian, Kane Community Hospital, North Fraley Street, Kane, PA  
16735 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville PA 15825  
(Address)

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


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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

  
Deputy

DATE: Wednesday, December 06, 2006  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Clearfield, PA



Any and all medical records in your possession for Daniel A. Bowen, S.S.N. 193-48-0495, date of birth: 7/19/1956, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

CERTIFICATE OF SERVICE

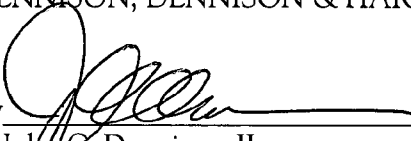
I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 5<sup>th</sup> day of January, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Records Custodian  
Kane Community Hospital  
North Fraley Street  
Kane, PA 16735

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
mtr:210/vo cc  
JAN 08 2007  
(5)

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO

CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

Dated: January 5, 2007

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", written over a horizontal line.

John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\*  
\* Civil Action - Law  
\*  
\*  
\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

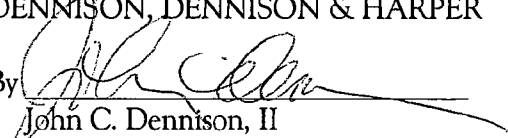
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: December 13, 2006

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

\*

\*

No. 2004-00967-CD

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

TO: Records Custodian, Kane Community Hospital, North Fraley Street, Kane, PA  
16735 (Name of Person or Entity)

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

See attached

at Dennison, Dennison & Harper, 293 Main Street, Brookville PA 15825  
(Address)

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

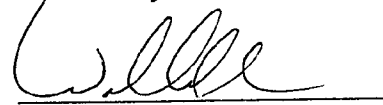
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



~~Deputy~~

DATE: Wednesday, December 06, 2006  
Seal of the Court

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield, PA Clearfield, PA



Any and all medical records in your possession for Daniel A. Bowen, S.S.N. 193-48-0495, date of birth: 7/19/1956, including but not limited to emergency room reports, patient charts, admission reports, discharge reports, physician's notes, nurse's notes, surgical reports, inpatient records, outpatient records, billing reports, lab reports, imaging reports, physical therapy records, correspondences, and originals or copies of all imaging studies.

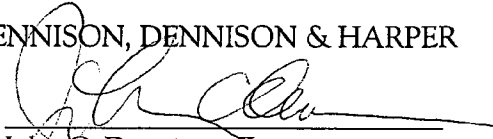
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 13<sup>th</sup> day of December, 2006, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

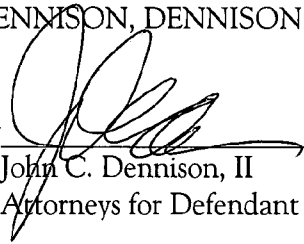
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 5<sup>th</sup> day of January, 2007, by United States Mail, First Class, postage  
prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

JAN 26 2007

m/4509/c  
William A. Shaw (60)  
Prothonotary/Clerk of Courts  
w/c/c

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
PA.R.C.P. 4009.21**

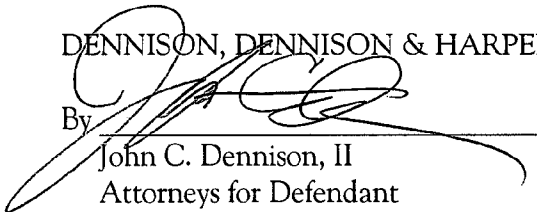
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: January 24, 2007

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Records Custodian, St. Callistus Church, 342 Chase Street, Kane, PA 16753  
(Name of Person or Entity)

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

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

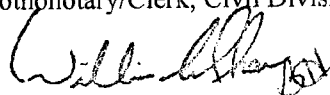
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, January 18, 2007  
Seal of the Court

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

1. Your complete file pertaining to construction work performed on church premises by Conservco during the year 2002, including but not limited to the following:
  - a. All contract documents pertaining to the work, including but not limited to contracts between the church and Conservco;
  - b. All specifications pertaining to the involved construction project;
  - c. All specifications pertaining to the involved construction project;
  - d. All drawings and blueprints pertaining to the involved construction project;
  - e. All correspondence pertaining to the involved construction project.

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 24<sup>th</sup> day of January, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**

no. 1:4620  
FEB 20 2007

*no cc*

*LM*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22


As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", is written over a horizontal line.

John C. Dennison, II  
Attorneys for Defendant

Dated: February 16, 2007

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

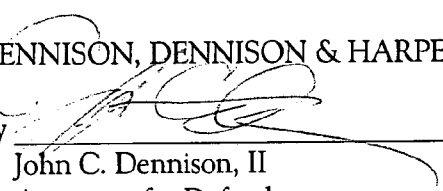
**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: January 24, 2007

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Records Custodian, St. Callistus Church, 342 Chase Street, Kane, PA 16753  
(Name of Person or Entity)

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

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

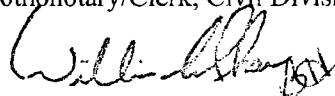
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, January 18, 2007  
Seal of the Court

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

1. Your complete file pertaining to construction work performed on church premises by Conservco during the year 2002, including but not limited to the following:
  - a. All contract documents pertaining to the work, including but not limited to contracts between the church and Conservco;
  - b. All specifications pertaining to the involved construction project;
  - c. All specifications pertaining to the involved construction project;
  - d. All drawings and blueprints pertaining to the involved construction project;
  - e. All correspondence pertaining to the involved construction project.

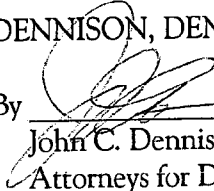
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 24<sup>th</sup> day of January, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant



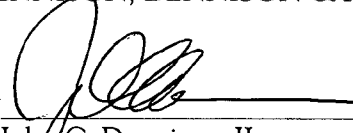
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 16<sup>th</sup> day of February, 2007, by United States Mail, First Class, postage  
prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
\_\_\_\_\_  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m/1146/20*  
**FEB 20 2007** *(SM)*

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Records Custodian  
St. Callistus Church  
342 Chase Street  
Kane, PA 16753

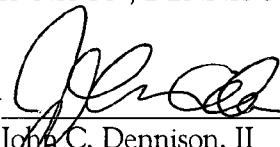
PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of the Records Custodian of St. Callistus Church, twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING**

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

\*

Vs.

\*

No. 2004-00967-CD

BJR, Inc.  
Conservco Construction  
Defendant(s)

\*

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

TO: Records Custodian, St. Callistus Church, 342 Chase Street, Kane, PA 16753  
(Name of Person or Entity)

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

to Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825  
(Address)

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

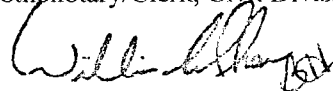
If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Thursday, January 18, 2007  
Seal of the Court

**WILLIAM A. SHAW**  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2010  
Clearfield Co., Clearfield, PA

1. Your complete file pertaining to construction work performed on church premises by Conservco during the year 2002, including but not limited to the following:
  - a. All contract documents pertaining to the work, including but not limited to contracts between the church and Conservco;
  - b. All specifications pertaining to the involved construction project;
  - c. All specifications pertaining to the involved construction project;
  - d. All drawings and blueprints pertaining to the involved construction project;
  - e. All correspondence pertaining to the involved construction project.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 16<sup>th</sup> day of February, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Records Custodian  
St. Callistus Church  
342 Chase Street  
Kane, PA 16753

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** *no cc*  
*m/10558*  
MAR 09 2007 *LS*

William A. Shaw  
Prothonotary/Clerk of Courts



DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: March 8, 2007

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Anthony Dorsch, 110 Wisconsin Avenue, Cranberry Township, PA 16066  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:  
All contracts, photographs, specifications, drawings, correspondences and  
any other documents in any way related to the project at the St. Callistus  
Church in Kane, Pennsylvania

(Address)

Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William J. Shinn  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, March 06, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

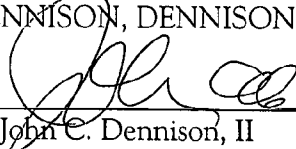
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 8<sup>th</sup> day of March, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Certificate Prerequisite to  
Service of a Subpoena Pursuant to Pa.R.C.P.  
4009.22

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED

MAR 30 2007  
M/12:15/wn  
William A. Shaw  
Prothonotary/Clerk of Courts  
no 9c (6K)

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

CERTIFICATE PREREQUISITE TO SERVICE OF  
A SUBPOENA PURSUANT TO PA.R.C.P. 4009.22

As a prerequisite to the Service of a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21, the Defendant, BJR, Inc., d/b/a Conservco  
Construction, through its counsel, Dennison, Dennison & Harper, certifies the following  
pursuant to Pa.R.C.P. 4009.22:

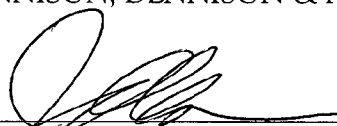
1. A Notice of Intent to Serve a Subpoena to Produce Documents and Things for  
Discovery Pursuant to Pa.R.C.P. 4009.21 with a copy of the Subpoena attached thereto was  
mailed or delivered to each party;
2. A copy of the aforementioned Notice, including the proposed Subpoena, is attached to  
this Certificate;
3. 3. No objection to the Subpoena has been received;

4. The Subpoena which will be served is identical to the Subpoena which is attached to the aforementioned Notice.

DENNISON, DENNISON & HARPER

Dated: March 29, 2007

By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", written over a horizontal line.

John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Intent  
to Serve Subpoena to Produce Documents  
and Things for Discovery Pursuant to  
Pa.R.C.P. 4009.21

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO  
P.A.R.C.P. 4009.21**

**TO : DANIEL BOWEN**

BJR, Inc., a Pennsylvania corporation, d/b/a Conservco Construction, by and through its attorneys, Dennison, Dennison & Harper, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: March 8, 2007

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Anthony Dorsch, 110 Wisconsin Avenue, Cranberry Township, PA 16066  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:  
All contracts, photographs, specifications, drawings, correspondences and any other documents in any way related to the project at the St. Callistus Church in Kane, Pennsylvania

(Address)

Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825

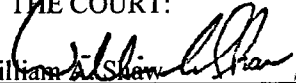
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

  
William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, March 06, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

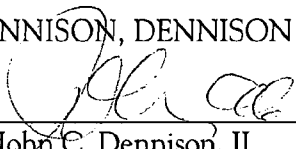
### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 was served on the 8<sup>th</sup> day of March, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

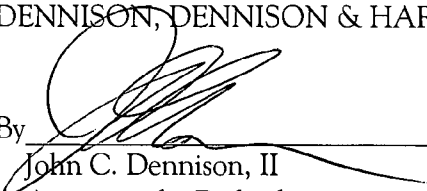
# CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Certificate Pursuant to Pa.R.C.P.  
4009.22 was served on the 29<sup>th</sup> day of March, 2007, by United States Mail, First Class, postage  
prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II

Attorneys for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

CIVIL ACTION - LAW

Number 2004 - 967- CD

Type of Case: Civil Division

Type of Pleading: Notice of Deposition for the  
Purpose of Copying Records Only

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED**

**MAR 30 2007**

*m/12:15/*

William A. Shaw

Prothonotary/Clerk of Courts

*no C/L*

*CR*

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., d/b/a CONSERVCO  
CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania

\*

\*

\* Civil Action - Law

\*

\*

\* Number 967 - 2004 CD

NOTICE OF DEPOSITION FOR THE PURPOSE  
OF COPYING RECORDS ONLY

TO: Anthony Dorsch  
110 Wisconsin Avenue  
Cranberry Township, PA 16066

PLEASE TAKE NOTE that the Defendant, BJR, Inc., d/b/a Conservco Construction, will take the deposition of Anthony Dorsch twenty (20) days from the service of this Notice and attached Subpoena upon the same, at the law offices of Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825.

There will be no interrogation of the witness at this deposition since the deposition is for the purpose of copying records only. No attorneys are expected to be present. Deponent is directed to bring to this deposition copies of any and all documents as set forth on the attached Subpoena.

**DEPONENT IS ADVISED THAT IT IS SUFFICIENT TO PROVIDE THE  
MATERIAL REQUESTED BY MAIL OR HAND DELIVERY IN LIEU OF APPEARING**

IN PERSON FOR THIS DEPOSITION, PROVIDED THAT THE DEPONENT  
CERTIFIES THAT THE RECORDS WHICH HE SENDS ARE TRUE, ACCURATE  
AND COMPLETE COPIES OF ALL OF THE RECORDS REQUESTED BY THE  
ATTACHED SUBPOENA AND BY SIGNING THE CERTIFICATE OF COMPLIANCE  
ATTACHED HERETO AND RETURNING THE SAME WITH THE RECORDS.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Daniel Bowen  
Plaintiff(s)

Vs.

BJR, Inc.  
Conservco Construction  
Defendant(s)

No. 2004-00967-CD

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

TO: Anthony Dorsch, 110 Wisconsin Avenue, Cranberry Township, PA 16066  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:  
All contracts, photographs, specifications, drawings, correspondences and any other documents in any way related to the project at the St. Callistus Church in Kane, Pennsylvania

(Address)

Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825

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

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

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

NAME: John C. Dennison, II  
ADDRESS: 293 Main Street  
Brookville, PA 15825  
TELEPHONE: (814) 849-8316  
SUPREME COURT ID # 29408  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

DATE: Tuesday, March 06, 2007  
Seal of the Court

\_\_\_\_\_  
Deputy

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was served on the 29<sup>th</sup> day of March, 2007, by United States Mail, First Class, postage prepaid, addressed to the following:

Edward J. Balzarini, Jr., Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

and by Certified Mail, Return Receipt Requested, on the following:

Anthony Dorsch  
110 Wisconsin Avenue  
Cranberry Township, PA 16066

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

NOTICE OF DEPOSITION OF  
JOSEPH F. KANE

Filed on Behalf of  
Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.

Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

FILED

NOV 28 2005

William A. Shaw  
Prothonotary/Clerk of Courts

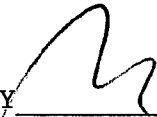
NOTICE OF DEPOSITION

TO: John C. Dennison, II, Esq.

PLEASE TAKE NOTICE THAT the deposition upon oral examination will be taken of JOSEPH F. KANE at Dennison, Dennison & Harper, 293 Main Street, Brookville, Pennsylvania 15825-1291, on THURSDAY, DECEMBER 13, 2007 at 10:30 a.m., at which time and place you are invited to attend and participate.

The scope of said deposition will include inquiry into all facts concerning the within action and all other matters relevant to the issues raised in this case for the purposes of discovery and/or use at trial.

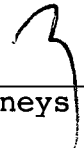
BALZARINI & WATSON

BY   
Attorneys for Plaintiff

NOTICE OF SERVICE

A true and correct copy of the within Notice was mailed, postage-prepaid, to the attorney for the defendant on November 26, 2007.

BALZARINI & WATSON

BY   
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

CIVIL DIVISION

Plaintiff,

No.: 04-967-CD

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

**AMENDED NOTICE OF DEPOSITION  
OF JOSEPH F. KANE**

Defendant.

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Michael Balzarini, Esquire  
Pa. I.D. #52689

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326(fax)

**FILED** *NO CC*  
*m/12:44/OK*  
**JAN 04 2008** *(GR)*

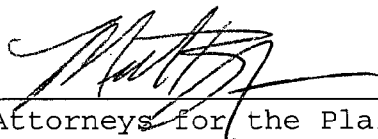
William A. Shaw  
Prothonotary/Clerk of Courts

**AMENDED NOTICE OF DEPOSITION OF  
JOSEPH F. KANE**

To: John C. Dennison, II, Esquire

PLEASE TAKE NOTICE that pursuant to Pennsylvania Rule of Civil Procedure 4007.1, the deposition of JOSEPH F. KANE will be taken on Monday, January 21, 2008, at 10:30 a.m., in your office located at DENNISON, DENNISON & HARPER, 293 Main Street, Brookville, Pennsylvania 15825, at which time and place you are invited to attend and participate.

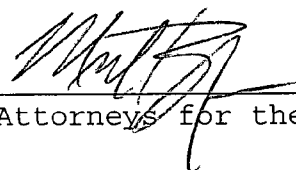
BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

**NOTICE OF SERVICE**

A true and correct copy of the within Notice was sent via First Class regular mail to the attorney(s) for the defendant(s) on January 2, 2008.

BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No.: 04-967-CD

**NOTICE OF DEPOSITION  
OF PATRICK KANE**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326(fax)

**FILED**

MT 12:37 PM  
FEB 08 2008

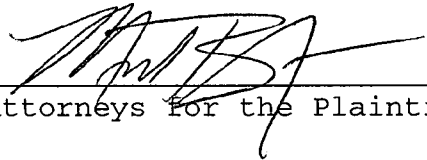
William A. Shaw  
Prothonotary/Clerk of Courts

**AMENDED NOTICE OF DEPOSITION OF  
PATRICK KANE**

To: Patrick Kane  
c/o: John C. Dennison, II, Esquire

PLEASE TAKE NOTICE that pursuant to Pennsylvania Rule of Civil Procedure 4007.1, the deposition of PATRICK KANE will be taken on Monday, February 18, 2008, at 1:00 p.m., in your office located at DENNISON, DENNISON & HARPER, 293 Main Street, Brookville, Pennsylvania 15825, at which time and place you are invited to attend and participate.

BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

**NOTICE OF SERVICE**

A true and correct copy of the within Notice was sent via First Class regular mail to the attorney(s) for the defendant(s) on February 6, 2008.

BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

FILED

FEB 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No.: 04-967-CD

**NOTICE OF SERVICE OF  
PLAINTIFF'S SECOND SET OF  
INTERROGATORIES AND SECOND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO THE  
DEFENDANT**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326 (fax)

**FILED** *NOCC*  
*m/12/3/07*  
**FEB 08 2008** *(initials)*

William A. Shaw  
Prothonotary/Clerk of Courts



NOTICE OF SERVICE OF PLAINTIFF'S SECOND SET OF  
INTERROGATORIES AND SECOND REQUEST FOR PRODUCTION AND  
INSPECTION OF DOCUMENTS DIRECTED TO THE DEFENDANT

To: Prothonotary, County of Allegheny

This is to advise that plaintiff's Second Set of Interrogatories and Second Request for Production and Inspection of Documents were served this day via First Class Mail to the following:


John C. Dennison, II, Esquire  
DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825

BALZARINI & WATSON

Date:

2/6/02

By:

  
Attorneys for Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Motion for Summary  
Judgment

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

**FILED** Noce  
m/ 11:00am  
MAY 01 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\*

\* Number 04 - 967 - C. D.

### MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGES OF THIS COURT:

AND NOW, comes the Defendant, BJR, Inc. d/b/a Conservco Construction, by its attorneys, Dennison, Dennison & Harper, who file the following Motion for Summary Judgment pursuant to Pa.R.C.P. 1035:

1. On June 28, 2002, the Plaintiff, Daniel Bowen, was employed by Highland Energy Corporation and was working on a new Addition, hereinafter referred to as the "Addition" to the St. Callistus Church, located in McKean County, Pennsylvania, having a post office address of 342 Chase Street, Kane, Pennsylvania.

2. Highlander Energy Corporation was a prime contractor on the Project and had the responsibility of installing the HVAC for the Project.

3. The Defendant, BJR, Inc. d/b/a Conserco Construction was also a prime contractor on the Project and had the responsibility of building the shell of the Addition, which included the walls, ceiling, and roof of the Addition, as well as installing the doors,

windows, and certain other work.

4. On June 28, 2002, at approximately 7:10 a.m., the Plaintiff, Daniel Bowen, alleges that he slipped and fell on a walkway/ramp which consisted of a 4' by 8' sheet of plywood on which he was walking as he attempted to enter a rear entrance to the Addition.

5. The Plaintiff alleges that the Defendant was in possession and maintained control of the Addition at the time of the alleged slip and fall, and is liable on account of its recklessness, negligence and carelessness in constructing a defective, unsafe and inadequate walkway/ramp which caused the Plaintiff's injuries.

6. The deposition of the Plaintiff was taken on February 4, 2008 and this deposition has been filed of record.

7. At his deposition, the Plaintiff testified that he does not know what caused him to slip and fall.

8. The mere happening of an accident does not establish negligence nor raise an inference of negligence nor raise a presumption of negligence nor make out a prima facie case of negligence.

9. In order to make out a prima facie case involving a slip and fall accident, the Plaintiff must be able to testify what negligent condition caused him to fall as a jury's verdict cannot be based upon speculation, conjecture or guess.

10. The Defendant, BJR, Inc. trading as Conservco Construction, is entitled to judgment as a matter of law inasmuch as the Plaintiff does not know, and therefore cannot

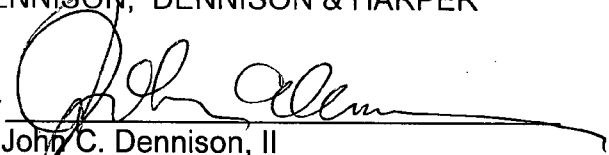
prove, what caused him to fall.

11. The pleadings are closed , and time exists within which to dispose of this Motion so as not to delay trial.

WHEREFORE, the Defendant, BJR, Inc. trading as Conservco Construction demands summary judgment in its favor and against the Defendant, Daniel Bowen.

DENNISON, DENNISON & HARPER


By

A handwritten signature in black ink, appearing to read "John C. Dennison, II", written over a horizontal line.

John C. Dennison, II  
Attorneys for the Defendant

CERTIFICATION PURSUANT TO LOCAL RULE 208.3(a). 1. (F)

I, John C. Dennison, II, hereby certify that I have read the foregoing Motion for Summary Judgment and that to the best of my knowledge information and belief, there are good grounds to support such Motion and it is not interposed merely for delay.



John C. Dennison, II  
Attorney for Defendant

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\*

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\* Number 04 - 967 - C. D.

### ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2008, after consideration of Defendant's Motion for Summary Judgment, Briefs of Plaintiff and Defendant, and Oral Argument, judgment is hereby entered in favor of the Defendant, BJR, Inc. trading as Conservco Construction and against Daniel Bowen, Defendant.

BY THE COURT

---

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Summary Judgment was served on the 30<sup>th</sup> day of April, 2008, by United States Mail, First Class, postage prepared, addressed to the following:

Michael J. Balzarini, Esq.  
Balzarini & Watson  
3303 Grant Building  
310 Grant Street  
Pittsburgh, PA 15219

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Praeipce to Establish  
Briefing Schedule and Oral Argument

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED No CC.  
m/jl:004m  
MAY 01 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\* Number 04 - 967 - C. D.

**PRAECIPE TO ESTABLISH BRIEFING SCHEDULE AND ORAL ARGUMENT**

TO THE PROTHONOTARY:

In accordance with Local Rule 211, you are hereby requested to direct the Court Administrator to establish a briefing schedule with respect to Defendant's Motion for Summary Judgment with the understanding that Defendant has already filed its Brief with the Court Administrator and to direct the Court Administrator to schedule oral argument on Defendant's Motion for Summary Judgment.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for the Defendant

UP

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

DANIEL BOWEN,  
Plaintiff

vs

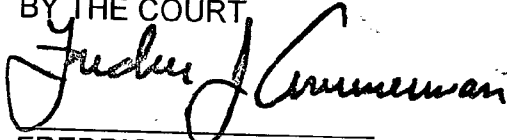
BJR, a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant

NO. 04-967-CD

ORDER

NOW, this 6<sup>th</sup> day of May, 2008, upon consideration of the Defendant's Motion for Summary Judgment filed by John C. Denison, II, Esquire; it is the ORDER of this Court that argument on said Motion be and is hereby scheduled for the 4<sup>th</sup> day of June, 2008 at 10:45A.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



FREDRIC J. AMMERMAN  
President Judge

FILED

01/12/08  
MAY 06 2008

cc Atty's:  
E. Balzarini  
J. Denison

William A. Shaw  
Prothonotary/Clerk of Courts

(GK)

FILED

MAY 06 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/6/08

X You are responsible for serving all appropriate parties.

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

     Plaintiff(s) X Plaintiff(s) Attorney      Other

     Defendant(s) Y Defendant(s) Attorney

     Special Instructions:

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*  
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\* Number 04 - 967 - C. D.

ORDER

AND NOW, this 14<sup>th</sup> day of May, 2008, after consideration of the foregoing Motion for Continuance, it is the Order of this Court that the oral argument on Defendant's Motion for Summary Judgment is hereby is rescheduled for July 17, 2008, at 9:30 A.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

*Frederick J. Cunningham*

By \_\_\_\_\_

P.J.

FILED

04:00 PM  
MAY 15 2008

3cc

*Amy Derrison*

*GP*

FILED

MAY 15 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/15/08

☒ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s)    \_\_\_\_ Plaintiff(s) Attorney    \_\_\_\_ Other

\_\_\_\_ Defendant(s)    \_\_\_\_ Defendant(s) Attorney

\_\_\_\_ Special Instructions:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Motion for Continuance

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED <sup>NO CC</sup>  
MAY 14 2008 <sup>GP</sup>

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\* Number 04 - 967 - C. D.

### MOTION FOR CONTINUANCE

TO THE HONORABLE FREDERIC J. AMMERMAN, PRESIDENT JUDGE:

AND NOW, comes the Defendant, BJR, Inc. d/b/a Conservco Construction, by its attorneys, Dennison, Dennison & Harper, who file the following Motion for Continuance of Oral Argument:

1. Oral Argument has been scheduled on Defendant's Motion for Summary Judgment on June 4, 2008, at 10:45 a.m. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

2. John C. Dennison, II, attorney for Defendant is the President of the Jefferson County Bar Association and is in charge of a Bar Meeting which is scheduled for June 4, 2008, at 12:00 p.m. in Brookville, Pennsylvania, at which a picture of the Bar Association along with the three living Judges of the Court of Common Pleas of Jefferson County will be taken. The last picture of the Bar Association and Judges was taken in 1996.

3. John C. Dennison, II, attorney for Defendant, and Michael Balzarini, attorney for



Plaintiff, are available anytime for the oral argument in July of 2008, to wit: July 1,2,3,11,15,16,17,18,21, 22, and 23.

4. Michael Balzarini, attorney for Plaintiff, does not oppose the granting of this Continuance.

WHEREFORE, the Defendant moves Your Honorable Court to continue the Oral Argument scheduled for June 4, 2008, at 10:45 a.m. to a later date.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for the Defendant

### CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Motion for Continuance was served on the 13<sup>th</sup> day of May, 2008, by United States Mail, First Class, postage prepaid, addressed to the following:

Michael Balzarini, Esq.  
Balzarini & Watson  
3303 Grant Building  
Pittsburgh, PA 15219

DENNISON DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

CIVIL DIVISION

Plaintiff,

No.: 04-967-CD

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT PURSUANT TO  
Pa. R.C.P. 1035.3**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326 (fax)

**FILED** No  
10/10/49/61 CC  
JUN 02 2008 (60)

William A. Shaw  
Prothonotary/Clerk of Courts

**PLAINTIFF'S RESPONSE TO MOTION FOR SUMMARY JUDGMENT PURSUANT TO**  
**PA.R.C.P. 1035.3**

AND NOW, comes the Plaintiff, Daniel Bowen, by his undersigned attorneys, BALZARINI & WATSON, and, pursuant to Pa.R.C.P. 1035.3, submits the following Response to the Motion for Summary Judgment filed by Defendant, BJR, Inc., t/d/b/a Conservco:

1. Admitted.

2. Admitted.

3. Denied as stated. To the contrary, Defendant BJR, Inc., t/d/b/a Conservco, was selected and designated as the "general contractor" for the St. Callistus project. Plaintiff incorporates by reference Paragraph 5 of Plaintiff's Complaint, and Paragraph 5 of Defendant's Answer and New Matter in which Defendant admitted its status as general contractor for the involved project. Copies are attached to this Response as Exhibit "1".

4. Admitted.

5. Admitted.

6. Admitted.

7. Denied. To the contrary, Plaintiff testified he was caused to slip and fall as a result of the slippery, dangerous condition of the walkway constructed by Defendant. Plaintiff further testified that the walkway was sloped downward at a steep angle and was not equipped with handrails or an anti-skid surface to prevent his fall. Plaintiff also testified that the manner in which his foot slipped leads him to conclude that the wood was wet and had moisture in it at the time he slipped and fell. Plaintiff incorporates by reference those portions of his Deposition testimony cited in the Plaintiff's Brief in Opposition to Motion for Summary Judgment, which is being filed contemporaneous with this Response, in response to the assertion that he cannot state what caused him to fall.

8. The averments in Paragraph 8 of Defendant's Motion constitute legal argument. Plaintiff incorporates his Brief in Opposition to Motion for Summary Judgment in response to these averments.

9. The averments in Paragraph 9 of Defendant's Motion constitute legal argument. Plaintiff incorporates his Brief in Opposition to Motion for Summary Judgment in response to these averments.

10. The averments in Paragraph 10 of Defendant's Motion are denied. Plaintiff testified, and the facts of record establish, that the dangerous, unsafe condition of the walkway constructed by Defendant caused the Plaintiff to fall. Defendant has not established any proper basis for Judgment in its favor, and its Motion should be denied.

By way of further answer and in accordance with Pa.R.C.P. 1035.3, Plaintiff attaches to this Response the following documentary evidence in opposition to the Motion:

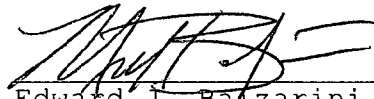
- a. Deposition of Joseph Kane, attached as Exhibit "2";
- b. Expert Report of Richard Hughes, P.E., as Exhibit "3".

The above-referenced evidentiary materials, together with the testimony of the Plaintiff, demonstrate that the issues of Defendant's negligence and causation of the incident are properly for the jury under the applicable authorities. Plaintiff also incorporates by reference the legal arguments set forth in his Brief in Opposition to Motion for Summary Judgment, in response to Defendant's request for Summary Judgment.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter the attached Order, denying the Motion for Summary Judgment of the Defendant.

Respectfully submitted,  
BALZARINI & WATSON

By:

  
\_\_\_\_\_  
Edward J. Balzarini, Jr. Esq.  
Michael Balzarini, Esq.  
3303 Grant Building  
310 Grant Street  
Pittsburgh, PA 15219  
(412) 471-1200

*Attorneys for Plaintiff*

# **EXHIBIT 1**

Plaintiff's Complaint, ¶5;  
Defendant's Answer & New Matter, ¶5



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No. 04-967-CD

COMPLAINT

Filed on Behalf of Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esq.  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
3303 Grant Building  
Pittsburgh, PA 15219

(412) 471-1200

COMPLAINT

AND NOW, comes the plaintiff, Daniel Bowen, by his attorneys, Edward J. Balzarini, Jr. and Balzarini & Watson, and complains against the defendant, BJR, Inc., a Pennsylvania corporation d/b/a Conservco Construction, as follows:

1. The plaintiff, Daniel Bowen, is an individual who currently resides, and at all times relevant hereto did reside, at 481 Gunsmoke Road, Kane, McKean County, Pennsylvania 16735.

2. The defendant, BJR, Inc., is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a registered office for the transaction of business located at 805 S. Second Street, Clearfield, Clearfield County, Pennsylvania 16830.

3. At all times relevant hereto, the defendant, BJR, Inc., was trading and doing business as Conservco Construction.

4. The incident which is hereinafter complained of occurred on or about June 28, 2002 on the site of a construction project which was being performed at St. Callistus Church located at 342 Chase Street, Kane, Pennsylvania 16735.

5. At the time of the event complained of, the defendant, BJR, Inc. d/b/a Conservco Construction, was acting as the general contractor on the above-described construction

project in accordance with a contract between the defendant, BJR, Inc. d/b/a Conservco Construction and St. Callistus Church.

6. At all times relevant hereto, in accordance with its role and responsibilities as general contractor of the above-described construction project, the defendant, BJR, Inc. d/b/a Conservco Construction, was in possession of and maintained control of the area in which the above-described construction project was taking place, including the basement area of the construction site.

7. At all times relevant hereto, the plaintiff, Daniel Bowen, was lawfully on the premises of the above-described construction project at St. Callistus Church in the course and scope of his employment duties for his employer, Highlander Energy Products, Inc., which had been retained by St. Callistus Church to install a new hot water heating system at the above-described construction project.

8. On the date and at the place identified above, the plaintiff, Daniel Bowen, was caused and permitted to sustain serious personal injuries when as a direct and proximate result of the recklessness, negligence and carelessness of the defendant, BJR, Inc. d/b/a Conservco Construction, the plaintiff, Daniel Bowen, was caused and permitted to fall while attempting to utilize a defective, unsafe and inadequate walkway which had been constructed by BJR, Inc. d/b/a Conservco Construction as a means of entry and exit

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* Number 04 - 967 - C. D.

### ANSWER AND NEW MATTER

AND NOW, comes the Defendant, BJR, INC., a Pennsylvania corporation, d/b/a CONSERVCO CONSTRUCTION, by its attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter to Plaintiff's Complaint:

1. The averments of Paragraph 1 of Plaintiff's Complaint are admitted.
2. The averments of Paragraph 2 of Plaintiff's Complaint are admitted.
3. The averments of Paragraph 3 of Plaintiff's Complaint are admitted.
4. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4 of Plaintiff's Complaint and said averments are therefore denied.
5. With respect to the averments of Paragraph 5 of Plaintiff's Complaint, the Defendant admits that it was a general contractor of a construction project with St. Callistus Church at 342 Chase Street, Kane, Pennsylvania, in 2002 according to the terms of a contract. All other inferences are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

**EXHIBIT 2**

Deposition of Joseph Kane.

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

\* \* \* \* \*

DANIEL BOWEN,	*	
Plaintiff	*	Case No.
vs.	*	04-967-CD
BJR, INC., a	*	
Pennsylvania	*	
corporation d/b/a	*	
CONSERVCO	*	
CONSTRUCTION,	*	
Defendant	*	

\* \* \* \* \*

DEPOSITION OF  
JOSEPH KANE  
FEBRUARY 4, 2008

**ORIGINAL**

Any reproduction of this transcript  
is prohibited without authorization  
by the certifying agency.

## DEPOSITION

OF

JOSEPH KANE, taken on behalf of the  
Plaintiff herein, pursuant to the Rules  
of Civil Procedure, taken before me,  
the undersigned, Rhonda K. Thorpe, a  
Court Reporter and Notary Public in and  
for the Commonwealth of Pennsylvania,  
at the offices of Dennison, Dennison &  
Harper, 293 Main Street, Brookville,  
Pennsylvania, on Monday, February 4,  
2008, beginning at 12:55 p.m.



## A P P E A R A N C E S

MICHAEL BALZARINI, ESQUIRE

Balzarini & Watson

3303 Grant Building

Pittsburgh, PA 15219

COUNSEL FOR PLAINTIFF

JOHN C. DENNISON, ESQUIRE

Dennison, Dennison & Harper

293 Main Street

Brookville, PA 15825-1291

COUNSEL FOR DEFENDANT

## I N D E X

WITNESS: JOSEPH KANE

EXAMINATION

by Attorney Balzarini

7 - 83

CERTIFICATE

85

EXHIBIT PAGE

		<u>PAGE</u>
<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
Kane-1	Change Order	45
Kane-2	Fax from Highlander	49
Kane-3	Aerial View Photo	55
Kane-4	Daily Time Report	65

OBJECTION PAGEATTORNEYPAGE

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## P R O C E E D I N G S

-----  
JOSEPH KANE, HAVING FIRST BEEN DULY  
SWORN, TESTIFIED AS FOLLOWS:  
-----

EXAMINATION

BY ATTORNEY BALZARINI:

Q. Will you state your name for the  
record, please?

A. Joseph F. Kane, K-A-N-E.

Q. Mr. Kane, my name is Mike  
Balzarini, and I'm representing Mr.  
Daniel Bowen in a civil suit that's  
been brought against BJR, Incorporated,  
doing business as Conservco. This  
lawsuit involves a fall accident that's  
alleged to have occurred in June of  
2000 and --- I'm sorry. It's June 28th  
of 2002, at a building project at the  
St. Callistus Parish Church up in Kane.

I'm going to ask you some  
questions today about facts you may  
know surrounding that project and maybe  
some of the people that worked on that  
project and just your general knowledge

1 about that subject matter.

2 If you don't hear or understand  
3 something I ask you today, please tell  
4 me and I'll repeat it or rephrase it  
5 and try to make it understandable to  
6 you, okay?

7 A. I understand.

8 Q. Of course, if you need a break  
9 at any time or you need to talk to your  
10 attorney, Mr. Dennison, please tell us,  
11 and we'll accommodate you, all right?

12 A. I understand.

13 Q. Have you ever had your  
14 deposition taken before?

15 A. Yes.

16 Q. So you're familiar then with the  
17 procedure and that I'll need you to  
18 answer all questions verbally?

19 A. I understand.

20 Q. When have you had your  
21 deposition taken?

22 A. In the past. I mean, you want  
23 time and date? I don't know.

24 Q. Yes, when in the past?

25 A. I can't tell you that. I've had

1 depositions before.

2 Q. How many times?

3 A. Three, four.

4 Q. Were they in connection with one  
5 litigation or different litigations,  
6 the three or four times?

7 A. I don't remember.

8 Q. Could it have been more than  
9 one?

10 A. I don't remember means I don't  
11 remember.

12 Q. Okay. Well, I'm trying to help  
13 you remember.

14 A. Yes.

15 Q. Where do you live?

16 A. Clearfield, Pennsylvania.

17 Q. Just to go back to that for a  
18 second, can you tell me, were you  
19 deposed in the 1990s or was it in 2000  
20 or the 1980s?

21 A. I don't remember.

22 Q. You have no idea?

23 A. No, sir.

24 Q. Okay. Now, where do you live?

25 A. Clearfield, Pennsylvania.

1 Q. How about your address?

2 A. It's not germane to this case.

3 Q. Yes, it is. Please state  
4 your ---.

5 A. No, it isn't.

6 Q. Is this the way this is going to  
7 be ---

8 A. Yep.

9 Q. --- because I'll go get a court  
10 order and have Mr. Kane come back ---.

11 ATTORNEY DENNISON:

12 Just tell him your  
13 address.

14 A. Post Office Box 1422,  
15 Clearfield, Pennsylvania.

16 BY ATTORNEY BALZARINI:

17 Q. Do you have a street address  
18 there for 911?

19 A. Yes, I do.

20 Q. What's the street address?

21 A. Is that necessary to give my  
22 street address? All my mail comes to  
23 Post Office Box 1422.

24 ATTORNEY DENNISON:

25 Just give it to him.



1 A. (Nine) 9 Gulich Avenue.

2 Q. Could you spell Gulich?

3 A. G-U-L-I-C-H, A-V-E-N-U-E.

4 Q. Thank you. I could've done that  
5 part myself, though. Now, how long  
6 have you lived there?

7 A. Eight years.

8 Q. Who lives there with you, sir?

9 A. My family.

10 Q. You're married?

11 A. Yes.

12 Q. What is your wife's name?

13 A. John, is it necessary to talk  
14 about my wife? It has nothing to do  
15 with this.

16 ATTORNEY DENNISON:

17 It's just general  
18 background information. He can  
19 ask these questions

20 A. Wendy, W-E-N-D-Y.

21 BY ATTORNEY BALZARINI:

22 Q. How long have you and Wendy been  
23 married?

24 A. Four years.

25 Q. Is this your only marriage?

1 A. I don't think I have to answer  
2 that.

3 Q. Are we going to do this all ---?

4 A. No, sir. What's that have to do  
5 with this case?

6 Q. You know what? I'm here to ask  
7 questions, sir. I came here to ask  
8 questions. I'm here to ask questions.  
9 I'm not going to argue with you. If  
10 you're going to start, you know, saying  
11 I'm not going to answer a question, I'm  
12 going to just go try to get a court  
13 order and have somebody appointed, a  
14 master or something. I'm going to ask  
15 it to be at your expense. That's how  
16 we're going to deal with it.

17 It's traditional in a civil  
18 litigation to ask a principal of a  
19 Defendant corporation, background  
20 information for all kinds of reasons.  
21 You may be married to a lawyer. You  
22 may be married to someone that knows  
23 the judge. You may be married to  
24 someone that knows someone on the jury.  
25 I'm entitled to ask those things.

1                   ATTORNEY DENNISON:

2                   Yes, and I will object on  
3                   your behalf if I feel that it's  
4                   a question that's objectionable,  
5                   but he does have wide latitude  
6                   to ask ---.

7       A.           Repeat the question, please.

8       BY ATTORNEY BALZARINI:

9       Q.           My question, as I recall, was  
10           you've been married previously, I  
11           understand from your response, and to  
12           whom? When and to whom?

13      A.           To a Grace J. Kane.

14      Q.           When were you and Grace married?

15      A.           1967.

16      Q.           When did that marriage end?

17      A.           Approximately 2001.

18      Q.           Did it end in divorce?

19      A.           Yes.

20      Q.           Was the divorce granted in  
21           Clearfield County?

22      A.           Yes.

23      Q.           Do you have any children?

24      A.           Yes.

25      Q.           How many children do you have?

- 1 A. Three natural, two step.
- 2 Q. There's three natural children.
- 3 Now, do they reside in the Clearfield
- 4 area?
- 5 A. Yes and no.
- 6 Q. What are your three children's
- 7 names, and then if you could tell me
- 8 where they live?
- 9 A. Adam lives in New Jersey.
- 10 Patrick lives in Clearfield. Erin
- 11 lives in Carrolltown.
- 12 Q. Erin?
- 13 A. Erin.
- 14 Q. And I'm sorry, sir, where is
- 15 Carrolltown, approximately?
- 16 A. Pennsylvania.
- 17 Q. Where in relation to here?
- 18 A. Fifty (50) miles south.
- 19 Q. Your son, Adam, in New Jersey,
- 20 what does he do for a living?
- 21 A. He's a market manager for
- 22 Wal-Mart.
- 23 Q. Your son Patrick, what does he
- 24 do?
- 25 A. He's a code enforcement officer

1 for --- or not a code. I'm sorry. A  
2 safety and compliance enforcement  
3 officer for Kephart Trucking.

4 Q. Was Patrick involved in the  
5 business of BJR, Inc.?

6 A. For a time, yes.

7 Q. During what time period?

8 A. I don't know that for sure. I  
9 know he was there at the end, but I  
10 don't know when he started.

11 Q. How long has he been at Kephart  
12 Trucking?

13 A. I would assume five, six years.

14 Q. Your daughter, Erin, is she  
15 married?

16 A. Yes.

17 Q. What is her married name?

18 A. I am not going to reveal that,  
19 and I'll explain later why if you'll  
20 just give me that courtesy.

21 Q. Does she work outside the home?

22 A. No.

23 Q. Do you know what her husband  
24 does?

25 A. If you want to step out, I will

1 tell you why I'm not telling you. Do  
2 you mind?

3 Q. No, go ahead.

4 OFF RECORD DISCUSSION

5 BY ATTORNEY BALZARINI:

6 Q. Now, you mentioned you have  
7 stepchildren, sir?

8 A. Yes.

9 Q. Are they living at home with  
10 you?

11 A. The youngest son is Joseph.

12 Q. How old is Joseph?

13 A. Pushing 19.

14 Q. Is he working or is he going to  
15 school, or is he doing something else?

16 A. He's working at Radio Shack.

17 Q. You have another stepchild who's  
18 not at home?

19 A. Sarah.

20 Q. Where does Sarah live?

21 A. She goes to college at Lycoming.

22 Q. What year is she in?

23 A. Final.

24 Q. Could I have a summary of your  
25 educational background, please?

1 A. I went to school at Gannon  
2 University, did not graduate. Went to  
3 Rutgers University, took supplementary  
4 courses in Camden, New Jersey.

5 Q. What years did you attend  
6 Gannon?

7 A. Mid '60s.

8 Q. You say you did not get a degree  
9 from Gannon?

10 A. That's correct.

11 Q. What years did you attend  
12 Rutgers?

13 A. '67 to '70, off and on,  
14 specialty courses.

15 Q. Did you get a degree from  
16 Rutgers?

17 A. No, it was not a degree course.

18 Q. What was your field of study at  
19 Rutgers?

20 A. Engineering.

21 Q. How about at Gannon?

22 A. The same thing.

23 Q. What year did you graduate from  
24 high school?

25 A. '63.

- 1 Q. Where did you go?  
2 A. St. Francis in Clearfield.  
3 Q. Are you a native of Clearfield?  
4 A. That's correct.  
5 Q. How close were you to obtaining  
6 an engineering degree?  
7 A. Two years.  
8 Q. Do you have any safety training  
9 separate and apart from any formal  
10 education in your college years? Have  
11 you attended safety schools, received  
12 safety certificates, any certifications  
13 of that nature?  
14 A. No.  
15 Q. Do you hold any certifications  
16 in any other fields?  
17 A. No.  
18 Q. What is your age today?  
19 A. Sixty-two (62).  
20 Q. Can you give me a summary of  
21 your employment history after 1970,  
22 after leaving Rutgers?  
23 A. Self-employed in the  
24 construction industry for most of that  
25 time.



1 Q. Why did you leave school at  
2 Rutgers?

3 A. Got married. Oh, in Rutgers?  
4 No, sir, I did not. I was living in  
5 Rutgers at the time. I left Gannon to  
6 get married.

7 Q. Why did you leave school in New  
8 Jersey?

9 A. I did not leave school. I was  
10 taking individual courses as they came  
11 available. They were not Baccalaureate  
12 courses.

13 Q. All right. What were you doing  
14 in Camden while you were taking those  
15 courses?

16 A. I had a construction company  
17 there.

18 Q. What was the name of the  
19 company?

20 A. McVaugh, M-C-V-A-U-G-H.

21 Q. McVaugh Construction Company?

22 A. That's correct.

23 Q. Was that a registered business,  
24 registered with the state?

25 A. Absolutely.

1 Q. What state was that, New Jersey?

2 A. New Jersey.

3 Q. What form was it registered,  
4 incorporation or was it ---?

5 A. I believe it was a corp, but ---  
6 I'm pretty sure it was a corp. I don't  
7 think they had LLCs back then.

8 Q. Did you have any partners in  
9 that business or were you the sole  
10 owner?

11 A. I believe there was three other  
12 partners.

13 Q. How long were you in business as  
14 McVaugh Construction Company?

15 A. I was associated with the  
16 company for about six years.

17 Q. What types of construction did  
18 McVaugh do?

19 A. The whole gamut from residential  
20 to commercial.

21 Q. After McVaugh, what did you do?

22 A. Went back to Clearfield, ran the  
23 field work for a company called  
24 Greenland Construction.

25 Q. Was Greenland Construction a

1 local company in Clearfield?

2 A. Yes.

3 Q. When you say you ran the field  
4 work, would you give me an idea of what  
5 the duties were involved with that?

6 A. They were a utility contractor.  
7 I ran the crews.

8 Q. What would be involved, sir,  
9 with running the crews, when you say  
10 ran the crews?

11 A. Scheduling the work, scheduling  
12 the equipment, scheduling the manpower.

13 Q. Who was the principal person at  
14 Greenland?

15 A. Matthew Greenland.

16 Q. Now, I'm sorry. Is it Green  
17 Land or Greenland?

18 A. One word. Green as in the  
19 color.

20 Q. Okay. And Matthew Greenland,  
21 was he the person that hired you?

22 A. That's correct.

23 Q. He was the owner of this?

24 A. That's correct.

25 Q. How long did you work for

1 Greenland Construction?

2 A. Six years, seven years --- let  
3 me think. Eight years.

4 Q. And I'm sorry, I should've  
5 asked, what year did you return to  
6 Clearfield?

7 A. '76.

8 Q. So that would take us up to  
9 what, about '84?

10 A. Correct.

11 Q. What'd you do in 1984?

12 A. Started BJR.

13 Q. BJR, Inc., is a corporation,  
14 obviously?

15 A. That's correct.

16 Q. Did you have any partners, or  
17 were there other principals in BJR,  
18 Inc.?

19 A. Off and on. Initially, I was by  
20 myself.

21 Q. What was the business of BJR,  
22 Inc.?

23 A. Commercial and residential  
24 construction.

25 Q. Is there any type of

1 contractor's license of any type ---  
2 A. No.  
3 Q. --- that you would have to hold?  
4 A. No.  
5 Q. Did you have any types of  
6 licenses or certifications in that, ---  
7 A. No.  
8 Q. --- in the construction field?  
9 Ever?  
10 A. Never.  
11 Q. How long did BJR, Inc., stay in  
12 business?  
13 A. Nineteen (19), 20 years.  
14 Q. When did it cease doing  
15 business?  
16 A. December 31st, 2003.  
17 Q. How did it cease doing business?  
18 A. Divorce.  
19 Q. By divorce, do you mean --- what  
20 does --- I'm not familiar with that  
21 phrase.  
22 A. I got divorced, sir. The  
23 company was liquidated to provide  
24 assets for the divorce.  
25 Q. So the company was liquidated

1 then?

2 A. That's correct.

3 Q. How or in what manner was it  
4 liquidated?

5 A. Assets were divided and sold.

6 Q. Was there any formal winding up  
7 procedure for the corporation?

8 A. No, sir.

9 Q. Were papers filed with  
10 Harrisburg to show ---?

11 A. I believe Mr. Naddeo (phonetic)  
12 did that, yes. I'm not sure of that.

13 Q. Mr. Naddeo is an attorney who  
14 represented you?

15 A. That's correct.

16 Q. Where's Mr. Naddeo's office?

17 A. Clearfield, Pennsylvania.

18 Q. Is he still in Clearfield?

19 A. Yes.

20 Q. Was there any type of bankruptcy  
21 procedures ---

22 A. No, sir.

23 Q. --- associated with --- I know  
24 you've been through this before, but  
25 wait until I'm done asking a question

1 so you know what question you're  
2 answering. It's also much easier for  
3 the court reporter. She can't take us  
4 both down at the same time.

5 ATTORNEY DENNISON:

6 You're answering the  
7 question before he's finished.

8 BY ATTORNEY BALZARINI:

9 Q. You're jumping in before I'm  
10 done, and you might not want to do that  
11 for two reasons. Now, there was no  
12 type of bankruptcy or any other formal  
13 liquidation or winding up of this  
14 company?

15 A. There was no bankruptcy.

16 Q. Now, how did you take care of  
17 claims of creditors?

18 A. We negotiated with the bank to  
19 take over many of the assets in  
20 exchange for the line of credit.

21 Q. You say in exchange for the line  
22 of credit. Was this monies owed, drawn  
23 on a line of credit?

24 A. Yes.

25 Q. How much was the line of credit

1 amount owed to the bank when you ceased  
2 doing business?

3 A. \$300,000 to \$400,000.

4 Q. What was the bank?

5 A. Clearfield Bank and Trust.

6 Q. Was there a particular officer  
7 involved with this negotiation at the  
8 bank?

9 A. There was, but I'm not too sure  
10 he's still there. Bill Shriner, I  
11 believe his last name was.  
12 S-H-R-I-N-E-R.

13 Q. Did you hold any officer-ships  
14 or directorships in the corporation?

15 A. I'm the president, CEO, whatever  
16 you want to call it.

17 Q. Did you continue to hold that  
18 position throughout the time that BJR,  
19 Inc. existed?

20 A. Yes.

21 Q. Was there anybody that served as  
22 a vice-president?

23 A. No.

24 Q. Was there ever a treasurer?

25 A. No.



1 Q. Was there ever a secretary?

2 A. No.

3 Q. If records of the corporation  
4 existed, did you have possession of  
5 such records?

6 A. No.

7 Q. Who had possession of such  
8 records?

9 A. I believe Mr. Naddeo had the  
10 books.

11 Q. Did Mr. Naddeo keep all the  
12 books for the corporation?

13 A. Yes.

14 Q. To your knowledge, does Mr.  
15 Naddeo still have books related to  
16 Conservco?

17 A. I do not know that.

18 Q. I'm sorry. I should've asked  
19 you relating to BJR, Inc. You don't  
20 know?

21 A. I do not know.

22 Q. Do you still have contact with  
23 that attorney on any regular basis, or  
24 no?

25 A. Yes, I do.

1 Q. Now, the name Conservco, I've  
2 used it a couple of times and I've seen  
3 it in this litigation. Does that stand  
4 for or mean any particular name?

5 A. Construction Services Company.

6 Q. Was that a registered fictitious  
7 name as you understood?

8 A. Yes.

9 Q. Again, was Mr. Naddeo the one  
10 who took care of that?

11 A. No.

12 Q. Who took care of that?

13 A. Mr. Belin (phonetic).

14 Q. Does he practice in Clearfield  
15 as well?

16 A. Yes.

17 Q. Does he practice with someone  
18 other than Mr. Naddeo?

19 A. They are not together.

20 Q. Would the Conservco name have  
21 been registered back at the beginning  
22 in '84, when you started business, or  
23 did that come later?

24 A. Early on. I don't know when.

25 Q. Today you do not have possession

1 of any records pertaining to BJR, Inc.  
2 then; is that true?

3 A. That's correct.

4 Q. Any records, such as do exist,  
5 would be in the possession of Mr.  
6 Naddeo, if they exist?

7 A. No, that is incorrect. I would  
8 have some daily type of records that I  
9 probably still have at home. I get rid  
10 of them as the law allows.

11 Q. What's your understanding of  
12 what laws allow what?

13 A. Seven years, I believe, or  
14 something like that.

15 Q. Is that a state law? Are you  
16 speaking of tax law, or are you  
17 speaking of something else?

18 A. Tax law.

19 Q. Would you have records for the  
20 year 2002?

21 A. Yes.

22 Q. What type of daily records, for  
23 the year 2002, would you believe you're  
24 still in possession of, sir?

25 A. Accounts receivable, accounts

1 payable, payroll records, check  
2 records, the daily records you would  
3 have in any business.

4 Q. Payroll records you would have,  
5 you believe for June of 2002, that  
6 would be able to tell us who was on  
7 this project?

8 A. That could be accomplished. It  
9 may not say specifically that John Doe  
10 was on the project. But if you get  
11 into the timekeeping records, et  
12 cetera, you may be able to determine  
13 who was when, where.

14 Q. Would you have those records as  
15 well, the timekeeping records?

16 A. Yes.

17 Q. Would all these be at your home?

18 A. Yes.

19 Q. Would they be stored by year?

20 A. They are stored on disk,  
21 computer disk.

22 Q. Are they stored on disk by year,  
23 or are they stored in individual files  
24 on the disk by year?

25 A. By year, I believe.

1 Q. Throughout the time that BJR,  
2 Inc., did business, did the nature of  
3 its business remain essentially the  
4 same, or did it change over the years?

5 A. It essentially stayed the same.

6 Q. That would be residential and  
7 commercial?

8 A. That is correct.

9 Q. With respect to residential and  
10 commercial, can you give me an idea  
11 maybe say in the year 2002, how  
12 frequently were you doing residential  
13 work as opposed to commercial  
14 construction work, if you're able to  
15 give percentages?

16 A. Twenty-five (25) residential.

17 Q. Is there a particular area or  
18 region where BJR, Inc., did most of its  
19 construction work?

20 A. The bulk would've been in  
21 Clearfield County.

22 Q. Any out of state?

23 A. Yes.

24 Q. What states did you work in?

25 A. West Virginia, Maryland, Ohio,

1 New York, New Jersey, Arizona, plus  
2 some others, I'm sure.

3 Q. Now, when you say the bulk would  
4 be in Clearfield County, are you able  
5 to give me an estimate in the year  
6 2002, how much of the work you're doing  
7 and you're doing in Clearfield County,  
8 would you say?

9 A. No, I do not know that.

10 Q. How much of your work in  
11 Pennsylvania, would you be able to say  
12 that?

13 A. Seventy-five (75) percent of it.

14 Q. Did you have employees?

15 A. Yes.

16 Q. How many employees, say in the  
17 year 2002, did BJR, Inc., have?

18 A. It varied, but I would assume 15  
19 to 20, depending on the time of the  
20 year.

21 Q. Would these be individuals that  
22 would be hired for specific projects,  
23 kept on during the course of the  
24 project and then perhaps let go or laid  
25 off when the project was over?

- 1 A. No.
- 2 Q. These were full-time employees?
- 3 A. Yes.
- 4 Q. When you say it varied, you  
5 know, over the course of doing business  
6 as BJR, Inc., what do you think were  
7 the most employees you had at any one  
8 time?
- 9 A. I don't know that, sir.
- 10 Q. Would it be more than 20,  
11 though?
- 12 A. Yes.
- 13 Q. Do you know if it would be more  
14 than 50?
- 15 A. If you're asking me for a  
16 specific number, I said I don't know.  
17 I don't know whether it was ---.
- 18 Q. I'm asking for an estimate.
- 19 A. Thirty (30) to 50.
- 20 Q. How about the smaller end of  
21 that range of number of employees;  
22 would it be 15 or less?
- 23 A. Fifteen (15) or less.
- 24 Q. Did BJR, Inc., own any real  
25 property?

1 A. Define real property for me,  
2 please.

3 Q. Land.

4 A. No.

5 Q. Did it own any buildings or  
6 structures?

7 A. No.

8 Q. Did BJR, Inc., own any personal  
9 property, equipment, cranes, trucks,  
10 construction equipment, things of that  
11 nature?

12 A. Yes.

13 Q. In 2002, did BJR, Inc., own such  
14 equipment?

15 A. Yes.

16 Q. Can you tell me, just a general  
17 description, what types of equipment,  
18 what number of equipment did BJR own in  
19 2002?

20 A. Backhoes, pickup trucks, cranes,  
21 dump trucks.

22 Q. How many backhoes?

23 A. One.

24 Q. How many trucks, pickups?

25 A. It varied. I would say it



- 1 topped out at maybe ten.
- 2 Q. Cranes, how many cranes?
- 3 A. Two.
- 4 Q. The type of crane? I mean, just
- 5 mobile, rubber tire cranes, or were
- 6 they ---?
- 7 A. They are referred to in the
- 8 industry as boom trucks.
- 9 Q. There were two of those?
- 10 A. Yes.
- 11 Q. How many dump trucks?
- 12 A. Two to three.
- 13 Q. Did BJR, Inc., have an office?
- 14 A. Yes.
- 15 Q. What would've been located at
- 16 the office, just a building, or did you
- 17 have a yard?
- 18 A. A building and a yard.
- 19 Q. How large was the building?
- 20 A. Twenty-two (22) foot, six inches
- 21 by 53 foot, 4 inches. I don't know how
- 22 big it was, sir. It was 20 by 30 ---.
- 23 Q. Was it several stories?
- 24 A. No, it was a single-story,
- 25 masonry building.

- 1 Q. Then there was a yard where the  
2 equipment was kept?
- 3 A. That's correct.
- 4 Q. Is this an enclosed yard?
- 5 A. No.
- 6 Q. Where was the yard located?
- 7 A. To the north side of the  
8 building.
- 9 Q. I meant --- this is in  
10 Clearfield?
- 11 A. No.
- 12 Q. Where was the yard located?
- 13 A. Hyde, Pennsylvania.
- 14 Q. What was the address?
- 15 A. One (1) Washington Avenue.
- 16 Q. Who owned that property?
- 17 A. I did.
- 18 Q. Do you still own it?
- 19 A. No, sir.
- 20 Q. When did you sell it?
- 21 A. It went with the divorce.
- 22 Q. Did you lease that property to  
23 the company?
- 24 A. Yes.
- 25 Q. Did your company do demolition

1 work?

2 A. No.

3 Q. At some point in this case, you  
4 had authored and sent a letter to an  
5 attorney, I believe, my brother, Edward  
6 Balzarini, Jr., stating that the assets  
7 of BJR, Inc., had been assigned to  
8 creditors; do you recall that?

9 ATTORNEY DENNISON:

10 Do you have the letter  
11 there?

12 ATTORNEY BALZARINI:

13 You know what? I don't  
14 even know if I brought it. I  
15 don't know if I even bothered to  
16 copy it. I might have a copy of  
17 it.

18 BY ATTORNEY BALZARINI:

19 Q. Do you recall that letter?

20 A. Yes.

21 Q. That would probably be good  
22 enough for my purposes. Who were the  
23 creditors that were ---?

24 A. Clearfield Bank and Trust.

25 Q. Any other creditors?

1 A. No.

2 Q. Do you know the date there  
3 would've been any assignment to  
4 Clearfield?

5 A. No, sir, I don't have the exact  
6 date.

7 Q. The letter I have is dated  
8 October 6th, 2004. It advises that  
9 effective 12/31/03, BJR, Inc., ceased  
10 all operations and assigned all assets  
11 to its secured creditors. So when you  
12 wrote that, you meant Clearfield Bank?

13 A. That's correct.

14 Q. At some point, did you employ a  
15 Wendy Sicabica?

16 A. Sicabica.

17 Q. Did you employ Wendy Sicabica at  
18 some point?

19 A. Yes.

20 Q. What relation was Wendy to you?  
21 Is that your wife?

22 A. That's correct.

23 Q. Is that your ex-wife or your  
24 present wife?

25 A. Present wife.

1 Q. When did Ms. Sicabica work for  
2 BJR, Inc.?

3 A. Sir, I honestly don't remember.  
4 Early on.

5 Q. In the '80s, 1980s?

6 A. '80s, early '90s.

7 Q. What was her job at BJR, Inc.?

8 A. Office manager.

9 Q. I'm sorry, did you tell me, is  
10 your wife working now outside the home?  
11 She's not; correct?

12 A. She is.

13 Q. Where does she work?

14 ATTORNEY DENNISON:

15 He can ask. It's all  
16 right.

17 A. Do I have to tell this gentleman  
18 where my wife works? We have yet to  
19 come to Mr. Bowen.

20 ATTORNEY DENNISON:

21 I know.

22 BY ATTORNEY BALZARINI:

23 Q. Yes.

24 A. She works at Lowe's Store.

25 Q. What is the nature of her job

1     there?

2     A.         She's a sales manager.

3     Q.         Now, are you familiar with the  
4     St. Callistus project in Kane?

5     A.         Yes.

6     Q.         Can you tell me, how did you  
7     come to be involved in the St.  
8     Callistus project?

9     A.         I was contacted by a Tony  
10    Dorsch, an architect, who asked me if I  
11    was interested in participating in an  
12    addition to this church.

13   Q.         Do you know when that contact  
14   was?

15   A.         No.    A year or so before.

16   Q.         You knew Mr. Dorsch already;  
17   correct?

18   A.         A professional relationship,  
19   that's correct.

20   Q.         How did you become introduced to  
21   Mr. Dorsch?

22   A.         I believe he did some drawings  
23   for me.

24   Q.         Did I understand from reviewing  
25   the file that Mr. Dorsch and you had

1     been involved in a project down in the  
2     Ford City area?

3     A.       I believe so, but I don't  
4     remember the exact location or even  
5     what the project was.

6     Q.       Maybe something called  
7     Nutrition, Inc. Does that ring a bell  
8     with you?

9     A.       Nutrition, Inc., is in Ford  
10    City, that's correct.

11   Q.       In that project, was Mr. Dorsch  
12   the architect?

13   A.       Yes.

14   Q.       On that project, did he, similar  
15   to the St. Callistus, ask you if you  
16   wanted to be involved?

17   A.       Yes.

18   Q.       That preceded this involvement  
19   in St. Callistus; is that correct?

20   A.       I believe they were  
21   simultaneous.

22   Q.       Did the St. Callistus project,  
23   did it involve you preparing and  
24   submitting a bid for the construction  
25   work?

1 A. Not in that sense of the word,  
2 no.

3 Q. How was BJR, Inc. then --- how  
4 did you become to be involved on that  
5 job if you didn't bid it?

6 A. It was that Mr. Dorsch  
7 negotiated it with them.

8 Q. When first approached by Mr.  
9 Dorsch about this project, what did you  
10 understand, first of all, the nature of  
11 the construction was to be?

12 A. Social hall for a church.

13 Q. Do I understand correctly that  
14 that was going to be integrated or  
15 attached somehow to the existing  
16 church?

17 A. Eventually, that's what the  
18 design ended up to be.

19 Q. When you were first contacted,  
20 was that not the case?

21 A. Yes.

22 Q. When you were first contacted,  
23 what was it; a free-standing building?

24 A. When I was first contacted,  
25 there was some conversation about



1 renovating a school that was on the  
2 property. There was conversation about  
3 attaching a building to the rear of the  
4 church. There was some conversation  
5 attaching it to the left side or the  
6 right side. It was kind of a, we need  
7 it, what can you do?

8 Q. Was it your understanding that  
9 it was Mr. Dorsch who, I guess along  
10 with the parish, developed the design  
11 that, ultimately, you were to build?

12 A. That's correct.

13 Q. Did you have any input into the  
14 design that you were going to build?

15 A. No.

16 Q. Now, what was BJR, Inc.'s role  
17 in the Callistus project?

18 A. We provided budget numbers to  
19 Mr. Dorsch. Once the construction went  
20 underway, we built the shell.

21 Q. That was it? Did you serve as  
22 the general contractor for the project?

23 A. No.

24 Q. Did anyone serve as general  
25 contractor for this project?

1 A. No.

2 Q. When you said you built the  
3 shell, was it always contemplated from  
4 the beginning of this project that you  
5 would build the shell, but you would  
6 not serve as a general or a prime  
7 contractor?

8 A. I served as a prime contractor.  
9 There is a distinct difference.

10 Q. I guess I'm probably misusing  
11 that term. Would you define for me  
12 prime contractor, as you understand it?

13 A. There are a number of elements  
14 in construction, i.e., plumbing,  
15 heating, electrical, building. They  
16 would all be considered prime. A prime  
17 contract is when the owner issues  
18 separate contracts to each one of the  
19 trades.

20 Q. Is that what happened with  
21 respect to the St. Callistus project?

22 A. Yes.

23 Q. There were several contracts  
24 issued by the owner to different  
25 trades?

1 A. Yes.

2 Q. One of which was the contract  
3 issued to you to provide budget numbers  
4 and construct the shell?

5 A. Yes.

6 Q. I guess my question is  
7 throughout your initial conversation  
8 and initial contact, was it always  
9 anticipated that that was going to be  
10 your role?

11 A. That was my understanding.

12 Q. The reason I ask is that it  
13 appeared as if at some point, there was  
14 a contract entered, and that that  
15 contract was later changed with respect  
16 to this construction; is that correct,  
17 or is that inaccurate?

18 A. I would have to review the  
19 contract.

20 (Kane Exhibit Number One  
21 marked for  
22 identification.)

23 BY ATTORNEY BALZARINI:

24 Q. All right. I'm just going to  
25 actually show you this change order

1 here. We have this marked as K Number  
2 One. I'll show this to you here. But  
3 I'm sorry, I only have two copies with  
4 me. I'm going to hand you what I've  
5 marked as your Deposition Exhibit  
6 Number One, Mr. Kane, and ask if you  
7 can take a look at that for a moment  
8 and see if you recognize it.

9 A. It's a change order.

10 Q. Now, this change order that's  
11 your Exhibit One, that pertains to the  
12 St. Callistus project; correct?

13 A. Yes.

14 Q. Down below there, it says  
15 contractor Conservco, and there's a  
16 signature; is that your signature?

17 A. Yes.

18 Q. Did you sign that on September  
19 12th, 2001?

20 A. Yes.

21 Q. Did you also write the material  
22 above, or did someone else write that,  
23 the handwritten material under contract  
24 has changed as follows, contractor,  
25 project, et cetera?

- 1 A. Yes.
- 2 Q. You wrote all these things?
- 3 A. Yes.
- 4 Q. Is this a form that you would  
5 typically use to change a contract that  
6 was in existence?
- 7 A. Yes.
- 8 Q. I noted here that it says the  
9 original contract sum guaranteed  
10 maximum price was \$870,000. Do you  
11 remember that to be the contract price  
12 for the St. Callistus project?
- 13 A. I'm assuming so.
- 14 Q. It says that the contract is for  
15 general construction; correct, up top  
16 there?
- 17 A. Yes.
- 18 Q. Then it says the contract has  
19 changed as follows: heating,  
20 ventilating and air conditioning will  
21 be deleted from the Conservco contract.  
22 St. Callistus will enter into a  
23 separate contract for this item.
- 24 A. Yes.
- 25 Q. Did you write that?

1 A. Yes.

2 Q. Now, does that refresh your  
3 recollection at all as to whether when  
4 the agreement was originally signed,  
5 your company was to take care of and  
6 provide heating, ventilating and air  
7 conditioning installation on this  
8 project?

9 A. No, we were not.

10 Q. You were never to do that?

11 A. No, sir.

12 Q. Why was it put into a contract  
13 and then deleted with a change order?

14 A. When the contract was entered  
15 into, it was all inclusive so that the  
16 church could go to the Erie Diocese, to  
17 the local bankers, to establish their  
18 maximum cost. The concept all along  
19 was for them to do these separately.  
20 Initially, they needed a total number  
21 in order to get Bishop Troutman --- I  
22 think it was at the time. That's why  
23 it was in there.

24 Q. When you said that your initial  
25 involvement was to supply budgetary

1 numbers, was that part of what you were  
2 doing, coming up with the total cost of  
3 the project so that that could be  
4 approved or disapproved by the Bishop  
5 in Erie?

6 A. Myself and Mr. Dorsch did that,  
7 that's correct.

8 Q. Where did you or how did you  
9 arrive at the anticipated costs for the  
10 heating, ventilating and air  
11 conditioning work?

12 A. We have books.

13 Q. Did you work at all with anyone  
14 from Highlander?

15 A. No, not that I remember.

16 (Kane Exhibit Number Two  
17 marked for  
18 identification.)

19 BY ATTORNEY BALZARINI:

20 Q. Sir, I'm showing you what has  
21 been marked as your Deposition Exhibit  
22 Number Two. It appears to be a faxed  
23 document generated by Highlander  
24 Energy. It's labeled proposal, and  
25 there's handwritten on there to Joe

1 Kane at Conservco from Dave Parana. It  
2 looks like it's dated on or about July  
3 the 18th, 2001. I guess it appears to  
4 be a bid amount for the St. Callistus  
5 Church.

6 Looking through that, sir, does  
7 that refresh your recollection as to  
8 whether or not you received any  
9 information from Highlander that went  
10 into the final proposed price for this  
11 project?

12 A. No, it does not.

13 Q. It doesn't help you?

14 A. No.

15 Q. Okay. In any event, it sounds  
16 as if to the extent that there was ever  
17 a contract that placed obligations on  
18 your company to furnish heating,  
19 ventilating or air conditioning, then  
20 that was only contemplated to provide a  
21 final number for construction to the  
22 Diocese of Erie, so that they could  
23 decide whether or not they would  
24 approve this construction project; is  
25 that true?



1 A. Say that again, please?

2 Q. According to information that  
3 I've seen in this file, it appears as  
4 if there was, at one point, a contract  
5 that would've obligated your company to  
6 provide heating, ventilating and air  
7 conditioning work. But you're saying  
8 to the extent any such contract ever  
9 existed, that was solely for the  
10 purpose of providing a number to the  
11 Diocese of Erie as to how much it would  
12 cost to complete this project. It was  
13 always contemplated by all the parties  
14 involved that that contract would be  
15 changed, and there would be a separate  
16 contract for heating and ventilating  
17 and air conditioning?

18 A. That was my understanding.

19 Q. Okay. So your company was not a  
20 general contractor on this project?

21 A. No.

22 Q. You're relationship to any of  
23 these other companies brought in by the  
24 owner, be it Highlander Energy or any  
25 other company, that would've been one

1 of co-contractors on the job; correct?

2 A. They would be additional prime  
3 contractors.

4 Q. So you all, I guess, stood in  
5 equal relation, I guess is what I'm  
6 saying. You were all prime  
7 contractors?

8 A. Yes.

9 Q. Who was the principal person  
10 that you had contact with at St.  
11 Callistus?

12 A. I cannot tell you his first  
13 name. His last name, I believe, is  
14 Cartwright, Bob Cartwright.

15 Q. What do you understand was Mr.  
16 Cartwright's relationship to the  
17 parish?

18 A. I would probably call him the  
19 project manager or overseer for the  
20 parish.

21 Q. Did you have any understanding  
22 as to what his background was or  
23 qualifications for that? Was he like  
24 an engineer or a construction person  
25 that belonged to the parish or was he

1 brought in from outside?

2 A. He belonged to the parish.

3 Q. Did you deal with him  
4 principally, or did you deal with  
5 anybody else at St. Callistus?

6 A. There was a number of board  
7 members, but he was the principle.

8 Q. What are some of the things that  
9 you dealt with him on, if you could  
10 give me some examples of his areas of  
11 authority?

12 A. All inclusive.

13 Q. How about --- there was a Father  
14 Phil, is it Pinczewski (phonetic)?

15 A. If you can pronounce it, you're  
16 a better man than me. I've never been  
17 able to pronounce it. Father Phil is  
18 what we called him.

19 Q. All right. Did you deal with  
20 Father Phil on a regular basis?

21 A. No.

22 Q. It was Bob Cartwright pretty  
23 much all the time; is that true?

24 A. Yes.

25 Q. Did you know Bob Cartwright

1 outside of this project?

2 A. No.

3 Q. Did you know him before the  
4 project?

5 A. No.

6 Q. Have you had any contact with  
7 him since the project?

8 A. No.

9 Q. Now, you had described for me as  
10 building the shell or erecting the  
11 shell was part of your job. Can you  
12 just give me a general understanding as  
13 to what that involved and how that was  
14 done by your company?

15 A. If you do a shell, basically,  
16 you're doing a water-tight structure,  
17 weather-tight, water tight.

18 Q. Would it include the walls?

19 A. Certainly.

20 Q. And the openings in the walls  
21 for doors, windows, et cetera?

22 A. Yes.

23 Q. Would it include the roof?

24 A. Yes.

25 Q. Any final finishing on the roof

1 or the structures around the roof, like  
2 facet --- or what is it, soffit?

3 A. Soffit and fascia.

4 Q. Fascia?

5 A. Yes.

6 Q. How about windows and doors?

7 A. If memory serves, we did not  
8 provide the windows. That was done  
9 under a separate contract.

10 Q. How about doors?

11 A. I believe we provided some of  
12 the doors.

13 Q. Are you able to say which doors  
14 you provided?

15 A. We may have provided them all.  
16 I remember there was some conversation  
17 about what we call storefront doors,  
18 aluminum doors. That may have been a  
19 separate contractor.

20 (Kane Exhibit Number  
21 Three marked for  
22 identification.)

23 BY ATTORNEY BALZARINI:

24 Q. Sir, I'll hand you what's been  
25 marked as your Deposition Exhibit

1 Number Three. We used that previously  
2 in a deposition. I understand that  
3 is ---.

4 ATTORNEY DENNISON:

5 We looked at it, but we  
6 never used it.

7 ATTORNEY BALZARINI:

8 We never used it, okay.

9 BY ATTORNEY BALZARINI:

10 Q. It's like a schematic or  
11 overhead view perhaps of the area where  
12 construction work was done on St.  
13 Callistus. I'd ask you to look at that  
14 and tell us whether you recognize that  
15 as being such a view.

16 A. Yes.

17 Q. What I would like to do if I  
18 could have that back one minute? There  
19 is at the bottom where your exhibit  
20 sticker is, there are three doorways  
21 across the bottom, I guess, south-  
22 facing wall, one near where it says  
23 stairs and first floor elevation,  
24 another one, multi-purpose room door,  
25 and then another one that says basement

1 lobby, double doors.

2 I'm going to ask if you can look  
3 at that and see if you can see those  
4 three doors depicted on that drawing.

5 A. Yes.

6 Q. Ultimately, were those doorways  
7 erected and installed on this building?

8 A. Ultimately, I'm sure they were,  
9 yes.

10 Q. Were they done so by your  
11 company in connection with building the  
12 shell?

13 A. Sir, without visiting the site,  
14 I could not give you a definitive  
15 answer.

16 Q. If there were --- if we would  
17 visit the site or look at a photo  
18 actually, like we did before and we see  
19 doorways there, would that indicate to  
20 you that --- the doorways that are  
21 there, did your company build them?

22 A. We may have done them all.

23 Q. I've circled the doorway that's  
24 labeled basement lobby double doors.  
25 I'll just show you there that circle I

1 made with my black pen. If there is a  
2 doorway corresponding to that area,  
3 would your company have built it?

4 A. Do you understand the difference  
5 between a steel door and a storefront  
6 door?

7 Q. No, I don't know the difference.

8 A. Let me explain then. A  
9 storefront door is an aluminum door  
10 that is full glass, quite common. You  
11 see them in retail stores. A steel  
12 door would be one like that, only made  
13 out of steel. If I remember, there was  
14 conversation about having another  
15 contractor put the aluminum doors in,  
16 because they wanted glass with  
17 crucifixes or something in them.

18 If this is a steel door, then we  
19 installed it. If it is an aluminum  
20 door, then we may not have installed  
21 it.

22 Q. Now, aside from the installation  
23 of aluminum doors or glass doors or  
24 whatever is there now, would your  
25 company, in connection with when the



1 shell was built, have made the opening  
2 or created the opening that would  
3 correspond with where that doorway  
4 appears and where the doors would've  
5 ultimately been installed?

6 A. Yes.

7 Q. That would've been part of the  
8 shell work; correct?

9 A. Correct.

10 Q. How about the floors on this  
11 addition? Would your company have  
12 created, built, made the floors?

13 A. The concrete floors you're  
14 referring to?

15 Q. Correct.

16 A. Yes.

17 Q. Now, how many stories was the  
18 addition?

19 A. That's embarrassing. I'm going  
20 to say two.

21 Q. Assuming it is two, would you  
22 have made the concrete floors, the  
23 upper floor and the lower floor?

24 A. Yes.

25 Q. There is some material and some

1 testimony in this case and some  
2 materials in the file that indicate  
3 that there may have been some  
4 excavation around the walls of the  
5 building, particularly the south wall,  
6 south-facing wall that we discussed  
7 that here.

8 Do you recall whether or not  
9 there was any digging or excavation  
10 around the walls?

11 A. There is a ramp that goes  
12 somewhere. But whether it goes to  
13 those double doors or another door, I  
14 would have to look at the documents.

15 Q. In connection with erecting this  
16 shell, was there any demolition that  
17 was done?

18 A. I believe initially there was a  
19 two-car garage that was taken down.

20 Q. Would that have been taken down  
21 by your company?

22 A. Yes.

23 Q. Whatever debris or material was  
24 there, would that have been removed by  
25 your company?

1 A. I assume so.

2 Q. Was there digging or excavation  
3 required in order to build the shell?

4 A. Yes.

5 Q. What would have been associated  
6 with that?

7 A. Digging and excavating.

8 Q. For what reason, the footer?

9 A. The entire site was on a slope,  
10 so I'd say anywhere from zero to ten  
11 feet of earth had to be removed.

12 Q. Your company would've done that  
13 excavation?

14 A. Yes.

15 Q. As I understand it, was this  
16 essentially going on the back and side  
17 of the existing church?

18 A. Yes.

19 Q. Was there excavation done by  
20 your company in the areas behind and on  
21 the side of the church where this new  
22 structure ultimately went?

23 A. If memory serves, the bulk of  
24 the excavation was on the side. The  
25 rear, I believe, was pretty much to

1 grade.

2 Q. Was there any excavation done in  
3 the rear?

4 A. The footer excavation, of  
5 course.

6 Q. What would be involved with the  
7 footer excavation?

8 A. Digging a footer four foot deep,  
9 five foot deep, whatever the documents  
10 called for.

11 Q. Well, that's what I'm saying.  
12 Do you remember what the documents  
13 called for?

14 A. No, I do not.

15 Q. Would it be in the contract or  
16 would it be in something else?

17 A. No, it would not be in the  
18 contract.

19 Q. What would it be in; drawings?

20 A. The drawings would specifically  
21 show it.

22 Q. Whatever the drawings state,  
23 four foot or five foot, your company  
24 would've done that excavation?

25 A. That is correct.

1 Q. Did the number of workmen that  
2 you had on the site vary throughout  
3 this project?

4 A. Normally, yes.

5 Q. I mean, did they, or ---?

6 A. It was a normal procedure that  
7 they would, yes.

8 Q. Do you know how many people you  
9 would've had on the job at the peak or  
10 height of the work?

11 A. Fifteen (15).

12 Q. When, approximately, would that  
13 have been that the peak of your work  
14 and involvement with this project  
15 would've been?

16 A. Sir, I don't remember.

17 Q. Do you remember when the project  
18 started?

19 A. No.

20 Q. Do you remember when it ended,  
21 at least as far as BJR, Inc., is  
22 concerned?

23 A. September of '02.

24 Q. Were you there when the project  
25 was done or was the project finished

1 after Conservco had left?

2 A. The project was finished  
3 afterwards.

4 Q. Do you know how long afterwards?

5 A. No, sir.

6 Q. We're concerned in this case  
7 with an incident that occurred on June  
8 28th --- is alleged to have occurred on  
9 June 28th, 2002. Do you have any  
10 knowledge or records as to what BJR,  
11 Inc. people were on site at that time?

12 A. No.

13 Q. I wanted to read some names for  
14 you and see if you could tell me  
15 whether these people worked for your  
16 company. Jim Rotunno, R-O-T-U-N-N-O?

17 A. Would it be easier just to show  
18 it to me?

19 Q. Well, I'm looking at a ---  
20 that's just one of a daily log that I  
21 have. The date happens to be August  
22 28th, 2002. I'll hand it to you just  
23 so you can look at the people on there.

24 A. None of these people worked for  
25 me.

1 Q. None of them worked for you?

2 A. No, sir.

3 Q. Do you know who they worked for?

4 A. Let me see what they were doing.

5 ATTORNEY DENNISON:

6 Can we make that an  
7 exhibit then, since we're ---?

8 ATTORNEY BALZARINI:

9 Sure.

10 (Kane Exhibit Number Four  
11 marked for  
12 identification.)

13 A. Not a clue.

14 ATTORNEY BALZARINI:

15 We'll mark it as Kane  
16 Four.

17 BY ATTORNEY BALZARINI:

18 Q. The document that you had looked  
19 at is titled Daily Time Reports. It  
20 lists the project location, weather.  
21 Did your company ever keep records of  
22 this nature?

23 A. Yes.

24 Q. Did you use a form of this type?

25 A. No.

- 1 Q. You never used this form. And  
2 you don't know who any of these people  
3 are, Jack Nauas, Jim Hill, Dave  
4 Pitchers, Don Jarlson, Tom King, Ted  
5 Snyder, Matt Johnson? None of these  
6 people worked for you?
- 7 A. No, sir.
- 8 Q. And you don't know what  
9 contractor they worked for?
- 10 A. No, I do not.
- 11 Q. Did you have a foreman on this  
12 project?
- 13 A. Yes.
- 14 Q. Who was your foreman?
- 15 A. My son, Pat.
- 16 Q. Was he the foreman throughout  
17 the entire project?
- 18 A. No.
- 19 Q. Who else served as foreman?
- 20 A. Myself.
- 21 Q. When were you foreman?
- 22 A. Sir, I can't answer that. It  
23 was off and on. We shared the  
24 responsibility.
- 25 Q. Was it either you or your son



1 was a foreman?

2 A. Basically, yes.

3 Q. Persons that you had on the job  
4 were your employees when they were  
5 there; correct?

6 A. Yes.

7 Q. Whoever you had. What were  
8 these people that were on your job?  
9 Were they carpenters? Were they ---?

10 A. Our people were cross trained.

11 Q. What does that mean?

12 A. They were carpenters. They were  
13 electricians. They were plumbers.  
14 They were cement finishers. They were  
15 roofers.

16 Q. Did anybody else have carpenters  
17 on the job?

18 A. I do not know that.

19 Q. These people here are indicated  
20 as carpenters. Do you know of any  
21 other trade that had carpenters on the  
22 job?

23 A. No, sir.

24 Q. Reading this, it looks like it  
25 says laid block up both sides of

1 second-floor elevator, door jam, layout  
2 of walls around third-floor doors,  
3 supervision. Do you know who would've  
4 done that type of work on this job?

5 A. Laying block?

6 Q. Yes.

7 A. Steiger (phonetic) Masonry.

8 Q. Do you recognize any of these  
9 people as employees of Steiger Masonry?

10 A. No, sir, I do not recognize any  
11 of those people.

12 Q. Your company wouldn't have laid  
13 block?

14 A. No, sir.

15 Q. In addition to Patrick Kane and  
16 yourself, were there any other persons  
17 who acted as foreperson or sub-  
18 foreperson or whatever on this job that  
19 you can think of?

20 A. No, sir.

21 Q. Can you tell me the names of any  
22 of your carpenters, laborers or  
23 whatever on this job?

24 A. No, sir.

25 Q. Not one?

1 A. I can look them up, but I can't  
2 tell you verbatim who was there on that  
3 particular time.

4 Q. Well, I'm not speaking a  
5 particular day. I'm speaking of on the  
6 project in general.

7 A. Yes, I can tell you the names of  
8 our employees --- some of our employees  
9 at the time. Whether they were on this  
10 project or not, I can't tell you.

11 Q. Who would some of those  
12 employees be?

13 A. Flanagan, Bill Flanagan, Frank  
14 Mayhew, Ronnie Brian, Brent Snyder.  
15 That's as far as I'm going. I'd have  
16 to have the information out.

17 Q. You do have information at home  
18 that would tell you that?

19 A. Somewhere.

20 Q. Okay. There's been some  
21 testimony in this case about a tall  
22 gentleman who had an interest in Jeeps,  
23 rebuilding Jeeps, who allegedly worked  
24 for your company. Does that ring a  
25 bell?

- 1 A. Absolutely not.
- 2 Q. Now, are you familiar with
- 3 Daniel Bowen?
- 4 A. Only through correspondence.
- 5 Q. Correspondence?
- 6 A. From your office.
- 7 Q. All right. Other than
- 8 correspondence from my office, do you
- 9 have any knowledge of his injury or how
- 10 it occurred?
- 11 A. I wouldn't know the man if he
- 12 was sitting beside me.
- 13 Q. To your knowledge, did you ever
- 14 interact with him, speak to him or talk
- 15 to him on this job?
- 16 A. Sir, if I did not know the man,
- 17 how would I know that?
- 18 Q. What's your answer?
- 19 A. No.
- 20 Q. Did you ever have any
- 21 interaction or involvement with anyone
- 22 from Highlander on this job?
- 23 A. Probably would've made a few
- 24 phone calls or perhaps met with their
- 25 superintendent. That would be normal.

- 1 Q. Who is their superintendent?
- 2 A. I haven't a clue.
- 3 Q. Does the name Mr. Clear, Mark
- 4 Clear ---?
- 5 A. Doesn't ring a bell.
- 6 Q. How about David Parana?
- 7 A. I saw his name on that
- 8 documentation. I would assume that he
- 9 is an estimator for them.
- 10 Q. Why would you assume he's an
- 11 estimator?
- 12 A. Because he evidently sent it and
- 13 prepared the estimates.
- 14 Q. Do you remember dealing with Mr.
- 15 Parana on this job at all?
- 16 A. No.
- 17 Q. Do you remember seeing any
- 18 people from Highlander on this job?
- 19 A. Yes.
- 20 Q. When and where were they?
- 21 A. At some point they were, I
- 22 believe, installing duct work, heating
- 23 pipes.
- 24 Q. Anything else?
- 25 A. Not that I can remember.

1 Q. Do you know when that was?

2 A. No, sir.

3 Q. Do you know when they came on  
4 the job?

5 A. No, I do not.

6 Q. Are you familiar with a piece of  
7 eight foot by four foot plywood that  
8 was used as a ramp at one of the  
9 doorway entrances?

10 A. No.

11 Q. Did you ever see plywood being  
12 used as a ramp on this project?

13 A. Yes.

14 Q. Where?

15 A. I believe at one time, there was  
16 a plywood ramp that came into one of  
17 the entrances, but I can't tell you  
18 which one.

19 Q. Was it an entrance at the back  
20 of the church on that south-facing  
21 wall, or was it in a different  
22 location?

23 A. The one I specifically remember  
24 was in the front on the street side.  
25 Whether there was one in the rear or

1 not, I cannot tell you.

2 Q. What would've been the reason  
3 for the plywood ramp in the front on  
4 the street side?

5 A. To make the transition from  
6 grade to the building.

7 Q. Who would've installed that?

8 A. We would have.

9 Q. Would it be typical on your  
10 project to use plywood in that manner  
11 as a ramp?

12 A. Yes.

13 Q. Is that typically done in the  
14 construction industry?

15 A. Yes.

16 Q. Is there any specific grade or  
17 angle beyond which you would not use  
18 plywood for a ramp?

19 A. Yes.

20 Q. What is that grade?

21 A. You would reach a point of 4/12,  
22 6/12 where it would be too steep.  
23 You'd go to steps then.

24 Q. 4/12, what is that, rise over  
25 run; is that what you're speaking of?

1 A. That's correct.

2 Q. Is that pursuant to any  
3 regulation, or is that just through  
4 training?

5 A. Training.

6 Q. Is there any regulation that  
7 would be applicable, to your knowledge?

8 A. To my knowledge, no.

9 Q. No regulation, to your  
10 knowledge, for use of plywood as a  
11 ramp?

12 A. To my knowledge, no.

13 Q. If plywood was used on a ramp on  
14 this project, would there be --- would  
15 it be simply used for a limited time  
16 and then removed, or would it be left  
17 for several days?

18 A. It would be left for several  
19 days.

20 Q. If it's outside, would it be  
21 subject to the weather then?

22 A. Yes.

23 Q. Subject to getting wet?

24 A. Yes.

25 Q. Would the ramp surface get



1 slippery when wet in your experience?

2 A. It would depend whether you took  
3 precautions to protect it.

4 Q. What type of precautions would  
5 be taken to protect the plywood ramp  
6 that it would be out of the weather?

7 A. It's not uncommon to paint them  
8 with a grit paint. It's not uncommon  
9 to put shingles on them. It is not  
10 uncommon to build a roof over them.

11 Q. Absent building a roof, some of  
12 these other things that you mentioned,  
13 --- did you say grip paint?

14 A. Grit, G-R-I-T.

15 Q. And is grit paint, paint with  
16 grit in it, or do you paint and then  
17 put the grit on?

18 A. Either or.

19 Q. I mean, do they sell something  
20 called grit paint?

21 A. Yes.

22 Q. Did you have grit paint on this  
23 job?

24 A. Sir, I don't remember.

25 Q. You don't know if you did or

1 not?

2 A. I do not.

3 Q. You mentioned putting shingles  
4 on. Would they be like asphalt  
5 shingles?

6 A. Yes.

7 Q. And the purpose of putting  
8 asphalt shingles on would be what?

9 A. They act as a friction tread.

10 Q. How about the use of anti-skid  
11 strips or treads of some type; would  
12 you ever use those on a job?

13 A. Very seldom.

14 Q. Did you ever use them?

15 A. On this job or generally?

16 Q. On this job, generally, did you  
17 use them?

18 A. No.

19 Q. Are you familiar with what I  
20 mean, though, when I say strips? Can't  
21 you buy them in a hardware or whatever  
22 with like a tape backing that goes down  
23 as a temporary non-skid strip or  
24 surface?

25 A. Yes, I assume you can.

1 Q. Have you ever used those?

2 A. No.

3 Q. Have you ever instructed any of  
4 your forepersons or people working  
5 under you to use them?

6 A. No.

7 Q. Is there a reason?

8 A. No.

9 Q. Was grit paint, shingles or any  
10 other type of non-skid surface ever  
11 used on the ramp, the plywood ramps  
12 that were on this job?

13 A. I do not know that.

14 Q. To your knowledge, were they?

15 A. I do not know that.

16 Q. Well, you're saying I don't know  
17 if it was or wasn't. I'm saying did  
18 you ever see it, or did you know of it?

19 A. No.

20 Q. No, you never did, or no, you  
21 don't know?

22 A. Tell me the answer you want.

23 Q. Well, I ---.

24 A. Now, wait a minute. May I  
25 speak, please?

1 Q. Sure. Go ahead.

2 A. I never saw the ramp that you're  
3 referring to. So if I never saw the  
4 ramp, how in God's name would I know  
5 what was on it?

6 Q. Well, first of all, that's not  
7 what you said. You said you saw a ramp  
8 that you believed was in front, and  
9 there may have been one in the back; is  
10 that true?

11 A. That's true.

12 Q. On any ramp, that you ever saw,  
13 was there ever grit paint used,  
14 shingles or any other type of non-slip  
15 surface that you saw?

16 A. I do not remember.

17 Q. When the four by eight piece of  
18 plywood is out in the weather, would  
19 you agree with me --- and used as a  
20 ramp --- that that ramp can become  
21 slippery?

22 A. Yes.

23 Q. Would you agree that that could  
24 be a hazard to workers using the ramp?

25 A. No.

1 Q. Why not? Why is it not a hazard  
2 if it's slippery?

3 A. A conscientious worker would use  
4 caution.

5 Q. Well, you can use caution and  
6 still slip and fall; can't you?

7 A. Yes.

8 Q. Why then would not a ramp that  
9 is slippery constitute a hazard?

10 A. To paraphrase, sir, this road is  
11 a hazard out here. You could go out  
12 and have a wreck on it. It's no  
13 different than the ramp. You could  
14 walk up the ramp a million times fine,  
15 or you could walk it up once and fall.

16 Q. Given that you feel that way,  
17 can we assume that you never directed  
18 any of your workers on this job to use  
19 grit paint or any other type of anti-  
20 skid material on the ramps that they  
21 built?

22 A. No, you cannot assume that.

23 Q. Why not? Did you ever issue any  
24 orders or instructions for grit paint,  
25 shingles or any other type of non-slip

1 surface on any ramp that your workers  
2 built on this project?

3 A. I do not remember.

4 Q. Do you have any knowledge about  
5 the condition of a ramp at the rear,  
6 south-facing wall?

7 A. Repeat that, please?

8 Q. Do you have any knowledge of a  
9 ramp at the rear of the building?

10 A. No, sir.

11 Q. The south-facing wall. So you  
12 have no knowledge as to whether or not  
13 there would've ever been any grit  
14 paint, shingles or any other type of  
15 non-slip surface used on such a ramp,  
16 would that be true?

17 A. That is true.

18 Q. Did you ever ask your son,  
19 Patrick, as to whether he had any  
20 knowledge of a ramp?

21 A. No, sir.

22 Q. You never talked to him about  
23 that?

24 A. No, sir.

25 Q. Have you ever known your son,

1 Patrick, to issue any instruction,  
2 order or direction for anti-slip  
3 surfaces of any type to be used on wood  
4 ramps?

5 A. I have no knowledge one way or  
6 the other.

7 Q. How frequently were you at this  
8 job site? Can you give me a --- were  
9 you there on a daily basis? Were you  
10 there on a weekly basis? Were you  
11 there on a monthly basis?

12 A. Daily.

13 Q. Do you think you were there  
14 every day?

15 A. No.

16 Q. How often would you say you were  
17 not there when the project was  
18 underway?

19 A. We were not there --- I was not  
20 there normally on Wednesday, and I was  
21 not there normally on Friday.

22 Q. And what would the reason for  
23 those two days be? Would you be at  
24 other jobs or is there another reason?

25 A. On Wednesday, I would do the

1 payroll. On Fridays, we did not work.

2 Q. On this job, you didn't work on  
3 Friday?

4 A. That's correct.

5 Q. Did you work on Saturday on this  
6 job?

7 A. No.

8 Q. Is it unusual to not work on  
9 Friday, or at your company, was that  
10 always done?

11 A. On an out-of-town project that  
12 is almost standard in construction  
13 anymore.

14 Q. Were all your workers traveling  
15 from the Clearfield area, or did they  
16 come from other areas?

17 A. The majority came from  
18 Clearfield.

19 Q. How far was it up to Kane from  
20 Clearfield?

21 A. One hour.

22 Q. Do you know of any photographs  
23 or any kind of pictures being taken of  
24 the ramp that was involved in this  
25 case?



1 A. No, sir.

2 Q. Do you know of any witnesses to  
3 a fall on this ramp by Mr. Bowen?

4 A. No, sir.

5 Q. Let me just look through my  
6 notes here. When a ramp, such as the  
7 one you described in the street side,  
8 providing access from grade up into the  
9 building, when such a ramp is  
10 constructed, is it traditional that  
11 other trades working inside the  
12 building will use that ramp?

13 A. Yes.

14 Q. Would you have expected that on  
15 this project if there were ramps at  
16 entrances or exits, they would be used  
17 by workmen on the project?

18 A. Yes.

19 Q. Would you have expected  
20 Highlander employees to use such ramps?

21 A. Yes.

22 ATTORNEY BALZARINI:

23 I don't have any other  
24 questions for you.

25

\* \* \* \* \*

DEPOSITION CONCLUDED AT 2:20 P.M.

\* \* \* \* \*

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1  
2 COMMONWEALTH OF PENNSYLVANIA )  
3 COUNTY OF CLEARFIELD )  
4

5 C E R T I F I C A T E

6  
7 I, Rhonda K. Thorpe, a Notary Public in and  
8 for the Commonwealth of Pennsylvania, do hereby  
9 certify:

10 That the witness whose testimony appears in  
11 the foregoing deposition, was duly sworn by me on  
12 said date and that the transcribed deposition of  
13 said witness is a true record of the testimony  
14 given by said witness;

15 That the proceeding is herein recorded fully  
16 and accurately;

17 That I am neither attorney nor counsel for,  
18 nor related to any of the parties to the action in  
19 which these depositions were taken, and further  
20 that I am not a relative of any attorney or  
21 counsel employed by the parties hereto, or  
22 financially interested in this action.

23 *Rhonda K. Thorpe*  
24

25 Rhonda K. Thorpe, Reporter

NOTARIAL SEAL  
RHONDA K. THORPE, Notary Public  
Clearfield, Clearfield County, PA  
My Commission Expires July 11, 2009

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• CLEARFIELD, PA

• STATE COLLEGE, PA

• HOLLIDAYSBURG, PA

• ERIE, PA

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KTH ARCHITECTS

11-814-371-8801

SEP 19 '95 15:08 No.008 P.02

**CHANGE  
ORDER**

AIA DOCUMENT G701

OWNER  
ARCHITECT  
CONTRACTOR  
FIELD  
OTHER☐  
☐  
☐  
☐  
☐PROJECT: ST. CALLISTUS  
(name, address)

CHANGE ORDER NUMBER: ONE

DATE: 9-12-01

TO CONTRACTOR: CONSERVED  
(name, address)

ARCHITECT'S PROJECT NO:

CONTRACT DATE:

CONTRACT FOR: GENERAL CONSTRUCTION

The Contract is changed as follows:

HEATING, VENTILATING, & AIR-CONDITIONING WILL BE DELETED  
FROM THE CONSERVED CONTRACT. ST. CALLISTUS WILL ENTER  
INTO A SEPERATE CONTRACT FOR THIS ITEM.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was .....	\$ 870,000.00
Net change by previously authorized Change Orders .....	0.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was .....	\$ 870,000.00
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of .....	( 73,600.00 )
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be .....	\$ 796,400.00

The Contract Time will be (increased) (decreased) (unchanged) by

The date of Substantial Completion as of the date of this Change Order therefore is

( ) days.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

ARCHITECT

CONSERVED

CONTRACTOR

OWNER

Address

P.O. BOX 1404

Address

Address

CLEARFIELD PA 16830

BY

BY

J. F. Kane

BY

DATE

DATE

9-12-01

DATE

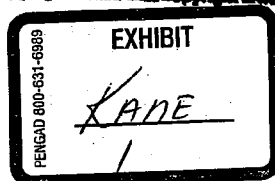


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**Highlander****Energy**

# Proposal

May 10, 2001

TO: Joe Kane @ CONSERVCO  
FROM: DAVE PANANA.**St. Callistus Church**

342 Chase Street

Kane, PA 16735

Ph: 814-837-4304

Attn: Anthony G. Dorsch - Architect

FAX NO: 765-2380

FOUR PAGES (4)

Project: Heating System For New Addition With Other Options July 18, 2001 1:55 PM

Per your request, following is a summary of the scope of work that will be provided by Highlander Energy Products for this project as well as system and equipment warranty information.

**BASE BID****New Addition Heating**

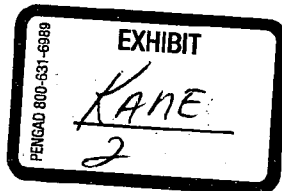
Highlander Energy Products shall provide all labor, material, and tools necessary to install a new hot water heating system for the proposed new addition. All zones will be heated with Slant-I-In Multi/Pak 80 Light Commercial Baseboard, with the exception of the garage and stairwell which will have a hydronic unit heater and fan coil installed. A total of 20 zones will be created for the new addition in order to fit the needs of varying occupancy which would be expected. Each zone will have its own Honeywell Model T-87 round thermostat which will operate a circulator which will supply hot water to heat the zone. Hot water will be provided by new gas fired boilers which will be located in the new mechanical room.

**Boilers**

Highlander Energy Products shall provide all material, labor, and tools necessary for the installation of one (2) Burnham Model 206PVNI-G2 boilers rated at 164,000 btu input each or a total of 328,000 btu. The Burnham Series 2PV boilers are a power vented unit with an intermittent electronic ignition system and is furnished with high quality stainless steel burners which provide quiet ignition, longer life, and improved combustion. Operating efficiency is 82%. New natural gas supply piping will be installed to the unit from the existing main located in the boiler room. Boiler vent piping shall be installed and will tie into the existing chimney.

**Distribution Header**

Highlander Energy Products shall provide all material, labor, and tools necessary for the installation of a Zone Plus™ distribution header system for centralized zone distribution, air elimination, and expansion, please see the drawing included with this submittal. The Zone Plus™ Hydronic Distribution Concept is an exclusive, patented (U.S. Patent No. 4,564,142) system available only through Highlander Energy. This system will provide for 20 zones for the new addition, as well as for the future capability of adding the church and snowmelt systems. The Zone Plus™ distribution header system uses the Taco Series 506 zone control panel to operate the boiler and pumps based on inputs from the thermostats.



**Pumps**

Highlander Energy Products shall provide and install new pumps that are sized according to the capacities of the pumps currently used for the distribution system. All pumps shall be the UP series as manufactured by Grundfos.

**Controls**

Highlander Energy Products shall provide two sets of controls to provide boiler firing and boiler shutoff control. Two shutoff controls are required according to the PA Boiler Installation Code. Primary control shall be provided by One (1) Tekmar Model 254, four stage boiler firing controller installed in the boiler room to provide step firing of the boilers based on outside air and hot water supply temperature. As the outside temperature drops, more boilers will fire. For secondary boiler firing control, an aquastat shall be installed on the return water side of each boiler. This will measure the temperature of the water flowing to each boiler. If the temperature is less than the set temperature, the boiler will fire. This proposed control system is designed to provide a back-up control system if the primary fails. Also, a low water cut off shall be installed as a safety control to shut off the boilers if the system loses water.

**Other Provisions**

Boiler room drawings approved by the PA Dept. Of Labor And Industry shall be provided. All electrical wiring from an existing 115V power supply to a system disconnect, control box, power wiring of pumps and controls shall be the responsibility of Highlander Energy.

**Base Bid Submitted Cost: \$73,600.00**

**Control Option For Programmable Thermostats**

Highlander Energy Products shall provide for each a Honeywell T8600C1014 seven day programmable thermostat to replace the Honeywell T-87 Round thermostats proposed in the base bid. These units can be programmed to go into set back when during times when the rooms are not occupied. Each thermostat has a manual override switch. 18 Programmable Thermostats will be provided.

**Adder To Base Bid: \$2,910.00**

**Option To Replace The Existing Hot Water Boiler For The Existing Basement**

This option will replace the existing, aged, hot water boiler used for the basement and tie the basement and snowmelt systems into the new system installed for the addition

**Boilers**

Since there will be only one outside wall remaining for the basement, one additional boiler will be installed for this extra capacity. The boiler will be the same Burnham Model 206PVNI-G2 boiler with 164,000 BTU Input.

**Other Provisions**

Provisions to tie in the basement zones and snowmelt system will be built in to the main Zone Plus™ distribution header installed in the new mechanical room. To tie these zones into the new system will be a simple matter of tapping into the Zone Plus™ header, installing a thermostat, pump, and necessary distribution piping. Power wiring of pumps and controls shall be the responsibility of Highlander Energy.

**Submitted Cost: \$8,640.00**

## **Option To Convert The Church To Hot Water And Tie All Systems Together**

### **Church Heating**

Highlander Energy Products shall provide all labor, material, and tools necessary to retrofit the existing steam and hot water system to a total hot water heating system. All existing radiation shall be re-used. Existing steam radiators and convectors shall be converted to hot water. The steam supply and return piping shall become the hot water return piping. The church will be separated into two zones, the front entrance and the remainder of the church. A new supply line shall be installed for the front entrance zone. Each radiator shall be isolated with ball valves. Each radiator or convector will be equipped with an air vent. Asbestos removal, if required, is not included with the scope of this section of the project.

### **Boilers**

If the basement is tied into the new system, only one more Burnham Model 206PVNI-G2 boiler with 164,000 BTU Input will be required. This will bring the total number of boilers on the system to four with a total BTU input of 656,000 BTU.

### **Distribution Header**

Provisions to tie in the church zones will be built in to the main Zone Plus™ distribution header installed in the new mechanical room. To tie these zones into the new system will be a simple matter of tapping into the Zone Plus™ header, installing a thermostat, pump, and necessary distribution piping. Power wiring of pumps and controls shall be the responsibility of Highlander Energy.

### **Other Provisions**

Demolition of the existing boilers, painting of the boiler room (white), installation of new, fluorescent light fixture in the boiler room, and boiler room drawings approved by the PA Dept. Of Labor And Industry shall be provided. The existing 6" Steam supply line will be reduced to 2-1/2" and will run back to the new mechanical room. This existing steam supply line will act as the return for the hot water system. The existing radiation will be converted to use as hot water units.

**Submitted Cost: \$45,200.00**

## **Option To Install A 3 Ton Split System A/C Unit For The Gathering Space**

Highlander Energy Products, Inc. will supply the necessary tools, labor, material, equipment, and supervision to install as required one (1) Thermopride AH-1 Air Handler with hot water and air conditioning coils will be installed in the new mechanical room. A Thermopride 12 SEER, 3 ton condensing unit will be mounted outside. The air handler and condensing unit will be covered under Thermoprides 10 year parts and labor warranty. Scope of work is as follows:

- Installation of air handler and coils in the new mechanical room. The condensing unit will be mounted outside of the mechanical room.
- Installation of refrigerant piping to the equipment (up to a 50ft run).
- Installation of condensate pump and condensate piping to closest drain.
- Installation of room thermostat and control wiring (Includes starter and disconnect switch).
- Installation of all distribution ductwork and grilles. Distribution ductwork shall be fabricated out of 1" thick fiberglass ductboard.
- System start-up.
- Clean-up of jobsite.

Electrical power wiring to the equipment disconnects is **NOT** included and is to be provided by others. Wiring from the disconnects to the equipment is by Highlander.

**Submitted Cost: \$6,800.00**

**Other Project Notes Associated With This Proposal**

- Asbestos removal, if required is not included within the scope of this project.
- Patching and repair of all holes visible to the public (except in boiler room) that are made for pipe shall be the responsibility of Highlander Energy.
- All materials and workmanship are guaranteed for one (1) year including any service calls. All equipment located in the boiler room within the scope of this project is covered under this warranty. Routine preventative maintenance, system start-up in fall, and system shut down in spring will be supplied with this contract.

**Pricing Summary:**

- Base Bid – Twenty Zone Heating Only For New Addition: **\$73,600.00**
- Option 1 – Upgrade to 20 Programmable T-Stats: **Add \$2,910.00 To Base Bid**
- Option 2 – Tie in the basement and snowmelting zones to the new addition system: **Add \$8,640.00 To Base Bid**
- Option 3 – Convert Church To Hot Water: **Add \$45,200.00 To Base Bid**
- Option 4 – Install A 3 Ton Split System A/C Unit For Gathering Space: **Add \$6,800.00 To Base Bid**

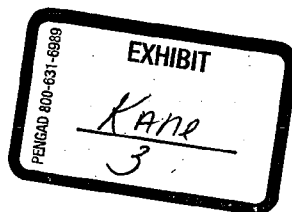
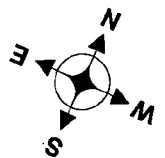
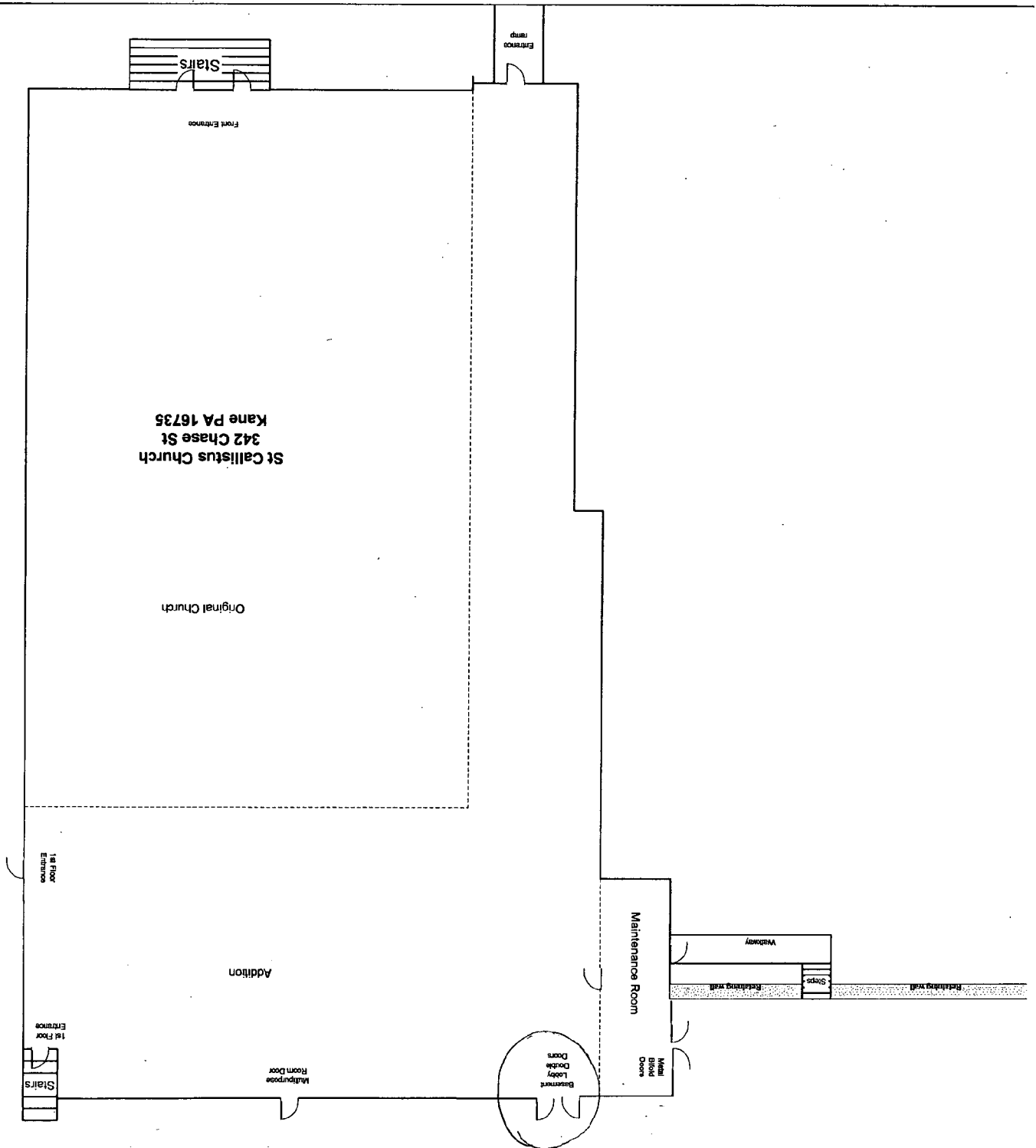
Should you have any questions regarding this quotation, please feel free to give me a call, thank you very much.

 7/18/01

**David J. Parana**  
Design Engineer  
Highlander Energy Products, Inc.  
98 S. Fraley Street  
Kane, PA 16735  
Ph: (814)837-7743  
Fax: (814)837-9155



CHASE STREET



04346936

Page 1

# DAILY TIME REPORT

PROJECT St. Callistus Church

DATE 8-28-2002

LOCATION Kane, PA

Weather

Rain  
Snow

Cloudy  
Sunny

30 Blw.  
Temp. 30-40

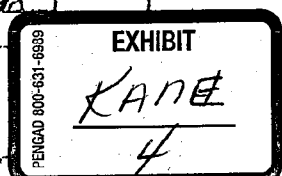
50-60

70-Up

NAME	Fore.	Carp.	Lab.	DESCRIPTION OF WORK	Office Code	HOURS Total
Jim Rotunno	X			laid block up both sides of 2nd floor elevator door jamb, layout of walls around 3rd floor door, supervision	8	
Jack Nauas		X		laid VCT in 2nd floor bathroom and one classroom approx. 900 sq. ft.	8	
Jim Hill		X		applying floor tuckers around wall edges, door openings, basement floor bathrooms & 1/2 of back classroom floor. Entire floor has to be done.	8	
Dave Pitcher		X		mixed and poured concrete on 3rd floor for opening into church started anchoring on framing of opening	8	
Don Carlson		X		Same as Dave	8	
Tom King		X		Helped with clean up of grinding dust, labored for block laying cutting block, mixing mud etc.	8	
Ted Snyder		X		ran floor grinder machine all day, finished 2nd floor, basement floor bathrooms, and moved upstairs to third floor	8	
Matt Johnson		X		floor edge grinding with 4" grinder, floor sweeping, cleaning out cracks and sweeping up dust & debris	8	

MISCELLANEOUS CASH NAME	DESCRIPTION & INVOICE	AMOUNT

SUB-CONTRACTORS COMPANY NAME	No. Men	Description or Enclosed Sub Time Sheet	Ofc. Code	Contr. Hrs.
HVAC	1			
Electricians	3			
INSURCO	8			
Leerer	3	arrived at 2 PM to start working on doors again		





## **EXHIBIT 3**

Report of Richard Hughes, P.E.

Investigation into Fall Accident

At

St. Callistus Church  
342 Chase Street  
Kane, PA

For

Mr. Daniel Bowen

May 19, 2008

Richard T. Hughes, P.E.

*Consulting Engineer*

107 N. Front Street  
Clearfield, Pa. 16830  
(814) 765-8691  
[www.hughesengineering.net](http://www.hughesengineering.net)

## SUMMARY

On the morning of June 28, 2002, at approximately 7:10 a. m., Mr. Daniel Bowen was seriously injured when he slipped on an improperly constructed wood walkway within the St. Callistus Church construction site in Kane, PA.

The results of this investigation revealed that the walkway located within a church construction project which was under the control of Conservco Construction Co. was hazardous, in violation of local building codes, industry standards and the cause of the injuries sustained by Mr. Bowen.

## 1.0 BACKGROUND

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On the morning of June 28, 2002, Mr. Daniel Bowen, an employee of Highlander Energy, was on the construction site of St. Callistus Church, 342 Chase Street, Kane, Pennsylvania for the purposes of installing heating ventilating and air conditioning equipment. Highland Energy was originally a sub contractor to Conservco of Clearfield, PA. While attempting to enter the building by means of a walkway Mr. Bowen slipped and injured himself.

In May 2008, legal counsel for Mr. Bowen retained the services of Richard T. Hughes, P.E. to determine if the walkway constituted a hazard and whether the actions of Conservco were negligent.

As part of this investigation counsel supplied to Mr. Hughes photos of the area taken after the incident plus the formal Complaint, Answer of Defendant's First and Second Set of Interrogatories, defendants Motion for Summary Judgment, twenty-two site photos and statements from Daniel Bowen and Mark Koza plus sworn Testimony of Daniel Bowen and Joseph Kane.

## 2.0 INVESTIGATION

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The exact location of this incident is within the St. Callistus Church addition just off of the parking lot at St. Callistus Church at 342 Chase Street, Kane, Pennsylvania. Since the accident took place the project has been completed and the temporary walkway removed. The church entered into an agreement on September 12, 2001, with Conservco of Clearfield, Pennsylvania to build a new addition to their church for approximately \$870,000 which initially included the HVAC work supplied by Highland Energy.

Mr. Bowen was working on the new HVAC equipment as an employee of Highland Energy of Kane, Pennsylvania. Conservco erected the shell of the building and was responsible for the interior finishes and exterior site work. The building shell was up, and a plywood walkway was installed by Conservco from the site of the future dirt parking lot along the south elevation into a rough future double door opening. The area was not guarded or roped off, nor did Mr. Bowen realize the ramp was slippery. According to meteorological reports just seven hours prior to the accident there was a rain storm in the area that produced  $\frac{1}{2}$  inch of rain. Bowen took one step onto the ramp with his left foot when it suddenly went out from underneath him. According to Mr. Bowen the plywood was untreated without any material to increase traction such as strips of asphalt or paint with grit.

A close up of the walkway revealed it was a piece of 4 x 8 plywood resting on the dirt outside the building and bearing on the masonry bearing wall within the new addition to the church. Mr. Bowen's shoes were rubber soled, steel toed work boots and were in good condition. Bowen was walking and not carrying anything, and his eyes were focused on his point of destination or most probable danger. Prior to this incident he did not have a walking gait problem nor was he under the influence of alcohol or drugs. He did not know the ramp was wet until he fell impacting it.

A building under construction in the state of Pennsylvania must be designed in accordance with the State Department of Labor and Industry, OSHA CFR plus the locally adopted building codes which in this instance would be the BOCA 1996.

As part of the investigation I reviewed the BOCA Code for safe accessibility and means of egress, the American Society of Testing Materials (ASTM) for safe walking surfaces, The National Fire Protection Association (NFPA), OSHA 1910.68 as well as other published authors including my own book (see attachments).

### Discussion

Standard practices for safe walking surfaces require that walkway surfaces shall be maintained in a slip resistant state at all times.

Humans have two fields of view, peripheral and primary. The primary field of view is approximately a 15 degree angle from the pupil while the peripheral is approximately a 45 degree angle. A person's primary field of view is always focused on their point of destination or most probable danger such as another pedestrian or a moving car.



Only when a person is ambulating faster than their comfort level do they look down at their feet. Such is the scenario when a person is running or jogging, and it is not customary for them. To attract a person's primary field of view into their peripheral it takes an exciter color (red, orange, yellow, white stripe), a color contrast or a visual cue. That is why stop signs and fire equipment as well as exit signs are red.

Quite often when a person trips or falls over an object the first thought one may have is that he or she was not watching where they were walking. This statement is almost instinctive, yet due to extensive research on human behavior, building codes and standards have been established which warn of such trivial details which upon first glance appear obvious and innocent.

Research has shown that wet wood can be very hazardous. The fact that it was on a slope makes it even more hazardous.

### 3.0 CONCLUSIONS

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Based on the physical evidence, a review of the statements, a review of industry standards and locally adopted building codes, plus my own publication and experience, it is my professional opinion with high degree of engineering certainty that:

1. Mr. Daniel Bowen was injured on June 28, 2002, at approximately 7:00 a.m.;
2. Mr. Bowen was not doing anything abnormal at the time of the incident;
3. The involved walkway violated OSHA (CFR 1910.22, 1910.68), NFPA 5-1.2 and 5.2, BOCA 1996 (1005.4) and ASTM 1637-95 (see attached);
4. The sloped wet ramp with a coefficient of friction below .5 is an industry standard and code violation which was the cause of the accident;
5. The involved walkway was not slip resistant under the expected environment typical of a construction site such as rain, mud and other potential substances;
6. The hazard was not posted or guarded nor did the ramp have rails which would allow Mr. Bowen to catch himself.

# code of federal regulations

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PARTS 1900 TO 1910.999  
Revised as of July 1, 1997



- (10) *Guardrail*. A rail secured to uprights and erected along the exposed sides and ends of platforms.
- (11) *Heavy duty scaffold*. A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.
- (12) *Horse scaffold*. A scaffold for light or medium duty, composed of horses supporting a work platform.
- (13) *Interior hung scaffold*. A scaffold suspended from the ceiling or roof structure.
- (14) *Ladder jack scaffold*. A light duty scaffold supported by brackets attached to ladders.
- (15) *Ledger (stringer)*. A horizontal scaffold member which extends from post to post and which supports the putlogs or bearer forming a tie between the posts.
- (16) *Light duty scaffold*. A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.
- (17) *Manually propelled mobile scaffold*. A portable rolling scaffold supported by casters.
- (18) *Masons' adjustable multiple-point suspension scaffold*. A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.
- (19) *Maximum intended load*. The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.
- (20) *Medium duty scaffold*. A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.
- (21) *Mid-rail*. A rail approximately midway between the guardrail and platform, used when required, and secured to the uprights erected along the exposed sides and ends of platforms.
- (22) *Needle beam scaffold*. A light duty scaffold consisting of needle beams supporting a platform.
- (23) *Outrigger scaffold*. A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such a building or structure.

- (24) *Putlog*. A scaffold member upon which the platform rests.
- (25) *Roofing bracket*. A bracket used in sloped roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.
- (26) *Runner*. The lengthwise horizontal bracing or bearing members of both.
- (27) *Scaffold*. Any temporary elevated platform and its supporting structure used for supporting workmen or materials or both.
- (28) *Single-point adjustable suspension scaffold*. A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.
- (29) *Single pole scaffold*. Platform resting on putlogs or crossbeams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.
- (30) *Stone setters' adjustable multiple point suspension scaffold*. A swinging type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.
- (31) *Toeboard*. A barrier secured along the sides and ends of a platform, to guard against the falling of material.
- (32) *Tube and coupler scaffold*. An assembly consisting of tubing which serves as posts, bearers, braces, ties and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.
- (33) *Tubular welded frame scaffold*. A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections which consist of posts and horizontal bearer with intermediate members. Panels or frame shall be braced with diagonal or cross braces.
- (34) *Two-point suspension scaffold (swinging scaffold)*. A scaffold, the platform of which is supported by hangers (strutts) at two points, suspended from overhead supports so as to permit

- the raising or lowering of the platform to the desired working position by means of hoisting machines.
- (35) *Window jack scaffold*. A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.
- (36) *Working load*. Load imposed by men, materials, and equipment.
- (37) *As used in §1910.25*, unless the context requires otherwise, manually propelled mobile ladder stand and scaffold (tower) terms shall have the meaning ascribed in this paragraph.
- (1) *Bearer*. A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.
- (2) *Brace*. A tie that holds one scaffold member in a fixed position with respect to another member.
- (3) *Climbing ladder*. A separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.
- (4) *Coupler*. A device for locking together the components of a tubular metal scaffold which shall be designed and used to safely support the maximum intended loads.
- (5) *Design working load*. The maximum intended load, being the total of all loads including the weight of the men, materials, equipment, and platform.
- (6) *Equivalent*. Alternative design or features, which will provide an equal degree or factor of safety.
- (7) *Guardrail*. A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent falls of persons.
- (8) *Handrail*. A rail connected to a ladder stand running parallel to the slope and/or top step.
- (9) *Ladder stand*. A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.
- (10) *Ledger (stringer)*. A horizontal scaffold member which extends from post to post and which supports the bearer forming a tie between the posts.
- (11) *Mobile scaffold (tower)*. A light, medium, or heavy duty scaffold mounted on casters or wheels.
- (12) *Mobile*. "Manually propelled."

- (13) *Mobile work platform*. Generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.
- (14) *Runner*. The lengthwise horizontal bracing and/or bearing members.
- (15) *Scaffold*. Any temporary elevated platform and its necessary vertical, diagonal, and horizontal members used for supporting workmen and materials. (Also known as a scaffold tower.)
- (16) *Toeboard*. A barrier at platform level erected along the exposed sides and ends of a scaffold platform to prevent falls of materials.
- (17) *Tube and coupler scaffold*. An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and uprights, and serves to join the various members, usually used in fixed locations.
- (18) *Tubular welded frame scaffold*. A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections, which consist of posts and bearers with intermediate connecting members and braced with diagonal or cross braces.
- (19) *Tubular welded sectional folding scaffold*. A sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.
- (20) *Work level*. The elevated platform, used for supporting workmen and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

§1910.22 General requirements.

This section applies to all permanent places of employment, except where domestic, mining, or agricultural work only is performed. Measures for the control of toxic materials are considered to be outside the scope of this section.

- (a) *Housekeeping*. (1) All places of employment, passageways, storerooms, and service rooms shall be kept clean

and orderly and in a sanitary condition.

(2) The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practicable.

(3) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.

(b) *Aisles and passageways.* (1) Where mechanical handling equipment is used, sufficient safe clearances shall be provided for aisles, at loading docks, or passageways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.

(2) Permanent aisles and passageways shall be appropriately marked.

(c) *Covers and guardrails.* Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

(d) *Floor loading protection.* (1) In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each place to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent.

(2) It shall be unlawful to place, or cause, or permit to be placed, on any floor or roof of a building or other structure a load greater than that for which such floor or roof is approved by the building official.

**§ 1910.23 Guarding floor and wall openings and holes.**

(a) *Protection for floor openings.* (1) Every stairway floor opening shall be guarded by a standard railing constructed in accordance with paragraph (e) of this section. The railing shall be provided on all exposed sides (except at entrance to stairway). For infrequently

used stairways where traffic across the opening prevents the use of fixed standard railing (as when located in aisle spaces, etc.), the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at entrance to stairway).

(2) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(3) Every hatchway and chute floor opening shall be guarded by one of the following:

(i) Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings.

(ii) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use.

Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

(4) Every skylight floor opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

(5) Every pit and trapdoor floor opening, infrequently used, shall be guarded by a floor opening cover of standard strength and construction. While the cover is not in place, the pit or trap opening shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.

(6) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place

the manhole opening shall be constantly attended by someone or shall be protected by removable standard railings.

(7) Every temporary floor opening shall have standard railings, or shall be constantly attended by someone.

(8) Every floor hole into which persons can accidentally walk shall be guarded by either:

(i) A standard railing with standard toeboard on all exposed sides, or

(ii) A floor hole cover of standard strength and construction. While the cover is not in place, the floor hole shall be constantly attended by someone or shall be protected by a removable standard railing.

(9) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

(10) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 20 inches.

(b) *Protection for wall openings and holes.* (1) Every wall opening from which there is a drop of more than 4 feet shall be guarded by one of the following:

(i) Rail, roller, picket fence, half door, or equivalent barrier. Where there is exposure below to falling materials, a removable toe board or the equivalent shall also be provided. When the opening is not in use for handling materials, the guard shall be kept in position regardless of a door on the opening. In addition, a grab handle shall be provided on each side of the opening with its center approximately 4 feet above floor level and of standard strength and mounting.

(ii) Extension platform onto which materials can be hoisted for handling, and which shall have side rails or equivalent guards of standard specifications.

(2) Every chute wall opening from which there is a drop of more than 4 feet shall be guarded by one or more of the barriers specified in paragraph

(b)(1) of this section or as required by the conditions.

(3) Every window wall opening at a stairway landing, floor, platform, or balcony, from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 3 feet above the platform or landing, shall be guarded by standard slats, standard grill work (as specified in paragraph (e)(11) of this section), or standard railing.

Where the window opening is below the landing, or platform, a standard toe board shall be provided.

(4) Every temporary wall opening shall have adequate guards but these need not be of standard construction.

(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in paragraph (e)(11) of this section.

(c) *Protection of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,

(i) Persons can pass,

(ii) There is moving machinery, or falling materials could create a hazard.

(2) Every runway shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission.

(c) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and shall be provided with standard railings and toeboards.

(7) *Guards on underside of floor openings*—(i) *Fixed type*. On the ascending side of the manlift floor openings shall be provided with a bevel guard or cone meeting the following requirements:

(a) The cone shall make an angle of not less than 45° with the horizontal. A circle of 60° or greater shall be used when ceiling heights permit.

(b) The lower edge of this guard shall extend at least 42 inches outward from any handhold on the belt. It shall not extend beyond the upper surface of the floor above.

(c) The cone shall be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge shall be rolled to a minimum diameter of one-half inch and the interior shall be smooth with no rivets, bolts or screws protruding.

(ii) *Floating type*. In lieu of the fixed guards specified in subdivision (i) of this subparagraph a floating type safety cone may be used, such floating cones to be mounted on hinges at least 5 inches below the underside of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) *Protection of entrances and exits*—(i) *Guard rail requirement*. The entrances and exits at all floor landings affording access to the manlift shall be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(ii) *Construction*. The rails shall be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and § 1910.23.

(iii) *Gates*. Gates, if used, shall open outward and shall be self-closing. Corners of gates shall be rounded.

(iv) *Maze*. Maze or staggered openings shall offer no direct passage between enclosure and outer floor space.

(v) Except where building layout prevents, entrances at all landings shall be in the same relative position.

(9) *Guards for openings*—(i) *Construction*. The floor opening at each landing shall be guarded on sides not used for entrance or exit by a wall, a railing and toeboard or by panels of wire mesh of suitable strength.

(ii) *Height and location*. Such rails or guards shall be at least 42 inches in height on the up-running side and 66 inches on the down-running side.

(10) *Bottom arrangement*—(i) *Bottom landing*. At the bottom landing the clear area shall be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt shall be not less than 48 inches from the face of the belt. This space shall not be encroached upon by stairs or ladders.

(ii) *Location of lower pulley*. The lower (boot) pulley shall be installed so that it is supported by the lowest landing served. The sides of the pulley support shall be guarded to prevent contact with the pulley or the steps.

(iii) *Mounting platform*. A mounting platform shall be provided in front of to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform shall be at or above the point at which the uprun surface of the ascending step completely turns and assumes a horizontal position.

(iv) *Guardrails*. To guard against persons walking under a descending step the area on the downside of the manlift shall be guarded in accordance with subparagraph (8) of this paragraph. To guard against a person getting between the mounting platform and an ascending step, the area between the belt and the platform shall be protected by guardrail.

(11) *Top arrangements*—(i) *Clearance from floor*. A top clearance shall be provided of at least 11 feet above the terminal landing. This clearance shall be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor

opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(ii) *Pulley clearance*. (a) There shall be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(b) The center of the head pulley shaft shall be not less than 6 feet above the top terminal landing.

(iii) *Emergency grab rail*. An emergency grab bar or rail and platform shall be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(iv) *Emergency exit ladder*. A fixed metal ladder accessible from both the "up" and "down" run of the manlift shall be provided for the entire travel of the manlift. Such ladder shall be in accordance with the existing ANSI A14.3-1956 Safety Code for Fixed Ladders and § 1910.27.

(v) *Superstructure bracing*. Manlift rails shall be secured in such a manner as to avoid spreading, vibration, and misalignment.

(vi) *Illumination*—(i) *General*. Both runs of the manlift shall be illuminated at all times when the lift is in operation. An intensity of not less than foot candle shall be maintained at all points. (However, see subparagraph (b)(ii) of this paragraph for illumination requirements at landings.)

(ii) *Control of illumination*. Lighting of manlift runways shall be by means of circuits permanently tied in to the building circuits (no switches), or shall be controlled by switches at each landing. Where separate switches are provided at each landing, any switch shall turn on all lights necessary to illuminate the entire runway.

(iii) *Weather protection*. The entire manlift and its driving mechanism shall be protected from the weather at all times.

(iv) *Mechanical requirements*—(1) *Manlift, general*—(i) *Brakes*. Brakes provided for stopping and holding a manlift shall be inherently self-engag-

ing, by requiring power or force from an external source to cause disengagement. The brake shall be electrically released, and shall be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The brake shall be capable of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

(ii) *Belt*. (a) The belts shall be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of paragraph (b)(3) of this section and having a coefficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in subdivision (i) of this subparagraph.

(b) The width of the belt shall be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(c) A belt that has become torn while in use on a manlift shall not be spliced and put back in service.

(2) *Speed*—(i) *Maximum speed*. No manlift designed for a speed in excess of 80 feet per minute shall be installed.

(ii) *Reserved*

(3) *Platforms or steps*—(i) *Minimum depth*. Steps or platforms shall be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(ii) *Width*. The width of the step or platform shall be not less than the width of the belt to which it is attached.

(iii) *Distance between steps*. The distance between steps shall be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(iv) *Angle of step*. The surface of the step shall make approximately a right angle with the "up" and "down" run of the belt, and shall travel in the approximate horizontal position with the "up" and "down" run of the belt.

(v) *Surfaces*. The upper or working surfaces of the step shall be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or shall be covered completely

by a nonslip tread securely fastened to it.

(vi) *Strength of step supports.* When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides shall be of adequate strength to:

(c) Prevent the disengagement of any step roller.

(b) Prevent any appreciable misalignment.

(c) Prevent any visible deformation of the steps or its support.

(vii) *Prohibition of steps without handholds.* No steps shall be provided unless there is a corresponding handhold above or below it meeting the requirements of paragraph (c)(4) of this section. If a step is removed for repairs or permanently, the handholds immediately above and below it shall be removed before the lift is again placed in service.

(4) *Handholds—(i) Location.* Handholds attached to the belt shall be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These shall be so located as to be available on the both "up" and "down" run of the belt.

(ii) *Size.* The grab surface of the handhold shall be not less than 4½ inches in width, not less than 3 inches in depth, and shall provide 2 inches of clearance from the belt. Fastenings for handholds shall be located not less than 1 inch from the edge of the belt.

(iii) *Strength.* The handhold shall be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(iv) *Prohibition of handhold without steps.* No handhold shall be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel shall also be removed before the lift is again placed in service.

(v) *Type.* All handholds shall be of the closed type.

(6) *Up limit stops—(i) Requirements.* Two separate automatic stop devices shall be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these shall consist of a split-rail switch mechanically operated by the

stop roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(c) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(b) An electronic device.

(c) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(ii) *Manual reset location.* After the manlift has been stopped by a stop device it shall be necessary to reset the automatic stop manually. The device shall be so located that a person resetting it shall have a clear view of both the "up" and "down" runs of the manlift. It shall not be possible to reset the device from any step or platform.

(iii) *Cut-off point.* The initial limit stop device shall function so that the manlift will be stopped before the loaded step has reached a point 24 inches above the top terminal landing.

(iv) *Electrical requirements.* (a) Where such switches open the main motor circuit directly they shall be of the multipole type.

(b) Where electronic devices are used they shall be so designed and installed that failure will result in shutting off the power to the driving motor.

(c) Where flammable vapors or combustible dusts may be present, electrical installations shall be in accordance with the requirements of subpart S of this part for such locations.

(d) Unless of the oil-immersed type controller contacts carrying the main motor current shall be copper to carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) *Emergency stop—(i) General.* An emergency stop means shall be provided.

(ii) *Location.* This stop means shall be within easy reach of the ascending and descending runs of the belt.

(iii) *Operation.* This stop means shall be so connected with the control lever or operating mechanism that it will cut off the power and apply the brake when pulled in the direction of travel

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(2) *Items covered.* This periodic inspection shall cover but is not limited to the following items:

Steps.

Step Fastenings.

Rails.

Rail Supports and Fastenings.

Rollers and Slides.

Belt and Belt Tension.

Handholds and Fastenings.

Floor Landings.

Guardrails.

Lubrication.

Limit Switches.

Warning Signs and Lights.

Illumination.

Drive Pulley.

Bottom (boot) Pulley and Clearance.

Pulley Supports.

Motor.

Driving Mechanism.

Brake.

Electrical Switches.

Vibration and Misalignment.

"Skip" on up or down run when mounting step (indicating worn treads).

(3) *Inspection record.* A certification record shall be kept of each inspection which includes the date of the inspection, the signature of the person who performed the inspection and the serial number, or other identifier, of the manlift which was inspected. This record of inspection shall be made available to the Assistant Secretary of Labor or a duly authorized representative.

[39 FR 23502, June 27, 1974, as amended at 43 FR 49746, Oct. 24, 1978; 51 FR 34660, Sept. 29, 1986; 54 FR 24334, June 7, 1989; 55 FR 32014, Aug. 6, 1990; 61 FR 9235, Mar. 7, 1996]

## Subpart G—Occupational Health and Environmental Control

AUTHORITY: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8753), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.





## Standard Practice for Safe Walking Surfaces<sup>1</sup>

This standard is issued under the fixed designation F 1637; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon ( $\epsilon$ ) indicates an editorial change since the last revision or reapproval.

### 1. Scope

1.1 *Scope*—This practice covers design and construction guidelines and minimum maintenance criteria for new and existing buildings and structures. This practice is intended to provide reasonably safe walking surfaces for pedestrians wearing ordinary footwear. These guidelines may not be adequate for those with certain mobility impairments.

1.2 *Application*—This practice addresses elements along and in walkways including floors and walkway surfaces, sidewalks, short flight stairs, gratings, wheel stops, and speed bumps. Swimming pools, bath tubs, showers, natural walks, and unimproved paths are beyond the scope of this practice.

1.3 Conformance with this practice will not alleviate all hazards; however, conformance will reduce certain pedestrian risks.

1.4 The values stated in inch-pound units are to be regarded as the standard. The SI units given in parentheses are for information only.

1.5 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

### 2. Referenced Document

#### 2.1 ANSI Standard:

ANSI-Z535.1 Safety Color Coding<sup>2</sup>

### 3. Terminology

#### 3.1 Definitions:

3.1.1 *bollard*—a thick, low, short, post, often of iron or steel and usually used in series, provided for the purpose of excluding or diverting motor vehicles from a road, lawn, or path.

3.1.2 *carpet*—permanently secured fibrous floor covering.

3.1.2.1 *Discussion*—Area rugs, mats, and runners are not considered to be carpet for the purpose of this practice.

3.1.3 *cross slope*—the slope of a pedestrian walkway that is perpendicular to the direction of travel.

3.1.4 *element*—an identifiable part of an architectural component, for example, a stair handrail, tread, riser, or landing.

3.1.5 *fair*—a smooth transition between adjacent surfaces.

3.1.6 *foreseeable pedestrian path*—any place where a

pedestrian could reasonably be expected to walk.

3.1.7 *footwear*—shoes, including boots, sandals, slippers, or foul weather gear such as overshoes and rubbers, or a combination thereof.

3.1.8 *planar*—flat.

3.1.9 *ramp*—a walkway surface that has a slope steeper than 1:20 (5 %).

3.1.10 *sidewalk*—a paved surface, such as concrete or asphalt, usually parallel and adjacent to streets.

3.1.11 *slip resistance*—the relative force that resists the tendency of the shoe or foot to slide along the walkway surface. Slip resistance is related to a combination of factors including the walkway surface, the footwear bottom, and the presence of foreign materials between them.

3.1.11.1 *Discussion*—Slip resistance is dependent upon many factors such as: material and condition of the walkway surface; material and condition of the shoe sole or heel material; the physical abilities of the user; the attempted or proposed activities of the user, and; the presence of any contaminants on any or both of the surfaces, and other factors.

3.1.12 *slip resistant*—the provision of adequate slip resistance to reduce the likelihood of slip for pedestrians using reasonable care on the walking surface under expected use conditions.

3.1.13 *walkway surface hardware*—includes manhole covers, cellar doors used as walking surfaces, junction box covers, cleanout covers, hatches, sidewalk elevator covers, sewer grates, utility covers, and similar elements that pedestrians can reasonably be expected to walk on.

3.1.14 *walkway*—walking surfaces constructed for pedestrian usage including floors, ramps, walks, sidewalks, stair treads, parking lots and similar paved areas which may be reasonably foreseeable as pedestrian paths. Natural surfaces such as fields, playing fields, paths, walks, or footpaths, or a combination thereof, are not included.

### 4. Walkway Surfaces

#### 4.1 General:

4.1.1 Walkways shall be stable, planar, flush, and even to the extent possible. Where walkways cannot be made flush and even, they shall conform to the requirements of 4.2 and 4.3.

4.1.2 Walkway surfaces for pedestrians shall be capable of safely sustaining intended loads.

4.1.3 Walkway surfaces shall be slip resistant under expected environmental conditions and use. Painted walkways shall contain an abrasive additive, cross cut grooving, texturing or other appropriate means to render the surface slip

<sup>1</sup> This practice is under the jurisdiction of ASTM Committee F-13 on Safety and Traction for Footwear and is the direct responsibility of Subcommittee F13.10 on Traction.

Current edition approved Nov. 10, 1995. Published January 1996.

<sup>2</sup> Available from American National Standards Institute, 11 W. 42nd St., 13th Floor, New York, NY 10036.



## 6.2 Short Flight Stairs (Three or Fewer Risers):

6.2.1 Short flight stairs shall be avoided where possible.

6.2.2 In situations where a short flight stair or single step transition exists or cannot be avoided, obvious visual cues shall be provided to facilitate improved step identification. Handrails, delineated nosing edges, tactile cues, warning signs, contrast in surface colors, and accent lighting are examples of some appropriate warning cues.

## 7. Speed Bumps

7.1 Design to avoid the use of speed bumps.

7.2 All speed bumps which are in foreseeable pedestrian paths shall comply with 4.2 (walkway changes in level).

7.3 Existing speed bumps, that do not conform to 4.2, shall be clearly marked with safety color coding to contrast with surroundings in accordance with ANSI Z535.1. Painted speed bumps shall be slip resistant. Pedestrian CAUTION signs are recommended.

## 8. Wheel Stops

8.1 Parking lots should be designed to avoid the use of wheel stops.

8.2 Wheel stops shall not be placed in pedestrian walkways or foreseeable pedestrian paths.

8.3 Wheel stops shall be in contrast with their surroundings.

8.4 Wheel stops shall be no longer than 6 ft (1.83 m) and shall be placed in the center of parking stalls. The minimum width of pedestrian passage between wheel stops shall be 3 ft (0.91 m).

8.5 The top of wheel stops shall not exceed 6.5 in. (165 mm) in height above the parking lot surface.

8.6 Adequate illumination shall be maintained at wheel stops as governed by the requirements of local codes and

ordinances or, in their absence, by the recommendations set forth by the Illuminating Engineering Society of North America (IES-Application and Reference Volumes).

8.7 Bollards, not less than 3 ft 6 in. (1.07 m) height, may be placed in the center of parking stalls as an alternative to wheel stops. Bollards should be appropriately marked to enhance visibility in accordance with ANSI-Z535.1.

## 9. Gratings

9.1 Gratings used in public areas should be located outside of pedestrian walkways.

9.2 Gratings located in foreseeable pedestrian walkways shall not have openings wider than 1/2 in. (13 mm) in the direction of predominant travel.

9.2.1 *Exemption*—The requirements of 9.2 do not apply in areas where footwear worn is controlled (for example, industrial areas).

9.3 Gratings with elongated openings shall be placed with the long dimension perpendicular to the direction of predominant travel.

9.4 Gratings shall be maintained slip resistant.

## 10. Warnings

10.1 The use of visual cues such as warnings, accent lighting, handrails, contrast painting, and other cues to improve the safety of walkway transitions are recognized as effective controls in some applications. However, such cues or warnings do not necessarily negate the need for safe design construction.

## 11. Keywords

11.1 carpet; floors; gratings; mats; runners; sidewalks; short flight stairs; slip resistance; speed bump; stairs; walkway; wheel stop

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means of egress consists of three separate and distinct parts: the *exit access*; the *exit*; and the *exit discharge*. A means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, *corridors*, passageways, balconies, ramps, stairs, enclosures, lobbies, *horizontal exits*, *courts* and yards (see Section 1006.0).

**Occupant load:** The total number of persons that are permitted to occupy a building or portion thereof at any one time.

**Public way:** Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm).

**Slidescape:** A straight or spiral chute, erected on the interior or exterior of a building, which is designed as a *means of egress* direct to a street or other *public way* (see Section 1026.0).

**Smokeproof enclosure:** An enclosed *stairway*, with access from the floor area of the building either through outside balconies or ventilated vestibules, opening on a street, yard or open *court*, and with a separately enclosed direct *exit* to the street at the grade floor (see Section 1015.0).

**Stairway:** One or more flights of stairs, and the necessary landings and *platforms* connecting them, to form a continuous and uninterrupted passage from one floor to another (see Section 1014.0).

**Winder:** A step in a winding *stairway* (see Section 1014.6.3).

### SECTION 1003.0 CONSTRUCTION DOCUMENTS

**1003.1 Arrangement of egress:** The *construction documents* shall show in sufficient detail the location, construction, size and character of all *exits*, together with the arrangement of *aisles*, *corridors*, passageways and hallways leading thereto in compliance with the provisions of this code.

**1003.2 Number of occupants:** In other than occupancies in Use Groups R-2, R-3 and I-1, the *construction documents* and the application for a permit shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces as required by the code official. Unless otherwise specified, the minimum number of occupants to be accommodated by the *exits* shall be determined by the occupant load prescribed in Section 1008.0. The posted occupant load of the building shall be limited to that number. The fire prevention code official shall be informed in *writing* of the calculated occupant load.

**1003.3 Posted occupant load:** Every assembly room or space in an assembly occupancy shall have the approved occupant load of the room or space posted in a conspicuous place, near the main entrance to the room or space. Rooms or spaces which have multiple-use capabilities shall be posted for all such occupancies. All posted signs shall be of an approved legible permanent design.

### SECTION 1004.0 USE GROUP AND OCCUPANCY REQUIREMENTS

**1004.1 New buildings:** Every building and structure, and part thereof, hereafter erected shall have the prescribed number of *exits* of one or more of the approved types defined in this chapter. *Exits*, in combination with the *exit access* and *exit discharge*, shall provide safe and continuous *means of egress* to a street or to an open space with direct access to a street.

**1004.2 Multiple occupancies:** Where a building is occupied by two or more occupancies, the *means of egress* requirements shall apply to each portion of the building based on the occupancy of that space.

**1004.3 Multiple tenants:** Where more than one tenant occupies any one floor of a building or structure, each tenant shall be provided with direct access to approved *exits*.

### SECTION 1005.0 GENERAL LIMITATIONS

**1005.1 Exits:** An *exit* shall not be utilized for any purpose that interferes with its function as a *means of egress*.

**1005.2 Floor openings:** Manholes or floor access panels which reduce the clearance to less than 32 inches (813 mm) shall not be located in the line of *means of egress*.

**1005.3 Protruding objects:** A minimum headroom of 80 inches (2032 mm) shall be provided for any walking surface, including walks, halls, *corridors*, aisles and passageways. Structural elements, fixtures or furnishings shall not project from either side more than 4 inches (102 mm) over any walking surface between the heights of 27 (686 mm) and 80 inches (2032 mm) above the walking surface. A free-standing object mounted on a post(s) or pylon(s) shall not overhang that post(s) or pylon(s) more than 12 inches (305 mm) where the lowest point of the leading edge is more than 27 inches (686 mm) and less than 80 inches (2032 mm) above the walking surface. Door closers and stops shall not reduce headroom to less than 78 inches (1981 mm).

**1005.4 Floor surface:** All walking surfaces, including the floors of *corridors*, *stairways* and other components of the *means of egress*, shall have a slip-resistant surface.


**1005.5 Open-sided walking areas:** Guards shall be located along open-sided walking surfaces, *mezzanines*, *stairways*, ramps and landings which are located more than 15½ inches (394 mm) above the floor or grade below. The guards shall be constructed in accordance with Section 1021.0.

**Exception:** Guards are not required for the following locations:

1. On the loading side of loading docks.
2. On the auditorium side of *stages* and raised *platforms*.
3. On raised *stage* and *platform* floor areas such as runways, ramps and side *stages* utilized for entertainment or presentations.
4. At vertical openings in the performance area of *stages* and *platforms*.
5. At elevated walking surfaces appurtenant to *stages* and *platforms* for access to and utilization of special lighting or equipment.

# **Building Design and Construction Hazards**

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## 6.2 Slips and Falls on Floor Surfaces

### A. Introduction

Slipping on floors is one of the most common injuries. Four major factors must be studied for this type of incident: the footwear, the floor surface, foreign matter on the floor, and the pedestrian's physical condition. In all instances, the coefficient of friction between the footwear and the walking surface is in question along with the person's physical condition and activity leading up to the incident.

As a background for slipping and tripping, let's look at the mechanics of walking. Slow-motion pictures of people walking in a forward direction reveal that the leg slows down at the end of its forward swing and then vaults onto the walkway. The other leg acts as a pole, propelling the weight of the pedestrian forward.

The foot of the swinging leg contacts the walking surface at an angle at the rear edge of the heel. The other foot is in contact with the walkway, thus supporting part of the vertical load of the body until the heel of the first foot rocks forward, and the rest of the foot is planted on the ground. Shortly after the heel contacts the walkway, the horizontal force applied by the leg on the walking surface reaches a maximum in a forward direction. This horizontal force decreases as the rest of the foot is fully planted on the walkway. The horizontal force again reaches a maximum in the backward direction when the ball of the foot makes ready to leave the walking surface. It is these horizontal forces that must be restrained in order to prevent a slip and fall.

Shoe manufacturers are required to ensure a static coefficient of friction of 0.5 under normal walking behavior and typical floor finishes but often this value is violated. When measuring traction, there are three measurable coefficients of friction, dynamic friction, static, and impact friction. Dynamic friction is the resisting force that prevents movement between two surfaces, when one is sliding past the other. Static friction is the resisting force that prevents movement between two stationary surfaces in contact with one another. Dynamic friction values are typically used in analyzing a slip-fall case because most often a person was in motion prior to the incident.

Different types of shoe soles have been tested by the National Institute of Standards and Technology, NIST, to produce values of friction on

various floor surfaces and finishes under both wet and dry conditions. The most common material types are leather, rubber, neolite rubber, nylon, neoprene crepe and plastic. Each has a distinctive coefficient of friction. Matching the exact material to the floor surface condition is the job of the expert.

A significant amount of testing and research has been done on various conditions and one may never be able to exactly duplicate the conditions of a specific incident. Research indicates any condition that results in a coefficient of friction of 0.4 or less constitutes a hazard. OSHA requires that walking surfaces have a static coefficient of friction of at least 0.5 with leather on dry surface. Depending on the walking motion, the slip can occur off of the heel or ball of the foot. Wet vinyl tile and people walking with leather or rubber-soled shoes can occasionally have a coefficient of less than 0.4. I have consistently found that neoprene crepe soles with a soft durometer are very dangerous under normal conditions where moisture is present on vinyl, and no deformations are present in the sole of the shoe or they are worn off. (See Tables 6.1 to 6.3.)

Slips may result from walking on a surface in which the coefficient of friction is at an unsafe level. The presence of a foreign substance on a walking surface can lower the coefficient of friction, creating a hazard to pedestrians. Such substances include, but are not limited to food, grease, oil, water and ice. Spills on floor surfaces should be cleaned immediately. Moisture tracked in from outside can best be controlled by mats at entrances, however, mats can also be a potential tripping hazard. If the addition of simple track in moisture causes standard shoe soles to become hazardous, consideration to selecting a different walking surface should be taken.

Table 6.1 illustrates various footwear and surface conditions. While several shoe sole testing machines are available, the simple fact that your client slipped and fell is an obvious statement of an unsafe condition if he or she was not behaving abnormally, no foul play was involved, or their foot wear was not worn, was not of poor selection such as plastic, or made of poor material. A lot of the low-end shoes imported from Asia do not comply with the 0.5 coefficient standard.

However, one must ensure that the shoes were not worn out or deteriorated plus the victim was not running or doing anything unusual. Ensuring that an accident occurred at the location described and the mechan-

ics of the fall, whether backward or forward and off of what portion of the foot, is critical. Otherwise, a test using a dynamic model may be necessary which includes using a sample of the actual shoes and replicating the floor conditions in a laboratory. A person's physical condition and whether they were under the influence of alcohol or drugs must also be ruled out or determined not to be a factor.

	Leather Sole				Rubber Sole			
	Dry		Wet		Dry		Wet	
Floor material	Static	Dynamic	Static	Dynamic	Static	Dynamic	Static	Dynamic
Concrete	0.54	0.45	0.37		0.74	0.71		
Vinyl Tile	0.46	0.39	0.30	0.11	0.58	0.54	0.63	0.47
Rubber	0.45	0.63	0.43	0.27	0.44	0.63	0.87	0.50
Sheet Vinyl	0.43	0.39	0.78	0.29	0.48	0.67	0.82	0.61
Cork Tiles	0.42	0.34	0.78	0.55	0.53	0.50	1.00	0.98
Linoleum	0.27	0.25			0.42	0.36		
Norway Spruce								
Varnished	0.31	0.25			0.50	0.40		
Terrazzo	0.25	0.22	0.17		0.38	0.34		
Limestone, Honed with fine sand on the soles	0.27	0.21				0.38	0.27	
White Oak waxed	0.24		0.17					
Ice	0.1		0.08					
Asphalt	0.55	0.45	0.45					
Steel Plate			0.19					

Table 6.1 Coefficient of Friction NIST Publication

Level	Evaluation
Under 0.2	Very slippery and very hazardous
0.2 - 0.4	Slippery and hazardous
Greater than 0.4	Good traction

Table 6.2 Coefficient of Friction Levels

Type	Method of Measurement	Data determined	Remarks
Dynamic	Horizontal pull tester Topaka Device Shot-Bag	Sliding or dynamic	Accuracy varies with operator. Not suitable for wet surfaces.
	English XL Tribometer	Dynamic	Suitable for wet surfaces
Static	Articulated strut James Machine Brungraber Horizontal pull tester	Inertial or "at rest" friction	Laboratory use. Not suitable for field work.
Impact	Sigler Device British Portable Skid Tester	Impact	Simulates heel impact. Requires experienced Skid Tester operator

Table 6.3 Laboratory Testing Machines for Coefficient of Friction—One of the most effective slip meters (30 xst) has been developed by William English. This machine can measure both wet and dry surfaces. In information with ASTM F1679, ASTM D5859, ANSI A 1264.2 and OSHA 1926.754.

### B. Case in point

A frequent accident is a person who walks into a restaurant or grocery store and suddenly slips on a wet patch on the vinyl floor. One request examination of the footwear for type, condition and sole material. While at times extensive testing is required, over waxed, vinyl floors that are wet are typically dangerous (under 0.5 coefficient) for a walking pedestrian with crepe or leather soled shoes. Crepe footwear is dangerous on various surfaces once the tread surface is worn. Warning signs indicating slippery floors are unacceptable. Floors should always be cleaned during off hours

and spills should be wiped dry immediately. Mats should be always installed where moisture is tracked into a store.

Another frequent slipping hazard is on wood surfaces and ceramic tile that has moisture on them. If wood is going to be exposed to weather, it should have a slip-resistant treatment. Porcelain tile is inherently dangerous, and I would not recommend use in public facilities.

Finally, a well-maintained store with strict maintenance procedures and the use of throw mats at the entrance was accused of hazardous design of their tile floor entryway. Moisture tracked in from inclement weather can be expected. However, poor plastic footwear cannot supply ample traction and is below industry standards. The footwear in this case was a contributing factor of negligence.

### C. Foot physiology

When a person walks, twelve areas (area size: 2 x 2 cm<sup>2</sup>) are on the plantar surface of the foot: great toe (HX), first metatarsal head (M1), second metatarsal head (M2), third metatarsal head (M3), fourth metatarsal head (M4), fifth metatarsal head (M5), forward lateral foot (LF), middle lateral foot (LM), rear lateral foot (LB), lateral heel (LH), medial heel (MH), and medial arch (MA). (See Figure 6.5)

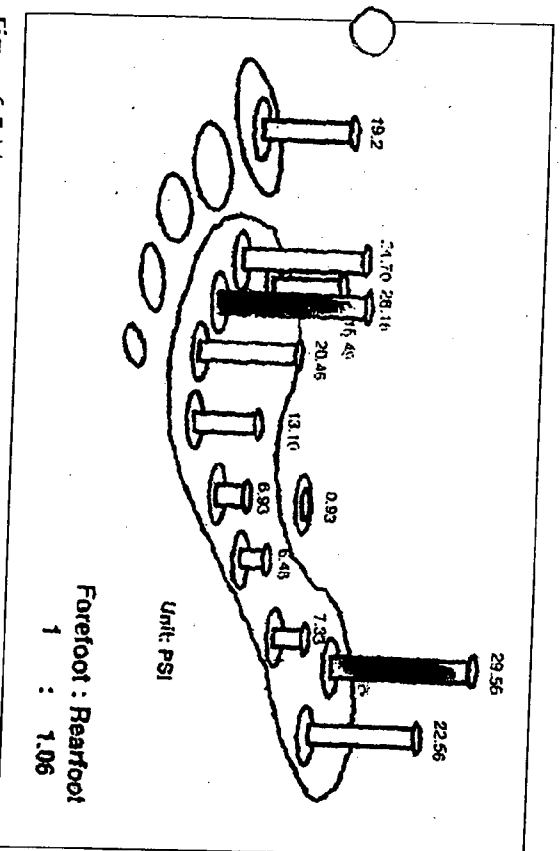


Figure 6.5 Mean peak pressure values for the foot model locations.

Slips occur due to reduced contact of one of these points. Below is an explanation of leg orientation.

**Equinus:** Position of the foot in which the heel is elevated and the forefoot is in plantar flexion.

**Pronation:** Eversion and abduction of the calcaneus relative to the midline of the lower leg.

**Supination:** Inversion and adduction of the calcaneus relative to the midline of the lower leg.

**Support Phase:** The phase of the gait cycle for each foot which begins when the heel first makes contact with the walking surface and ends when the foot leaves the walking surface.

### D. Code references and industry standards

International Building Code, Means of Egress, Section 1003.4, Floor Surface

UL Index of classified products

NBS 98.5

Federal Trade Commission March 17, 1953 – Proposed trade roles for the floor wax and floor polish industry.

ASTM D 2047-72

Measurement slippery surfaces US Dept. of Commerce May 1948

ASTM C1028, D2047, D2394, D4518, E303, F462, F489, F609

Footwear Industry Association (202) 789-1420

OSHA Code (Federal Register 4/10/90 Appendix A to subpart D "Walking and Working Surfaces." Compliance Guidelines)

## Chapter 8

# Ramps

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### *Synopsis*

- 8.1 Introduction
- 8.2 Case in Point
- 8.3 Code References and Industry Standards

### 8.1 Introduction

Accidents on ramps are typically slip related, slope related and feet first due to the decrease in horizontal traction. Walking on flat surfaces generates a horizontal force that is approximately 20 percent of a person's gross weight. The ADA has specific details and guidelines on ramp configuration. Adopted in 1990 and enforceable after 1992, ANSI, BOCA Code and UBC follow the guidelines as established by the Federal Disability ACT. UBC and BOCA Codes state that all changes in elevation along an exit corridor less than twelve inches in height be accomplished by means of ramps. This eliminates abrupt riser steps in buildings. The most often violated requirements that cause injuries are the improper slope of the ramp, poor slip resistant walking surfaces and the lack of handrails, improper size or location, obstruction on the ramp, plus lack of handrail extensions. The sides of ramps at times are accessible yet have an excessive slope which causes accidents. Sometimes sloped areas in sidewalks that are not clearly identified with markings can cause sudden walking gait problems. People also have been known to slip on concrete that has been painted with ADA requirements. The American National Standards Institute has regulations with regards to painting walking surfaces.

Another type of accident that often occurs involves sloped parking lots and shopping carts. The average female pushing strength is approximately thirty-five pounds (see Chapter 5, Human Characteristics). Quite



often a cart, fully loaded, will exceed the users capacity to contain the cart causing it to run away, impacting into cars or over turning.

## 8.2 Case in Point

Two examples of faulty ramp configuration resulted in tripping injuries. In the first instance a ramp was built going into a building with a curb at the bottom of the slope and within a door threshold (see Figure 8.1). The user did not see the abrupt ledge and tripped (see Figure 8.2). Since this was a public facility, it was in direct violation of ADA, UBC and the BOCA Codes. This incident was a means of egress threshold and ramp violation.

The second incident involved a ramp built into a sidewalk. A pedestrian was walking at night toward the entrance of a building and did not expect a sudden drop in the sidewalk elevation. An injured ankle was the

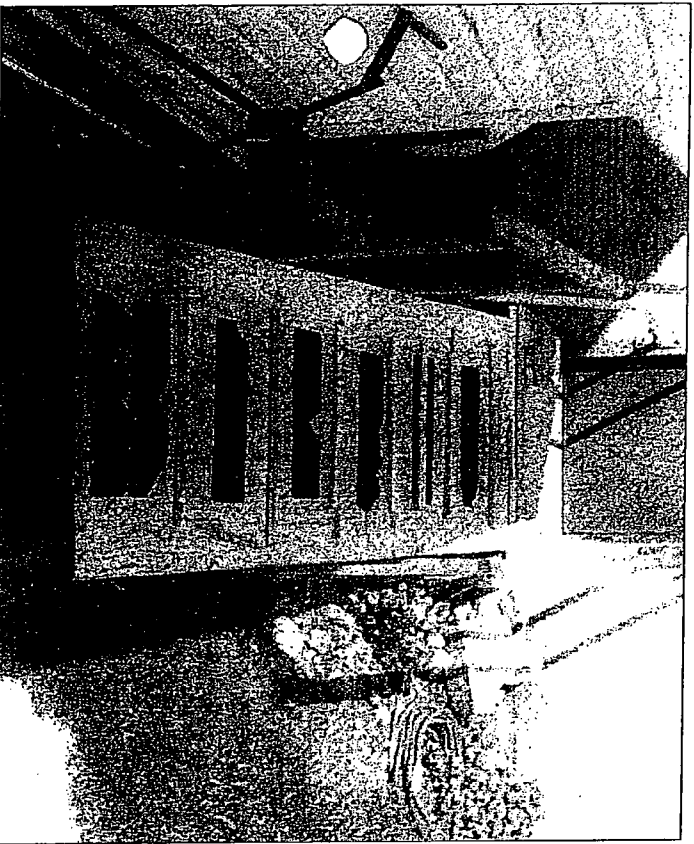


Figure 8.1 Wood ramp which is not completely slip resistant when wet. Side handrails and slope not within ADA.

result. The depressed side slopes were not within industry regulations of 1:12 and the areas were not marked with an exciter color of paint (yellow). I find this type of injury very common.

## 8.3 Code References and Industry Standards

- Maximum slope 1:12 BOCA, UBC, ADA, ANSI
- Minimum width 36 inches
- Minimum landings width 60 inches BOCA, ADA, UBC, ANSI
- Landing length: 36 inches
- Surface: slip resistant BOCA, ADA, UBC
- Handrails height 30-34" Both Sides ADA
- Handrail required on ramp 30 feet or greater
- Walking Surface with steps less than 4 inches should use ramps
- International Building Code, Chapter 10

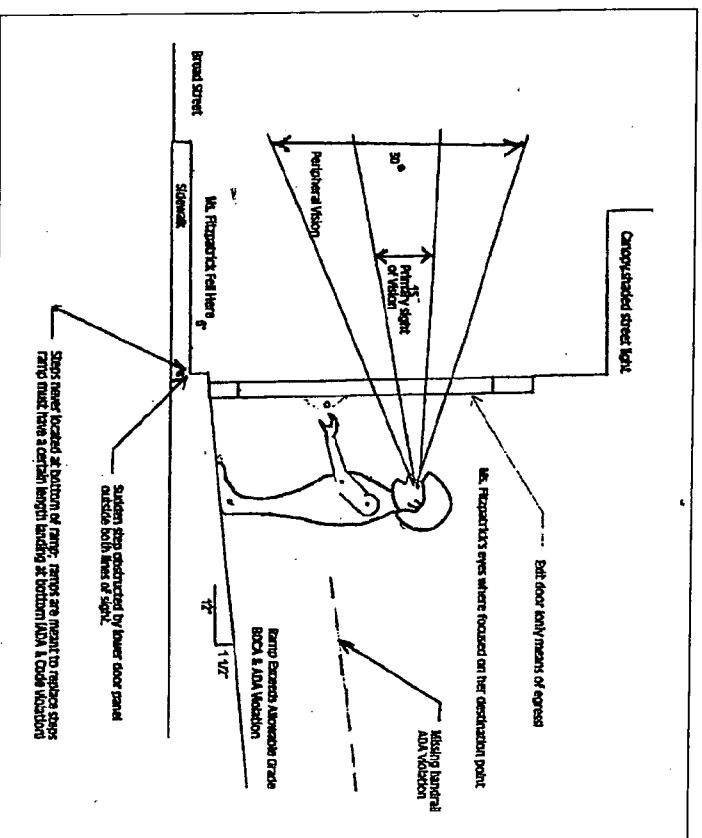


Figure 8.2 An example of a hidden ledge at the bottom of a ramp. This is an ADA and BOCA door/threshold code violation.

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**An American  
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**National Fire  
Protection Association**

## CHAPTER 5 MEANS OF EGRESS

(See also Chapter 31.)

### SECTION 5-1 GENERAL

**5-1.1\* Application.** Means of egress for both new and existing buildings shall comply with this chapter. (Also see Chapter 1 and Section 31-1.)

#### 5-1.2 Definitions.

**Accessible Means of Egress.\*** A path of travel, usable by a person with a severe mobility impairment, that leads to a public way or an area of refuge. (See 5-2.4.)

**Accessible Area of Refuge.** An area of refuge that complies with the accessible route requirements of CABO/ANSI A117.1, *American National Standard for Accessible and Usable Buildings and Facilities*.

**Area of Refuge.\*** (See 5-2.12.) An area of refuge is either:

(a) A floor in a building when such building is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 7-7 and has at least two accessible rooms or spaces separated from each other by smoke resisting partitions, or

*Exception to (a): Two accessible rooms or spaces shall not be required as permitted by Chapters 8 through 29.*

(b) A space, in a path of travel leading to a public way, that is protected from the effects of fire, either by means of separation from other spaces in the same building or by virtue of location, thereby permitting a delay in egress travel from any level.

**Common Path of Travel.** That portion of exit access that must be traversed before two separate and distinct paths of travel to two exits are available. Paths that merge are common paths of travel. Common path of travel is measured in the same manner as travel distance but terminates at that point where two separate and distinct routes become available.

**Exit.\*** That portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment as required in 5-1.3.1 to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps.

**Exit Access.** That portion of a means of egress that leads to an exit.

**Exit Discharge.** That portion of a means of egress between the termination of an exit and a public way.

**Horizontal Exit.\*** A way of passage from one building to an area of refuge in another building on approximately the same level, or a way of passage through or around a fire barrier to an area of refuge on approximately the same level in the same building that affords safety from fire and smoke originating from the area of incidence and areas communicating therewith. (See 5-2.4.)

**Means of Egress.** A continuous and unobstructed way of exit travel from any point in a building or structure to a public way consisting of three separate and distinct parts: (a) the exit access, (b) the exit, and (c) the exit discharge. A means of egress comprises the vertical and horizontal travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

**Ramp.** A walking surface in an accessible space that has a slope steeper than 1 in 20.

**Severe Mobility Impairment.** The ability to move to stairs but not the ability to use the stairs.

#### 5-1.3 Separation of Means of Egress. (See also Section 6-2.)

**5-1.3.1 Exits.** Where an exit is required by this Code to be protected by separation from other parts of the building, the separating construction shall meet the requirements of Section 6-2 and the following requirements:

(a) The separation shall have at least a 1-hour fire resistance rating where the exit connects three stories or less. This applies whether the stories counted are above or below the story where exit discharge begins.

(b) The separation shall have at least a 2-hour fire resistance rating where the exit connects four or more stories, whether above or below the level of exit discharge. It shall be constructed of an assembly of noncombustible or limited-combustible materials and shall be supported by construction having at least a 2-hour fire resistance rating.

*Exception to (b): Hotels in accordance with 16-2.2.1.2 and 17-2.2.1.2 and apartment buildings in accordance with 18-2.2.1.2 and 19-2.2.1.2.*

(c) Any opening therein shall be protected by a fire door assembly equipped with a door closer complying with 5-2.1.8.

(d) Openings in exit enclosures shall be limited to those necessary for access to the enclosure from normally occupied spaces and corridors, and for egress from the enclosure.

(e) Penetrations into and openings through an exit enclosure assembly are prohibited except for electrical conduit serving the stairway, required exit doors, duct work and equipment necessary for independent stair pressurization, water or steam piping necessary for the heating or cooling of the exit enclosure, sprinkler piping, and standpipes.

There shall be no penetrations or communicating openings between adjacent exit enclosures.

*Exception to (e): Existing penetrations protected in accordance with 6-2.3.6 shall be permitted to be continued in use.*

**5-1.3.2** In existing buildings, where a two-story exit enclosure connects the story of exit discharge with the story next above or below only, but not both, the exit shall be required only to be enclosed on the story of exit discharge. At least 50 percent of the number and capacity of exits on the story of exit discharge shall be independent of such enclosures.

**5-1.3.3** The enclosing walls of exits shall be arranged to provide a continuous protected path of travel, including landings and passageways, to an exit discharge.

**5-2.4.4.6** All wall openings, in both of the connected buildings or fire areas, any part of which is within 10 ft (3 m) of any bridge or balcony as measured horizontally or below, shall be protected with fire doors or fixed fire window assemblies having a ¾-hour fire protection rating.

*Exception No. 1: Where bridges have solid sides not less than 6 ft (183 cm) in height, such protection of wall openings shall not be required.*

*Exception No. 2: Existing bridges and balconies subject to approval of the authority having jurisdiction.*

## 5-2.5 Ramps.

**5-2.5.1 General.** Every ramp used as a component in a means of egress shall conform to the general requirements of Section 5-1 and to the special requirements of this subsection.

**5-2.5.2 Dimensional Criteria.** Ramps shall be in accordance with the following table:

New Ramps	
Minimum width clear of all obstructions, except projections not exceeding 3½ in. (8.9 cm) at or below handrail height on each side	44 in. (112 cm)
Maximum slope	1 in 12 for > 6 in. (> 15.2 cm) rise 1 in 10 for > 3 in. (> 7.6 cm) and ≤ 6 in. (≤ 15.2 cm) rise 1 in 8 for ≤ 3 in. (≤ 7.6 cm) rise
Maximum cross slope	1 in 48
Maximum rise for a single ramp run	30 in. (76 cm)

*Exception No. 1: Aisle ramps as permitted for assembly occupancies in Chapters 8 and 9.*

*Exception No. 2: Existing ramps shall be permitted to remain in use or be rebuilt if they meet the requirements shown in the table for existing ramps.*

Existing Ramps		
	Class A	Class B
Minimum width	44 in. (122 cm)	30 in. (76 cm)
Maximum slope	1 in 10	1 in 8
Maximum height between landings	12 ft (3.7 m)	12 ft (3.7 m)

*Exception No. 3: Existing Class B ramps with slopes no steeper than 1 in 6 shall be permitted to remain in use subject to the approval of the authority having jurisdiction.*

*Exception No. 4: Existing ramps with slopes no steeper than 1 in 10 need not be provided with landings.*

## 5-2.5.3 Ramp Details.

**5-2.5.3.1 Landings.** Ramps shall have landings at the top, bottom, and at doors opening onto the ramp. The slope of the landing shall not be steeper than 1 in 48. Every landing shall have a dimension measured in the direction of travel not less than the width of the ramp. Such dimension need not exceed 4 ft (122 cm) where the ramp has a straight run.

**5-2.5.3.2 Slip Resistance.** A ramp shall have a slip-resistant surface.

**5-2.5.3.3** Changes in direction of travel, if any, shall be made only at landings. Ramps and intermediate landings shall continue with no decrease in width along the direction of egress travel.

**5-2.5.3.4 Drop-Offs.** Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from traveling off the edge of the ramp. Curbs or barriers shall be a minimum of 4 in. (10.1 cm) in height.

**5-2.5.3.5** All ramps serving as required means of egress shall be of permanent fixed construction.

**5-2.5.3.6** A ramp used as a means of egress in a building more than three stories in height, or in a building of any height of noncombustible or fire-resistive construction, shall be constructed of an assembly of noncombustible or limited-combustible material. The ramp floor and landings shall be solid and without perforations.

**5-2.5.4 Guards and Handrails.** Guards complying with 5-2.2.4 shall be provided for ramps. Handrails complying with 5-2.2.4 shall be provided along both sides of a ramp segment steeper than 1 in 20. The height of handrails and guards shall be measured vertically to the top of the guard or rail from the walking surface adjacent thereto.

*Exception: Guards and handrails provided for ramped aisles in assembly occupancies in accordance with Chapters 8 and 9.*

## 5-2.5.5 Special Provisions for Outside Ramps.

**5-2.5.5.1** Balconies or landings to which doors lead shall be approximately level with the floor of the building.

*Exception: In existing buildings located in climates where balconies or landings might be subject to accumulation of snow or ice, one step, not to exceed 8 in. (20.3 cm), shall be permitted below the level of the inside floor.*

**5-2.5.5.2\* Visual Protection.** Outside ramps shall be arranged to avoid any handicap to their use by persons having a fear of high places. For ramps more than three stories in height, any arrangement intended to meet this requirement shall be at least 4 ft (122 cm) in height.

**5-2.5.5.3 Water Accumulation.** Outside ramps and landings shall be designed to prevent water from accumulating on their surfaces.

**5-2.5.6 Enclosure and Protection of Ramps.** Ramps in a required means of egress shall be enclosed or protected as a stair in accordance with 5-2.2.6. The use of Exceptions No. 2 and 3 to 5-2.2.6.3 shall not be permitted.

## 5-2.6\* Exit Passageways.

**5-2.6.1 General.** Exit passageways such as hallways, corridors, passages, tunnels, underfloor passageways, or overhead passageways used as exit components shall conform to the general requirements of Section 5-1 and to the special requirements of this subsection.

**5-2.6.2 Enclosure.** An exit passageway shall be separated from other parts of the building as specified in 5-1.3.1.

*Exception No. 1: Fire windows in accordance with 6-2.3.4 shall be permitted to be installed in such a separation in a*

**History for Bradford, PA**

Thursday, June 27, 2002

**Daily Summary**

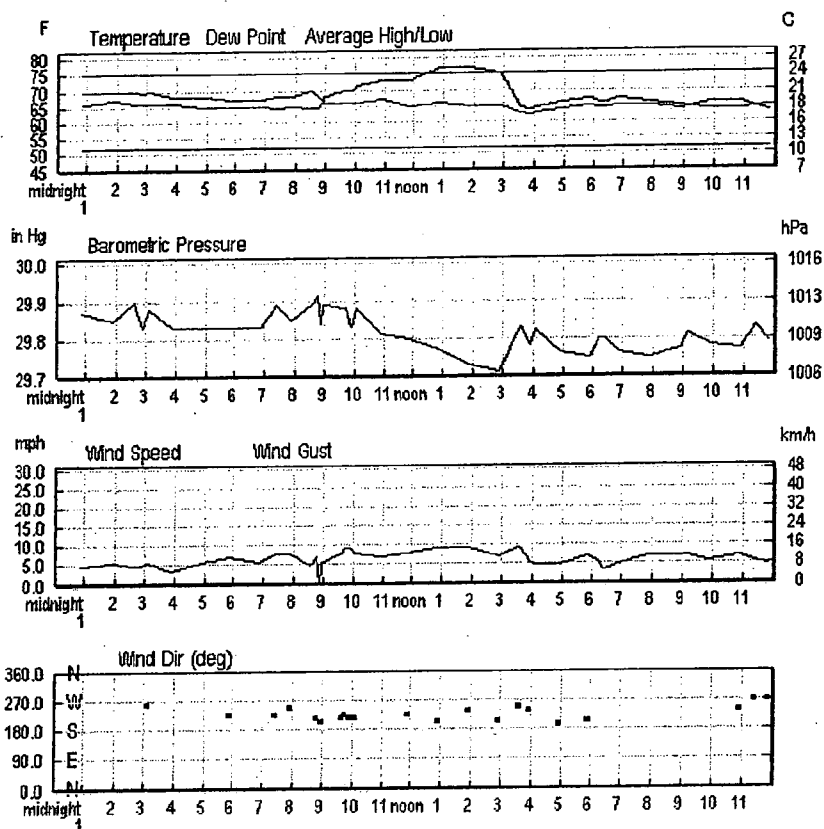
	Actual:	Average :	Record :
<b>Temperature:</b>			
Mean Temperature	70 °F / 21 °C	-	
Max Temperature	79 °F / 26 °C	75 °F / 23 °C	87 °F / 30 °C (1969)
Min Temperature	63 °F / 17 °C	52 °F / 11 °C	39 °F / 3 °C (1981)
Cooling Degree Days	6		
Growing Degree Days	20 (Base 50)		
<b>Moisture:</b>			
Dew Point	66 °F / 18 °C		
Average Humidity	87		
Maximum Humidity	100		
Minimum Humidity	66		
<b>Precipitation:</b>			
Precipitation	0.50 in / 1.27 cm		- 0
<b>Sea Level Pressure:</b>			
Sea Level Pressure	29.84 in / 1010 hPa		
<b>Wind:</b>			
Wind Speed	5 mph / 8 km/h (SW)		
Max Wind Speed	9 mph / 14 km/h		
Max Gust Speed	21 mph / 34 km/h		
Visibility	6 miles / 10 kilometers		
Events	Rain , Thunderstorm		

Averages and records for this station are not official NWS values.

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

Seasonal Weather Averages



## Hourly Observations

Time (EDT):	Temp.: F C	Dew Point: F C	Humidity:	Sea Level Pressure: in / hPa	Visibility: miles / kilometers	Wind Dir:	Wind Speed: mph / km/h / m/s	Gust Speed:	Precip:	Events:	Conditions:
12:53 AM	70.0 °F 21.1 °C	66.0 °F 18.9 °C	87%	29.87 in / 1011.3 hPa	7.0 miles / 11.3 kilometers	Variable	4.6 mph / 7.4 km/h / 2.1 m/s		N/A		Clear
1:53 AM	70.0 °F 21.1 °C	66.9 °F 19.4 °C	90%	29.85 in / 1010.8 hPa	6.0 miles / 9.7 kilometers	Variable	5.8 mph / 9.3 km/h / 2.6 m/s		N/A		Mostly Cloudy
2:35 AM	69.8 °F 21.0 °C	66.2 °F 19.0 °C	88%	29.90 in / 1012.4 hPa	6.0 miles / 9.7 kilometers	Variable	4.6 mph / 7.4 km/h / 2.1 m/s		N/A		Mostly Cloudy
2:53 AM	69.1 °F 20.6 °C	66.0 °F 18.9 °C	90%	29.83 in / 1010.2 hPa	6.0 miles / 9.7 kilometers	Variable	4.6 mph / 7.4 km/h / 2.1 m/s		N/A		Mostly Cloudy
3:08 AM	69.8 °F 21.0 °C	66.2 °F 19.0 °C	88%	29.88 in / 1011.7 hPa	5.0 miles / 8.0 kilometers	West	5.8 mph / 9.3 km/h / 2.6 m/s		N/A		Scattered Clouds
3:53 AM	68.0 °F 20.0 °C	66.0 °F 18.9 °C	93%	29.83 in / 1009.9 hPa	6.0 miles / 9.7 kilometers	Variable	3.5 mph / 5.6 km/h / 1.5 m/s		N/A		Scattered Clouds
4:53 AM	68.0 °F 20.0 °C	64.9 °F 18.3 °C	90%	29.83 in / 1010.0 hPa	7.0 miles / 11.3 kilometers	Variable	5.8 mph / 9.3 km/h / 2.6 m/s		N/A		Partly Cloudy
5:53 AM	66.9 °F 19.4 °C	64.9 °F 18.3 °C	93%	29.83 in / 1010.0 hPa	6.0 miles / 9.7 kilometers	SW	6.9 mph / 11.1 km/h / 3.1 m/s		N/A		Mostly Cloudy
6:53 AM	66.9 °F 19.4 °C	64.9 °F 18.3 °C	93%	29.83 in / 1010.1 hPa	4.0 miles / 6.4 kilometers	Variable	5.8 mph / 9.3 km/h / 2.6 m/s		N/A		Scattered Clouds

7:23 AM	68.0 °F / 20.0 °C	64.4 °F / 18.0 °C	88%	29.89 in / 1012.1 hPa	5.0 miles / 8.0 kilometers	SW	8.1 mph / 13.0 km/h - / 3.6 m/s	N/A	Partly Cloudy	
7:53 AM	68.0 °F / 20.0 °C	64.9 °F / 18.3 °C	90%	29.85 in / 1010.6 hPa	5.0 miles / 8.0 kilometers	WSW	8.1 mph / 13.0 km/h - / 3.6 m/s	N/A	Mostly Cloudy	
8:34 AM	69.8 °F / 21.0 °C	64.4 °F / 18.0 °C	83%	29.89 in / 1012.1 hPa	5.0 miles / 8.0 kilometers	Variable	4.6 mph / 7.4 km/h / - 2.1 m/s	N/A	Mostly Cloudy	
8:46 AM	68.0 °F / 20.0 °C	64.4 °F / 18.0 °C	86%	29.91 in / 1012.8 hPa	0.8 miles / 1.2 kilometers	SW	6.9 mph / 11.1 km/h / 3.1 m/s	16.1 mph / 25.9 km/h / 7.2 m/s	0.13 in / 0.3 cm Rain	Heavy Rain
8:53 AM	66.9 °F / 19.4 °C	66.0 °F / 18.9 °C	97%	29.84 in / 1010.5 hPa	0.8 miles / 1.2 kilometers	Calm	Calm -		0.13 in / 0.3 cm Rain	Light Rain
8:55 AM	66.2 °F / 19.0 °C	66.2 °F / 19.0 °C	100%	29.89 in / 1012.1 hPa	1.8 miles / 2.8 kilometers	Variable	4.6 mph / 7.4 km/h / - 2.1 m/s		0.00 in / 0.0 cm Rain	Light Rain
8:57 AM	68.0 °F / 20.0 °C	66.2 °F / 19.0 °C	94%	29.89 in / 1012.1 hPa	3.0 miles / 4.8 kilometers	SSW	5.8 mph / 9.3 km/h / - 2.6 m/s		0.00 in / 0.0 cm Rain	Light Rain
9:02 AM	68.0 °F / 20.0 °C	66.2 °F / 19.0 °C	94%	29.89 in / 1012.1 hPa	4.0 miles / 6.4 kilometers	Variable	5.8 mph / 9.3 km/h / - 2.6 m/s		0.00 in / 0.0 cm	Mostly Cloudy
9:36 AM	69.8 °F / 21.0 °C	66.2 °F / 19.0 °C	88%	29.88 in / 1011.7 hPa	6.0 miles / 9.7 kilometers	SW	8.1 mph / 13.0 km/h - / 3.6 m/s		0.00 in / 0.0 cm	Mostly Cloudy
9:45 AM	69.8 °F / 21.0 °C	66.2 °F / 19.0 °C	88%	29.88 in / 1011.7 hPa	5.0 miles / 8.0 kilometers	SW	9.2 mph / 14.8 km/h - / 4.1 m/s		0.00 in / 0.0 cm	Mostly Cloudy
9:53 AM	70.0 °F / 21.1 °C	66.0 °F / 18.9 °C	87%	29.83 in / 1010.0 hPa	5.0 miles / 8.0 kilometers	SW	9.2 mph / 14.8 km/h - / 4.1 m/s		0.00 in / 0.0 cm	Mostly Cloudy
10:04 AM	71.6 °F / 22.0 °C	66.2 °F / 19.0 °C	83%	29.88 in / 1011.7 hPa	6.0 miles / 9.7 kilometers	SW	8.1 mph / 13.0 km/h - / 3.6 m/s		N/A	Haze
10:53 AM	73.0 °F / 22.8 °C	66.9 °F / 19.4 °C	81%	29.81 in / 1009.5 hPa	7.0 miles / 11.3 kilometers	Variable	6.9 mph / 11.1 km/h - / 3.1 m/s		N/A	Mostly Cloudy
11:53 AM	73.0 °F / 22.8 °C	64.9 °F / 18.3 °C	76%	29.80 in / 1009.1 hPa	8.0 miles / 12.9 kilometers	SW	8.1 mph / 13.0 km/h - / 3.6 m/s		N/A	Mostly Cloudy
12:53 PM	77.0 °F / 25.0 °C	66.0 °F / 18.9 °C	69%	29.77 in / 1008.0 hPa	9.0 miles / 14.5 kilometers	SSW	9.2 mph / 14.8 km/h - / 4.1 m/s		N/A	Scattered Clouds
1:53 PM	77.0 °F / 25.0 °C	64.9 °F / 18.3 °C	66%	29.73 in / 1006.5 hPa	10.0 miles / 16.1 kilometers	WSW	9.2 mph / 14.8 km/h - / 4.1 m/s		N/A	Scattered Clouds
2:53 PM	75.0 °F / 23.9 °C	64.9 °F / 18.3 °C	71%	29.71 in / 1006.0 hPa	10.0 miles / 16.1 kilometers	SSW	6.9 mph / 11.1 km/h - / 3.1 m/s		N/A	Mostly Cloudy
3:32 PM	64.4 °F / 18.0 °C	62.6 °F / 17.0 °C	94%	29.83 in / 1010.0 hPa	-	WSW	9.2 mph / 14.8 km/h / 4.1 m/s	20.7 mph / 33.3 km/h / 9.3 m/s	0.32 in / 0.8 cm Rain, Thunderstorm	Heavy Thunderstorms and Rain
3:53 PM	64.0 °F / 17.8 °C	62.1 °F / 16.7 °C	93%	29.78 in / 1008.5 hPa	8.0 miles / 12.9 kilometers	WSW	5.8 mph / 9.3 km/h / - 2.6 m/s		0.35 in / 0.9 cm Rain	Light Rain
4:03 PM	64.4 °F / 18.0 °C	62.6 °F / 17.0 °C	94%	29.82 in / 1009.7 hPa	10.0 miles / 16.1 kilometers	Variable	4.6 mph / 7.4 km/h / - 2.1 m/s		0.00 in / 0.0 cm Rain	Light Rain
4:53 PM	66.0 °F / 18.9 °C	64.0 °F / 17.8 °C	93%	29.76 in / 1007.8 hPa	10.0 miles / 16.1 kilometers	SSW	4.6 mph / 7.4 km/h / - 2.1 m/s		0.00 in / 0.0 cm	Partly Cloudy

5:53 PM	66.9 °F 19.4 °C	64.9 °F 18.3 °C	93%	29.75 in / 1007.2 hPa	9.0 miles / 14.5 kilometers	SSW	6.9 mph / 11.1 km/h - 3.1 m/s	0.00 in 0.0 cm	Scattered Clouds
6:12 PM	66.2 °F 19.0 °C	64.4 °F 18.0 °C	94%	29.80 in / 1009.0 hPa	8.0 miles / 12.9 kilometers	Variable	5.8 mph / 9.3 km/h - 2.6 m/s	N/A	Scattered Clouds
6:23 PM	66.2 °F 19.0 °C	64.4 °F 18.0 °C	94%	29.80 in / 1009.0 hPa	8.0 miles / 12.9 kilometers	Variable	3.5 mph / 5.6 km/h - 1.5 m/s	N/A	Mostly Cloudy
6:53 PM	66.9 °F 19.4 °C	64.9 °F 18.3 °C	93%	29.76 in / 1007.6 hPa	6.0 miles / 9.7 kilometers	Variable	4.6 mph / 7.4 km/h - 2.1 m/s	N/A	Overcast
7:53 PM	66.0 °F 18.9 °C	64.9 °F 18.3 °C	96%	29.75 in / 1007.5 hPa	5.0 miles / 8.0 kilometers	Variable	6.9 mph / 11.1 km/h - 3.1 m/s	N/A	Overcast
8:53 PM	64.9 °F 18.3 °C	64.0 °F 17.8 °C	97%	29.77 in / 1008.0 hPa	5.0 miles / 8.0 kilometers	Variable	6.9 mph / 11.1 km/h - 3.1 m/s	N/A	Overcast
9:10 PM	64.4 °F 18.0 °C	64.4 °F 18.0 °C	100%	29.81 in / 1009.4 hPa	5.0 miles / 8.0 kilometers	Variable	6.9 mph / 11.1 km/h - 3.1 m/s	N/A	Overcast
9:53 PM	66.0 °F 18.9 °C	64.0 °F 17.8 °C	93%	29.78 in / 1008.3 hPa	5.0 miles / 8.0 kilometers	Variable	5.8 mph / 9.3 km/h - 2.6 m/s	N/A	Overcast
10:53 PM	66.0 °F 18.9 °C	64.0 °F 17.8 °C	93%	29.77 in / 1008.1 hPa	5.0 miles / 8.0 kilometers	WSW	6.9 mph / 11.1 km/h - 3.1 m/s	N/A	Overcast
11:25 PM	64.4 °F 18.0 °C	64.4 °F 18.0 °C	100%	29.83 in / 1010.0 hPa	6.0 miles / 9.7 kilometers	West	5.8 mph / 9.3 km/h - 2.6 m/s	0.02 in 0.1 cm	Rain Light Rain
11:53 PM	64.9 °F 18.3 °C	63.0 °F 17.2 °C	93%	29.79 in / 1008.8 hPa	7.0 miles / 11.3 kilometers	West	4.6 mph / 7.4 km/h - 2.1 m/s	0.02 in 0.1 cm	Overcast



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## 5.0 VITAE

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E-mail: [rhughes@hughesengineering](mailto:rhughes@hughesengineering)  
Website: [HTTP://www.hughesengineering.net](http://www.hughesengineering.net)

**Education**

Masters Degree Engineering Science - The Pennsylvania State University - 1990  
B.S. Civil Engineering - The Pennsylvania State University - 1981

**Professional Registrations**

Professional Engineer, Pennsylvania, 1987  
Professional Engineer, Maryland, 1987  
Professional Engineer, New Jersey, 1993  
Professional Engineer, Ohio, 1994  
Professional Engineer, New York, 1998  
Professional Engineer, West Virginia, 2000  
Professional Engineer, Delaware, 2003

**Professional Associations**

American Society of Highway Engineers  
Prestressed Concrete Institute  
National Fire Protection Association  
PA Society of Arson Investigators  
The Hazard Information Foundation, Inc.

**Years Experience**

Total Experience – 25 years

**PROFILE**

Mr. Hughes has spent his entire professional career in the engineering field. Prior to working as a forensic specialist, he was Vice President of Transportation and Structures for a sixty-employee consulting firm that specialized in structural, environmental, transportation, and civil engineering. Prior to attaining this level in the industry, he worked as a project manager & project engineer for several construction and consulting engineering firms located in Virginia, Maryland, New York, New Jersey, and Pennsylvania.

Mr. Hughes' duties necessitate public speaking, formal presentations, report writing, and acting as liaison with architects, engineers, developers, contractors, attorneys, and various state and federal agencies. Mr. Hughes is a licensed engineer in all of the Mid-Atlantic States and has worked exclusively in this region of the country.

Mr. Hughes has served on technical committees and has published articles in the areas of concrete, timber, and masonry. Mr. Hughes' current clients include concrete companies, timber manufacturing facilities, commercial and industrial institutions, and state agencies. His duties included technical investigations, managing staff, scheduling, marketing, project management, and cost containment.

As a structural/civil engineer, Mr. Hughes has the latest computer technology at his fingertips. Computer Aided Drafting & Design (CADD), structural engineering software (for various materials), word processing, and spreadsheets are a part of his library. Most of the investigations utilize a Pentium desktop computer with modem capabilities. At times, it is necessary to tap onto state and national information sources using a modem hookup.

**FACILITIES**

Mr. Hughes maintains a modern 3,000 ft office building in downtown Clearfield, PA that includes five office suites, a conference room, a library, a testing lab area and two computer graphic workstations.

**TECHNICAL EXPERTISE**

Mr. Hughes' background and technical experience includes building and structural design, transportation systems, planning and design, storm drainage design and analysis and construction inspection. He has extensive experience with state, federal and local codes such as BOCA, NFPA, ANSI, ADA and Labor and Industry.

Mr. Hughes has performed research and design projects for federal, state and local municipalities as well as private clients and has testified as an expert witness in the areas of civil and structural engineering.

**EMPLOYMENT HISTORY**

1981-1982 SHOCKEY BROTHERS WINCHESTER, VA. - PROJECT ENGINEER  
1982-1985 HIGH CONCRETE STRUCTURES DENVER, PA - PROJECT ENGINEER  
1985-1987 NASSAUX HEMSLEY CHAMBERSBURG, PA - PROJECT MANAGER  
1987-1990 HUTH ENGINEERS LANCASTER, PA - PROJECT MANAGER  
1990-1993 GWIN DOBSON & FOREMAN ALTOONA, PA - VICE PRESIDENT OF STRUCTURES  
1993-1994 SWEETLAND ENGINEERS STATE COLLEGE, PA - PROJECT MANAGER  
1994-1995 WIDMER ENGINEERING BEAVER FALLS, PA - DIRECTOR OF MARKETING  
1995-1996 TVGA ENGINEERS LANSE, PA - SENIOR PROJECT MANAGER  
JAN 1996 SELF EMPLOYED CONSULTANT IN AREAS OF CIVIL AND STRUCTURAL ENGINEERING

**STRUCTURES**

Mr. Hughes has extensive experience in the design of commercial, industrial and institutional facilities ranging in size from one to twenty stories. Buildings have been designed to include wind and seismic considerations. Projects have been in compliance with all design codes.

- **Hershey Medical Center Parking Garage, Hershey, PA (1986)** - Design Engineer for three-level structure for precast manufacturer consisting of precast prestressed concrete with acid-etched facade.
- **Pennsylvania State University Convocation Center, University Park, PA (1995)** - Design exterior precast facade of facility.
- **Huntingdon State Correctional Facility Warehouse, Huntingdon County, PA (1990)** - Design Engineer for a 40,000 square foot warehouse facility for storage of hazardous materials.
- **City of Lancaster Parking Authority, Lancaster, PA (1987-1990)** - Project Manager for the maintenance, annual inspection, and rehabilitation for four (4) parking garages for the City of Lancaster Parking Authority.
- **Beaver County Community College, Monaca, PA (1994)** - Design Engineer for four (4) new two-story 20,000 square foot additions to existing campus buildings.
- **Towson State University Parking Garage, Towson, MD (1984)** - Incorporated vandalism-proof details into the design of a 600 car, three-story parking garage and pedestrian bridge adjacent to student union building.
- **Atlantic City Medical Center, Atlantic City, NJ (1985)** - Designed two (2) story hospital addition and adjacent three (3) story parking garage.

- **City of Lancaster Authority, Beaver Street Facility (1988)** - Rehabilitated one-story facility due to building foundation failures.
- **Kinko's Copy Center, State College, PA (1993)** - Design Engineer for new 15,000 foot two-story office building. Work included foundations, superstructure, and site development.
- **Jamestown Paint Company (1994)** - Evaluated existing floor capacities for compliance with BOCA, OSHA, and Labor & Industry standards.
- **Morristown, NJ Hospital Parking Garage (1982)** - Designed two-story, 1,700 car parking garage.
- **Central Intelligence Agency Parking Garage, Langley, VA (1985)** - Design Engineer for a 1,500 car, three-level parking garage with landscaping planters around perimeter.
- **Shenango Valley High School Football Stadium, New Castle PA (1994)** - Designed reviewing stands.
- **Monaca Municipal Building, Monaca, PA (1994)** - Design Engineer for a new two-story prestressed concrete and masonry facility.
- **Green Acres Shopping Mall Parking Garage, Valley Stream, NY (1984)** - Designed two (2) story parking garage.
- **Shippensburg University Water Tower, Franklin County, PA (1985)** - Completed the design and construction observation of a new 250,000-gallon water tank facility. Work included geotechnical investigation, foundation design, and stability analysis. Water heaters were installed as requested by PA Department of General Services.
- **Mineola Office Complex (1984)** - Designed four (4) story parking garage and three (3) story office building.
- **True Value Hardware, Clearfield, PA (1994)** - Completed investigation of potential collapse of metal building due to snow including repair procedures.
- **St. Agnes Parking Garage, Philadelphia, PA (1985)** - Designed three (3) story precast, prestressed concrete parking garage.
- **Mitchell Field Office Building, Mitchell Field, NY (1985)** - Designed four- (4) story office structure.
- **Rubbermaid Corporation, Winchester, VA (1981)** - Designed two (2) story office and manufacturing addition to facility.
- **Handley High School, Winchester, VA (1981)** - Designed prestressed concrete and masonry bleachers at football facility.
- **Valvoline Oil Company, East Rochester, PA (1994)** - Design Engineer for new 4,000 ft. sq. office complex. Work included site development, contract documents and construction observation.
- **Northeast Middle School, Rochester, NY (1994)** - Design Engineer for design of fascia for three-story middle school.
- **West Penn Hide, Allentown, PA (1983)** - Design double tee versa space building.

- **Jamestown Parking Garage, Jamestown, NY (1994)** - Design Engineer for two-story prestressed concrete parking garage.
- **City of Hazelton Parking Authority (1985)** - Completed investigation and reported recommendations on cause of internal structure damage.
- **Pepperidge Farms, Downingtown, PA (1983)** - Designed two (2) story addition to factory.
- **Tower America, Jersey City, NJ (1996)** - Designed six-story, 500 car parking garage.
- **Corning Glass Parking Garage, Corning, NY (1997)** - Designed 3-level, 100,000 ft.sq. 200 car parking garage.
- **Grove City Credit Union Bank, Grove City, PA (1997)** - Design one-story addition to bank.
- **13<sup>th</sup> Street Pedestrian Bridge, Altoona, (1998)**
- **Indiana State Police Barracks, Indiana, PA (1998)** - Designed 6,000 ft. sq., one-story office building site plan, architectural, structural, mechanical and electrical plans.
- **Southern, Suitland, Wheaton Metro Stations, Maryland (1998)** - Designed (3) pre-cast concrete terminal stations for the Washington DC Metro System.
- **St. Timothy's Parish Hall, Curwensville, PA (1998)** - Designed 8,000 ft.sq., one-story social hall including site plan.
- **Pennsylvania State Police Barracks, Indiana, PA (1998)** - Designed 6,000 ft. sq., one-story office building site plan, architectural, structural, mechanical and electrical plans.
- **Newbridge Office Complex, Chantilly, VA (1999)** - Designed pre-cast concrete facade of (2) six-story office buildings.
- **Christian Missionary Alliance Church, Indiana, PA (2001)** - Designed 10,000 ft.sq., one-story addition to existing church. Work included new sound system.
- **Riverview Intermediate Unit, Clarion, PA (2001)** - Designed new, two-story, 25,000 ft. sq. office building and educational center.
- **Labor and Industry Building, Clarion, PA (2001)** - Designed new one-story 8,000 ft. sq. office building.
- **Pennstar Federal Credit Union, Hermitage, PA (2000)** - Designed new bank building, including securing, landscaping and architectural plans.
- **Community Baptist Church, Curwensville, PA (2000)** - Designed new, two-story, 10,000 ft. sq. church.
- **Wickett & Craig, Curwensville, PA (2001)** - Designed two (2) new 20,000 ft. sq. manufacturing buildings.
- **Point Spring and Brake Drum, Clearfield, PA (2000)** - Designed new 20,000 ft. sq. service building, including office and radiant heat system.

- **Lezzer Truss Systems, Curwensville, PA (1999)** - Designed new 20,000 ft. sq. truss manufacturing plant, including three-phase power system.
- **Clearfield Emergency Management Service Building, Clearfield, PA (2002)** - Designed four-bay, 8,000 ft.<sup>2</sup> ambulance center.
- **Clearfield High School Athletic Training Center, Clearfield, PA (2002)** - Designed a one-story, 20,000 ft.<sup>2</sup> sports training center.
- **St. Callistus Catholic Church, Kane, PA (2002)** - Designed three-story, 10,000 ft.<sup>2</sup> addition to existing church.
- **Appalachia Wood Manufacturing Building Expansion, Clearfield, PA (2001)** - Designed new 60,000 ft.<sup>2</sup> metal building including foundation.
- **Emmanuel United Methodist Church, Clearfield, PA (2001)** - Designed 4300 ft. sq. one-story parish center addition. Work included building site plan, architectural, structural, mechanical and electrical plans.
- **St. Agatha's Catholic Church, Meadville, PA (2002)** - Designed new 3800 ft. sq. two-story office addition to parsonage and remodel of existing social center. Work included development of complete construction documents.
- **Daniel's Fine Dining, Clearfield, PA (2002)** - Renovated existing building to accommodate new restaurant including commercial kitchen.
- **Slippery Rock University, Slippery Rock, PA (2003)** - Two three-story dormitory complexes totaling 35,586 ft. sq. and rental office of 900 ft. sq.
- **Sinterstahl, Philipsburg, PA (2003)** - 51,000 ft. sq. U.S. Headquarter and Powder Metal Manufacturing Plant. Work included development of full construction documents.

#### **PARK AND HISTORICAL EXPERIENCE**

- **National Park Service, Cuyahoga Valley National Recreational Area, Akron, OH (1985)** - Design Engineer for reconstruction of replica of 110 year old timber covered bridge over Furnace Run. Project included historical research to duplicate original structure.
- **PA Department of Environmental Resources, Harrisburg, PA (1986)** - Analyzed and rated more than 80 bridges spanning the historic Delaware River Canal. Twenty-five (25) of these structures were historical camel back timber bridges. Made recommendations for repair and rehabilitation.
- **Rock Creek State Park, Washington, D.C. (1981)** - Designed a 100-foot span three (3) barrel stone arch/concrete pedestrian bridge. Project included matching proposed structure's Ashular Stone to existing bridges in the park.
- **Ft. Loudon Revolutionary Fort, Franklin County, PA (1985)** - Headed a team including the Pennsylvania Museum Commission to locate, delineate and establish a plan of protection. Project included historians, archeologist, planners, engineers and archivist. Indian and revolutionary soldier remains and original structures were located and preserved.

- **Sand Island Recreational Park, Allentown, PA (1989)** - Project Manager for the dismantling and relocation of a historic wrought iron thru-truss vehicular bridge to be used in the new park as a pedestrian crossing. The park was once a foundry and the bridge was fabricated at the site 120 years prior to its new use.
- **Temple Park, Reading, PA (1984)** - Design Engineer for 40 foot prestressed double pedestrian bridge for access to recreational park.
- **Circa 1848 Martin's Mill Bridge, Greencastle, Franklin County, PA (1985)** - Inspected, calculated load rating, and designed emergency repairs to 102 foot, two-span Ithiel Towne type lattice truss covered bridge.
- **Circa 1796 Fannettsburg Bridge, Franklin County, PA (1985)** - Design Engineer and Supervisor of Construction for rehabilitation of three-barrel stone arch bridge.
- **Frederick County Department of Public Works, Stevens Road over Hunting Creek in Frederick County, MD (1989)** - Design Engineer for plans and specifications for rehabilitation and repair of 95 foot wrought iron thru-truss single-span bridge. Project involved replacement of one (1) abutment on late 19th century structure. Also conducted construction inspection.
- **Jefferson County Fairgrounds, Halen, PA (1994)** - Design Engineer for 40 foot span glued-laminated timber arch bridge for the main entrance into fair grounds.
- **Sportsmen's Road Bridge, Crawford County, PA (1993)** - Design Engineer for the existing wrought iron Warren Truss on the National Historical Register. Completed the design and oversaw the construction which increased the load rating from three (3) tons to H5-25 while not harming or altering the existing bridge.
- **Jefferson/Elk County, PA, Rails-to-Trails (1993)** - Design Engineer for 40-foot span red maple glued- laminated hardwood stringer beam bridge on existing rail line for pedestrian use.
- **Centre/Clearfield County, Rails-to-Trails (1994)** - Inspected two (2) 500-foot long stone arch railroad tunnels plus two (2) 1,500-foot span wrought iron historical railroad viaduct bridges for safety and reuse as pedestrian walkway.
- **Norwich Township T-362 Box Culvert Over Robbins Brook (1995)** - Completed design and contract documents including permit application for 25 foot single span concrete box culvert.

**PUBLICATIONS:**

1. *Design Construction of Red Oak Glued Laminated Bridges*, American Society of Agricultural Engineers, Conference Convention, Phoenix, Arizona, 1991.
2. *Another Milestone for Pennsylvania Hardwoods*, Pennsylvania Township News, pp. 30-31, July 1992.
3. *Hardwood Timber Bridges Can Compete*, Aggregate Review, Roads and Bridges, November 1992.
4. Author of *Personal Injury Patterns in Buildings*, 233 pp, 1997
5. Author of *Building Design and Construction Hazards*, 599 pp, 2003

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the within Response to Defendant's Motion for Summary Judgment pursuant to Pa. R.C.P. 1035.3 was forwarded this date via Federal Express Mail and First Class Mail to the following:

William A. Shaw, Prothonotary  
County of Clearfield  
Post Office Box 549  
Clearfield, Pennsylvania 16830  
(via Federal Express Mail)

Daniel C. Nelson, Court  
Administrator  
County of Clearfield  
230 East Main Street  
Clearfield, Pennsylvania 16830  
(via Federal Express Mail)

John C. Dennison, II, Esquire  
DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(via First Class Mail)

BALZARINI & WATSON

Date: 5-30-18

By:   
Attorneys for the Plaintiff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

CIVIL DIVISION

Plaintiff,

No.: 04-967-CD

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

**ORDER OF COURT**

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_ 2008, upon  
consideration of defendant's Motion for Summary Judgment, the  
Briefs of the Parties and after Oral Argument, it is hereby  
ORDERED that the Motion is denied.

BY THE COURT:

\_\_\_\_\_  
Ammerman, P.J.

~~FILED~~

~~JUN 02 2008~~

~~William A. Shaw  
Prothonotary/Clerk of Courts~~

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

DANIEL BOWEN,  
Plaintiff

vs.

NO. 04 - 967- CD

BJR, INC., a Pennsylvania  
Corporation t/d/b/a CONSERVCO  
CONSTRUCTIONS,  
Defendant

FILED 3CCAHys.  
Balzarini  
Dennison  
01/31/08  
AUG 07 2008  
1CC:LawLibrary  
S.M. Kesell  
William A. Shaw  
Prothonotary/Clerk of Courts (without memo)  
CR

OPINION

On June 28, 2002 at approximately 7:00 a.m. Daniel Bowen ("Plaintiff") slipped and fell at a construction site while walking on a walkway a/k/a "ramp" that was allegedly made and maintained by BJR, Inc., t/d/b/a Conservco Construction ("Defendant"). All parties were engaged in the construction project for St. Callistus Church, Kane, Pennsylvania. The Defendant was a prime contractor that was responsible for building the "shell" for the addition to the rear of St. Callistus Church. The shell is the footer, block walls, floors and the roof of the addition being built. The Plaintiff was an employee of Highlander Energy Corporation which had contracted with St. Callistus Church to install hot water heating. The Plaintiff has filed a negligence cause of action against the Defendant alleging defectiveness with the ramp. On June 3, 2008 the Defendant filed a Motion for Summary Judgment against the Plaintiff. On June 17, 2008 the Defendant and the Plaintiff presented oral arguments to the Court in support of their motions for and against Summary Judgment.

"Summary judgment should be granted only in cases where the right is clear and free of doubt." *First v. Zem Zem Temple*, 686 A.2d 18 (Pa. Super. 1996). "After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law:

- (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or
- (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.” Pa. R.C.P. § 1035.2.

On considering a motion for summary judgment, the court must examine the record in a light most favorable to the non-moving party and resolve all doubts against the moving party when determining if there is a genuine issue of material fact. *Chada v. Chada*, 756 A.2d 39 (Pa. Super. 2000). “The four elements necessary to establish a cause of action in negligence are: a duty or obligation recognized by law; breach of that duty by the defendant; causal connection between the defendant's breach of that duty and the resulting injury; and actual loss or damage suffered by the complainant.” *Reilly v. Tiergarten, Inc.*, 633 A.2d 208, 210 ( Pa. Super. 1993). “The mere showing of accident and an injury does not prove negligence.” *Rogers v. Binkham*, 188 A.2d 821 (Pa. Super. 1963). “Negligence may be proven by circumstantial evidence...” *First* at 22.

The Defendant alleges in support for summary judgment that the Plaintiff had failed to set forth evidence of causation, which is an essential element in establishing a claim of negligence. The Defendant asserts that the Plaintiff did not establish a causal link through his deposition testimony, expert report and other productions of discovery. The Defendant contends that the Plaintiff did not provide direct evidence that the walkway was moist or slippery through his deposition testimony, as he stated that he did not see any moisture or liquid substance on the surface of the walkway. The morning of the incident there was no natural occurrence that could result in a slippery or hazardous condition. Further, a few minutes prior to the incident, the Defendant had used the walkway without falling.

The Court notes that the record shows the walkway in question was located at the rear of St. Callistus Church and provided access to the basement from the first floor on the ground level. The walkway was a 4' x 8' sheet of plywood that sloped downward from the ground floor ditch to the entrance of the basement. The slope was approximately 30 inches deep. Apparently, the sheet of plywood had no marking, anti-skid strips or hand-railings and was completely exposed to the outside elements. Taken as a whole, this Court believes that the Plaintiff has presented sufficient evidence to withstand Defendant's Motion for Summary Judgment.

On June 28, 2002 at approximately 7:00 a.m. the Plaintiff was working in the area of the first floor and basement drilling a hole in the concrete for the instillation of a pipe. The Plaintiff described in his deposition testimony slipping and falling on the walkway in a manner consistent with it being "wet" or slippery. The Plaintiff describes his foot sliding then turning inward and falling with his foot behind him. The Plaintiff was wearing steel-toed boots at the time. Although the walkway did not appear "wet", the Plaintiff stated during his deposition testimony that: "...[s]ome content of moisture had to have been there, I mean, for my foot to slip like that." *Daniel Bowen Depo.* at 74. The Plaintiff also testified that there was no "grit paint" or asphalt shingles on the sheet of plywood that is generally used on plywood to ensure a safer surface condition. Additionally, Plaintiff's consulting engineer Richard T. Hughes, P.E. concluded in his report that the walkway was hazardous because it violated local building codes, failed to meet the industry standards and caused the injuries sustained by Plaintiff. *Plaintiff's Response to Defendant's Motion for Summary Judgment Pursuant to Pa. R.C.P. 1035.3: Exhibit 3 "Report OF Richard Hughes, P.E."* Richard Hughes' report explores metrological data that indicate there was a storm in the construction

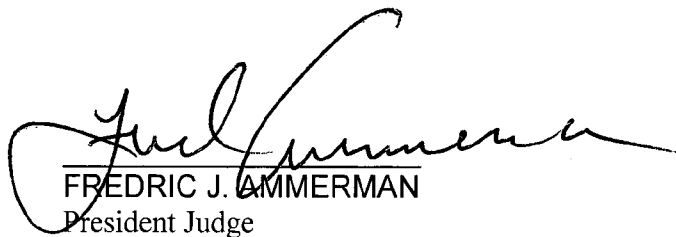
area which produced one half (1/2) inch of rain seven hours before Plaintiff's slip and fall. Richard Hughes' report concluded that the Defendant's walkway was defective as it failed to comply with local and state codes: OSHA (CFR 1910.22, 1910.68); NFPA 5-1.2 and 5.2; BOCA 1996 (1005.4); and ASTM 1637-95.

It is not necessary for the Plaintiff to establish the element of causation beyond a mathematical certainty and circumstantial evidence is acceptable. *First*, 686 A.2d 18. The Plaintiff has provided direct and circumstantial evidence showing: the exposed walkway was wet due to prior rainfall, the 30 inch slope was too steep, the walkway was hazardous because it did not adhere to industry standards and the walkway failed local and state building codes. The Plaintiff has provided adequate evidence from which the "trier of fact" could reasonably infer causation on the part of the Defendant in negligently creating the walkway that caused the Plaintiff to slip and fall resulting in injuries.

**ORDER**

Now on this 6<sup>th</sup> day of August 2008, upon consideration of the record, the parties oral arguments and supporting briefs it is the Order of this Court that the Defendant's Motion for Summary Judgment be and is hereby DENIED.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED

AUG 07 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/7/08

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No.: 04-967-CD

**FILED** No CC.  
m/12: 10:4m  
APR 13 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**AMENDED NOTICE OF DEPOSITION  
OF PATRICK KANE**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326(fax)

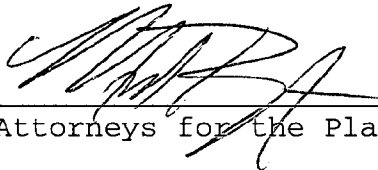


AMENDED NOTICE OF DEPOSITION OF  
PATRICK KANE

To: Patrick Kane  
c/o: John C. Dennison, II, Esquire

PLEASE TAKE NOTICE that pursuant to Pennsylvania Rule of Civil Procedure 4007.1, the deposition of PATRICK KANE will be taken on Friday, April 24, 2009, at 11:00 a.m., in your office located at DENNISON, DENNISON & HARPER, 293 Main Street, Brookville, Pennsylvania 15825, at which time and place you are invited to attend and participate.

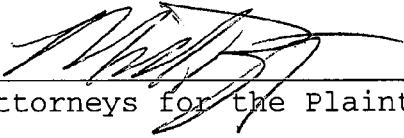
BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

NOTICE OF SERVICE

A true and correct copy of the within Notice was sent via First Class regular mail to the attorney(s) for the defendant(s) on April 8, 2009.

BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No.: 04-967-CD

**NOTICE OF TELEPHONIC  
DEPOSITION OF PADRIAC KANE**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326 (fax)

**FILED**

SEP 08 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**NOTICE OF TELEPHONIC DEPOSITION OF  
PADRIAC KANE**

To: John C. Dennison, Esquire

PLEASE TAKE NOTICE that pursuant to Pennsylvania Rule of Civil Procedure 4007.1, the deposition of PADRIAC KANE will be taken on Friday, September 11, 2009 at 4:30 p.m., in the law offices of BALZARINI & WATSON located at 310 Grant Street, Suite 3303, Pittsburgh, Pennsylvania 15219, at which time and place you are invited to attend and participate.

The scope of said deposition will include inquiry into all facts concerning the within action and all other matters relevant to the issues raised in this case, for the purposes of discovery and/or use at trial.

It has been Stipulated and agreed between the parties that the Court Reporter will administer the oath to the witness via telephone in my office.

BALZARINI & WATSON

By:   
Attorneys for the Plaintiff

**NOTICE OF SERVICE**

A true and correct copy of the within Notice was sent via First Class regular mail to the attorney(s) for the defendant(s) on September 3, 2009.

BALZARINI & WATSON

By: 

Attorneys for the Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL TRIAL LISTING

FILED NO CC  
m/11:04/31  
OCT 26 2009

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

William A. Shaw  
Prothonotary/Clerk of Courts

DATE PRESENTED 10/23/09

CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME
No. 04-967-CD		
Date Complaint	(xx) Jury ( ) Non-Jury	
Filed:	( ) Arbitration	4 days/hours
October 4, 2004		

PLAINTIFF(S)

DANIEL BOWEN ( ) Check block if a Minor  
DEFENDANT(S) is a Party to the Case

BJR, INC., a Pennsylvania corporation  
t/d/b/a CONSERVCO CONSTRUCTION ( )

ADDITIONAL DEFENDANT(S)

( )

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

Plaintiff

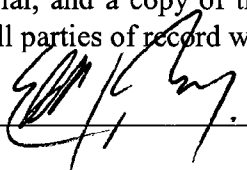
October 4, 2004

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

More than  
& \$20,000.00 ( ) yes (x) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:



FOR THE PLAINTIFF  
Edward J. Balzarini, Jr., Esquire

TELEPHONE NUMBER  
412-471-1200

FOR THE DEFENDANT  
John C. Dennison, II, Esquire

TELEPHONE NUMBER  
814-849-8316

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

DANIEL BOWEN

vs.

BJR, INC., a Pennsylvania corporation  
t/d/b/a CONSERVCO

:  
:  
: No. 04-967-CD  
:  
:

**ORDER**

AND NOW, this 30<sup>th</sup> day of October, 2009, it is the Order of  
the Court that a pre-trial conference in the above-captioned matter shall be and is  
hereby scheduled for **Tuesday, November 24, 2009 at 2:00 P.M.** in Judges  
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby  
scheduled for January 5, 2010 at 9:00 a.m. in Courtroom No. 1 of the Clearfield  
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



FREDRIC J. AMMERMAN  
President Judge

**FILED**  
OCT 30 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty's: Balzarini  
Dennison

FILED

OCT 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/30/09

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No.: 04-967-CD

**NOTICE OF VIDEOTAPE DEPOSITION  
OF PAUL S. LIEBER, MD**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326 (fax)

**FILED**

NOV 09 2009

no cc  
CW

William A. Shaw  
Prothonotary/Clerk of Courts

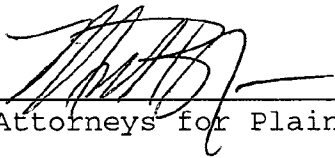
**NOTICE OF VIDEOTAPE DEPOSITION**  
**PAUL S. LIEBER, MD**

To: John C. Dennison, II, Esquire

PLEASE TAKE NOTICE THAT the Videotape Deposition upon oral examination will be taken of PAUL S. LIEBER, MD, at the doctor's office located at the Rehabilitation and Pain Specialists, 107 Gamma Drive, Suite 220, Pittsburgh, Pennsylvania 15238, on Tuesday, December 22, 2009 at 4:30 p.m., at which time and place you are invited to attend and participate.

The scope of said deposition will include inquiry into all facts concerning the within action and all other matters relevant to the issues raised in this case, for the purposes of use at trial.

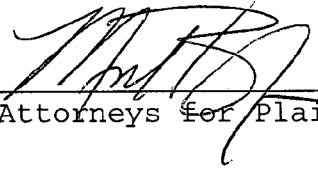
BALZARINI & WATSON

By:   
Attorneys for Plaintiff

**NOTICE OF SERVICE**

A true and correct copy of the within Notice was sent by facsimile and regular mail to the attorney for the defendant on November 6, 2009.

BALZARINI & WATSON

By:   
Attorneys for Plaintiff

CM

FILED<sup>ⓔ</sup>

NOV 17 2009

W/10135/W  
William A. Shaw

Prothonotary/Clerk of Courts

no c/c

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Motion to Amend Answer

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* Number 04 - 967 - C. D.

### MOTION TO AMEND ANSWER

TO THE HONORABLE FREDERIC J. AMMERMAN, PRESIDENT JUDGE:

AND NOW, comes the Defendant, BJR, Inc. d/b/a Conservco Construction, by its attorneys, Dennison, Dennison & Harper, who file the following Motion for Continuance of Oral Argument:

1. In answering Plaintiff's Complaint, in Paragraph 5 and Paragraph 6, the Defendant incorrectly admitted that the Defendant was a general contractor instead of being a prime contractor.

2. The fact that Defendant is only a prime contractor is evident from Paragraph 7 of Plaintiff's Complaint wherein it is averred that the St. Callistus Church had separately contracted with Highlander Energy Products, Inc., who was the employer of the Plaintiff, to install a hot water system in the Church.

3. Attached hereto and made part hereof is Defendant's Amended Answer.

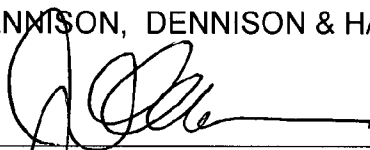
4. There is no prejudice to the Plaintiff in granting this Motion.

5. This Motion is filed in accordance with P.R.C.P 1033.

WHEREFORE, Defendant moves your Honorable Court to filed an Amended Answer to Plaintiff's Complaint as attached hereto.

DENNISON, DENNISON & HARPER

By



---

John C. Dennison, II  
Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Amended Answer

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* Number 04 - 967 - C. D.

#### AMENDED ANSWER

AND NOW, comes the Defendant, BJR, INC., a Pennsylvania corporation, d/b/a CONSERVCO CONSTRUCTION, by its attorneys, Dennison, Dennison & Harper, who file the following Amended Answer to Plaintiff's Complaint:

1. The averments of Paragraph 1 of Plaintiff's Complaint are admitted.
2. The averments of Paragraph 2 of Plaintiff's Complaint are admitted.
3. The averments of Paragraph 3 of Plaintiff's Complaint are admitted.
4. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4 of Plaintiff's Complaint and said averments are therefore denied.
5. The averments of Paragraph 5 of Plaintiff's Complaint are denied. On the contrary, Highlander Energy Products, Inc. had the contract to install a new hot water heating system on the construction project, and the Defendant was therefore a prime contractor on the construction project and not a general contractor. All other inferences

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are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

6. The averments of Paragraph 6 of Plaintiff's Complaint are denied. On the contrary, the Defendant was not in possession or control of the premises located at the address above set forth in Paragraph 5, but performed work there pursuant to the contract between it and St. Callistus Church. In addition, the averments of Paragraph 5 of this Answer are incorporated herein by reference thereto as fully as the same are set forth above.

7. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 7 of Plaintiff's Complaint and said averments are therefore denied. In addition, the averments of Paragraph 7 of Plaintiff's Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

8. After reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 8 of Plaintiff's Complaint, and said averments are therefore denied. The Defendant further denies that it constructed a walkway/ramp which was unsafe or that the walkway/ramp which allegedly caused injuries to the Plaintiff was constructed by the Defendant and Defendant demands proof thereof at the trial of this case. In addition, the averments of Paragraph 8 of Plaintiff's Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e)



and no further answer is required thereto. The averments of Paragraph 8 of Plaintiff's Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

9. The averments of Paragraph 9 of Plaintiff's Complaint, including sub-parts a. through q., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto. In addition, the averments of Paragraph 9 of this Answer are incorporated herein by reference thereto.

10. The averments of Paragraph 10 of Plaintiff's Complaint, including sub-parts a. through c., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto.

11. The averments of Paragraph 11 of Plaintiff's Complaint, including sub-parts a. through f., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029 (e) and no further answer is required thereto.

WHEREFORE, Defendant demands judgment against the Plaintiff.

DENNISON, DENNISON & HARPER

By \_\_\_\_\_  
John C. Dennison, II  
Attorneys for the Defendant

I verify that I am the President of BJR, Inc. trading as Conservco Construction, a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania, one of the within Defendants; I make this Affidavit on its behalf being authorized to do so; I verify that the statements made in the foregoing Amended Answer are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.

---

Joseph F. Kane

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

DANIEL BOWEN  
Plaintiff

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION  
Defendant

\* NO. 04-967-CD

\*

\*

\*

\*

**ORDER**

NOW, this \_\_\_\_ day of November, 2009, it is the ORDER of this Court that the foregoing Motion to Amend be granted and that Defendant is authorized to file the Amended Answer to Complaint as attached to its Motion.

BY THE COURT,

FREDRIC J. AMMERMAN  
President Judge

FILED<sup>(2)</sup>

NOV 17 2009

S mlg:406  
William A. Shaw  
Prothonotary/Clerk of Courts  
no c/cCOURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 C. D.

Type of Case: Civil Division

Type of Pleading: Motion in Limine

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* Number 04 - 967 C. D.

### MOTION IN LIMINE

TO THE HONORABLE FREDERIC J. AMMERMAN, PRESIDENT JUDGE:

AND NOW, comes the Defendant, BJR, Inc. d/b/a Conservco Construction, by its attorneys, Dennison, Dennison & Harper, who file the following Motion in Limine:

1. On June 28, 2002, the Defendant was in the process of constructing an addition to the St. Callistus Church in Kane, Pennsylvania.

2. On June 28, 2002, the Plaintiff asserts that he was injured when he slipped and fell on a 4' by 8' sheet of plywood that he contends the Defendant installed at a back entrance of the addition over some rough grading as a temporary means to help enter the building.

3. In his Complaint, Plaintiff contends that Defendant was negligent by not having anti-skid material on the sheet of plywood and/or railings.

4. During discovery, testimony and information from potential witnesses have been elicited that the work site at times was in an unsafe condition due to debris, work material

and equipment not being kept in a clean and organized manner and that the stairwells were not properly blocked off during construction when the stairs were not completed. There may be other instances of alleged unsafe conditions.

5. Generally, evidence of similar and disconnected acts of negligence is not admissible to prove negligence on a particular occasion. See Jamison v. Ardes, 408 Pa. 188, 182 A.2d 497 (1962). In order for other acts of negligence to be admissible, there must be some connection or relationship between them and the act in question to be admissible. Valentine v. Acme Markets, 455 Pa. Super. 256, 687 A.2d 1157.

6. There is no connection or relationship between other purported unsafe conditions on the work site and the issue of whether the Defendant was negligent in using the plywood without handrails, anti-skid material or as otherwise alleged by Plaintiff.

WHEREFORE, the Defendant moves Your Honorable Court in Limine to prevent the Plaintiff, Daniel Bowen, or his counsel from offering any testimony, evidence or mentioning any alleged unsafe work site condition at the St. Callistus Church in Kane other than the allegedly unsafe condition of the plywood.

DENNISON, DENNISON & HARPER

By  \_\_\_\_\_  
John C. Dennison, II  
Attorneys for the Defendant

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* Number 04 - 967 C. D.

### ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2009, after consideration of the foregoing Motion, it is hereby ORDERED AND DECREED that said Motion is granted and Plaintiff, David Bowen, and his counsel shall not offer any testimony or evidence or mention any alleged unsafe work site condition at the St. Callistus Church in Kane other than the allegedly unsafe condition of the plywood.

BY THE COURT

By \_\_\_\_\_ P.J.

1

JA

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

DANIEL BOWEN  
Plaintiff

\*

NO. 04-967-CD

\*

vs.

\*

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION  
Defendant

\*

\*

ORDER

AND NOW, this 17<sup>th</sup> day of November, 2009, upon the Court's receipt and review of the Motion in Limine filed by the Defendant this date; it is the ORDER of this Court that argument on said Motion be and is hereby scheduled for the 24<sup>th</sup> day of November, 2009 at 2:00 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED

013:1967  
NOV 19 2009

Attys: Balzarini  
Lennison

William A. Shaw  
Prothonotary/Clerk of Courts



FILED

NOV 19 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/19/09

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

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

DANIEL BOWEN,  
Plaintiff

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant

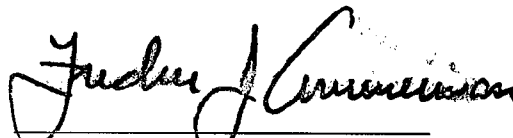
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No. 04-967-CD

ORDER

NOW, this 24th day of November, 2009, it is the ORDER of this Court that argument on the Defendant's Motion to Amend in the above-captioned matter be and is hereby scheduled for the 28<sup>th</sup> day of January, 2010 at 1:45 p.m in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

FILED <sup>ICC</sup>  
01/30/2010 Attys:  
NOV 25 2009 Bakarni  
William A. Shaw  
Prothonotary/Clerk of Courts *Dennison*

FILED

NOV 25 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/25/09

     You are responsible for serving all appropriate parties.  
  X   The Prothonotary's office has provided service to the following parties:  
     Plaintiff(s)   X   Plaintiff(s) Attorney      Other  
     Defendant(s)   X   Defendant(s) Attorney       
     Special Instructions:

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DANIEL BOWEN

VS

BJR, INC., A PENNSYLVANIA

CORPORATION t/d/b/a

CONSERVCO

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NO. 04-967-CD

FILED

NOV 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

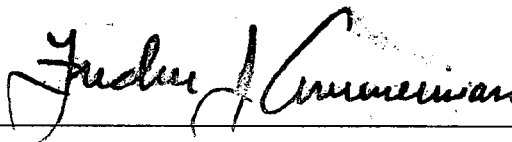
cc: J. H. Balzarini  
cc: J. H. Balzarini

(610)

ORDER

NOW, this 24th day of November, 2009, following argument on the Defendant's Motion in Limine filed November 17, 2009, it is the ORDER of this Court that the said Motion be and is hereby GRANTED and that the Plaintiff is hereby barred from from offering any testimony, evidence or questioning of witness as to any alleged unsafe work site conditions at the work site in question other than the allegations to the unsafe condition of the plywood which allegedly caused the injury related to the claim.

BY THE COURT,



President Judge

DATE: 11/30/09

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

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

DANIEL BOWEN,  
Plaintiff

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendant

No. 04-967-CD

**FILED**

01/13/2010  
NOV 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Dec Atty Balzarini  
Dec Atty  
Dennison

**ORDER**

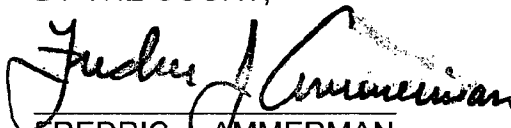
NOW, this 24th day of November, 2009, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on April 1, 2010 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for May 17, 18, 19 and 20, 2010, commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than sixty (60) days from this date. Failure to comply will result in the witness not being available for use at trial.
5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of

trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.
7. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a Medical Records witness for purposes of authentication.
8. Any independent medical evaluation to be conducted on behalf of the Defendant shall be completed within no more than sixty (60) days from this date.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

DATE: 11/30/09

☐ You are responsible for serving all appropriate parties.

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

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

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,  
Defendants.

CIVIL ACTION - LAW

Number 04 - 967 - C. D.

Type of Case: Civil Division

Type of Pleading: Motion for Continuance

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

FILED  
01/10/17 BOWEN  
JAN 27 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\* Number 04 - 967 - C. D.

### MOTION FOR CONTINUANCE

TO THE HONORABLE FREDERIC J. AMMERMAN, PRESIDENT JUDGE:

AND NOW, comes the Defendant, BJR, Inc. d/b/a Conservco Construction, by its attorneys, Dennison, Dennison & Harper, who file the following Motion for Continuance of Oral Argument:

1. Oral Argument has been scheduled on Defendant's Motion to Amend Answer on Thursday, January 28, 2010 p.m. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

2. Trial is scheduled to begin May 17, 2010.

3. The parties have agreed to mediation of this case in an effort to settle it which the parties intend to have conducted in February, 2010.

4. In the event that the case does not settle, Your Honorable Court has set forth time lines in the Order on the Pretrial Conference for Motions in Limine and objections made in video tape depositions.

5. In the event that the case does not settle, the oral argument on the Motion to Amend Answer should be brief and could be conducted as part of the oral arguments on the Motions in Limine and objections made in video tape depositions.

6. Defendant's attorney spouse also has a medical appointment in Pittsburgh on Thursday, January 28, 2010, and the counsel would like to attend the appointment with her.

4. Michael Balzarini, attorney for Plaintiff, does not oppose the granting of this Continuance.

WHEREFORE, the Defendant moves Your Honorable Court to continue the Oral Argument scheduled for January 28, 2010 a.m. to a later date.

DENNISON DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for the Defendant

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania corporation,  
d/b/a CONSERVCO CONSTRUCTION,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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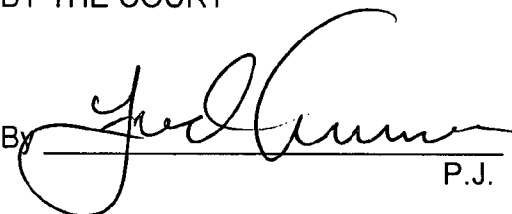
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\* Number 04 - 967 - C. D.

### ORDER

AND NOW, this <sup>th</sup>26 day of January, 2010, after consideration of the foregoing Motion for Continuance, it is the Order of this Court that the oral argument on Defendant's Motion to Amend Answer will be rescheduled to a date when oral argument takes place on Motions in Limine and/or objections made in video tape depositions.

BY THE COURT

By   
P.J.

FILED 3cc  
01/20/10  
JAN 27 2010  
Atty Dennisen  
William A. Shaw  
Prothonotary/Clerk of Courts  
(60)

FILED

JAN 27 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/27/10

☒ You are responsible for serving all appropriate parties.  
\_\_\_\_ The Prothonotary's office has provided service to the following parties:  
\_\_\_\_ Plaintiff(s) \_\_\_\_ Plaintiff(s) Attorney \_\_\_\_ Other  
\_\_\_\_ Defendant(s) \_\_\_\_ Defendant(s) Attorney  
\_\_\_\_ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

Plaintiff,

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

Defendant.

CIVIL DIVISION

No.: 04-967-CD

**PRAECIPE TO SETTLE AND  
DISCONTINUE**

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326 (fax)

**FILED**

MAR - 5 2010

William A. Shaw  
Prothonotary/Clerk of Courts

*Noce*  
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*+ statement*  
*of costs to*  
*Wm Balzarini*

PRAECIPE TO SETTLE AND DISCONTINUE

To: Prothonotary, County of Clearfield

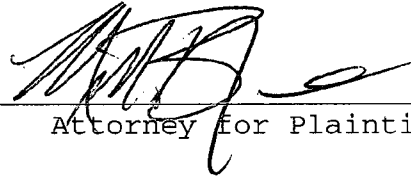
Dear Sir or Madam:

Please settle and discontinue the above-captioned case and mark it off the docket, or satisfy Verdict, Award or Judgment.

<input checked="" type="checkbox"/> Attorney for Plaintiff	<input checked="" type="checkbox"/> Certificate
<input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Equity
<input type="checkbox"/> Attorney for Cross-Claim	<input type="checkbox"/> Case & Counterclaim
<input type="checkbox"/> Sheriff Due	or Cross-Claim
<input type="checkbox"/> Secretary of Commonwealth	<input type="checkbox"/> Plaintiff's Bill
<input type="checkbox"/> Sheriff Mileage	<input type="checkbox"/> Witness Bill
<input checked="" type="checkbox"/> Prothonotary S & D with Issue Costs	<input type="checkbox"/> Judgment on Verdict
<input type="checkbox"/> County Verdict	<input type="checkbox"/> M. L.
<input type="checkbox"/> Orders	<input type="checkbox"/> D.S.B.
<input type="checkbox"/> Awards from Arbitration	<input type="checkbox"/> Execution-Sat. or
<input type="checkbox"/> Garnishees Fee	S & D

Date:

2/26/2010



Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Daniel Bowen

Vs.

No. 2004-00967-CD

BJR, Inc.

Conservco Construction

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 March 5, 2010, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Andracki Law Offices and \$27.00 paid by Edward J. Balzarini Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of March A.D. 2010.



William A. Shaw, Prothonotary



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

BILL OF COSTS

Daniel Bowen,

Vs.


2004-00967-CD

BJR, Inc., Conservco Construction,

Total \$112.00

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$85.00	Writ of Summons	Andracki Law Offices
\$20.00	Judgment	Edward J. Balzarini Esq
\$7.00	Satisfaction	Edward J. Balzarini Esq.
\$		
\$		

Certified from the record this 5th day of March 2010.

  
WILLIAM A. SHAW  
PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL BOWEN,

CIVIL DIVISION

Plaintiff,

No.: 04-967-CD

vs.

BJR, INC., a Pennsylvania  
corporation t/d/b/a CONSERVCO  
CONSTRUCTION,

**PRAECIPE TO SATISFY JUDGMENT**

Defendant.

Filed on Behalf of: Plaintiff

Counsel of Record for This  
Party:

Edward J. Balzarini, Jr.,  
Esquire  
Pa. I.D. #34320

BALZARINI & WATSON  
Firm No. 013  
Grant Building, Suite 3303  
310 Grant Street  
Pittsburgh, Pennsylvania 15219

412-471-1200  
412-471-8326 (fax)

**FILED** *per 7.00*  
*m/1:36 pm* *No. 00*  
**MAR - 5 2010** *Cent of sat*  
*Issued to*  
*Wm A. Shaw*  
Prothonotary/Clerk of Courts *Balzarini*

PRAECIPE TO SATISFY JUDGMENT

To: Prothonotary, County of Clearfield

Dear Sir or Madam:

Please settle and discontinue the above-captioned case and mark it off the docket, or satisfy Verdict, Award or Judgment.

<input checked="" type="checkbox"/> Attorney for Plaintiff	<input checked="" type="checkbox"/> Certificate
<input type="checkbox"/> Attorney for Defendant	<input type="checkbox"/> Equity
<input type="checkbox"/> Attorney for Cross-Claim	<input type="checkbox"/> Case & Counterclaim
<input type="checkbox"/> Sheriff Due	or Cross-Claim
<input type="checkbox"/> Secretary of Commonwealth	<input type="checkbox"/> Plaintiff's Bill
<input type="checkbox"/> Sheriff Mileage	<input type="checkbox"/> Witness Bill
<input checked="" type="checkbox"/> Prothonotary S & D with Issue Costs	<input type="checkbox"/> Judgment on Verdict
<input type="checkbox"/> County Verdict	<input type="checkbox"/> M. L.
<input type="checkbox"/> Orders	<input type="checkbox"/> D.S.B.
<input type="checkbox"/> Awards from Arbitration	<input type="checkbox"/> Execution-Sat. or
<input type="checkbox"/> Garnishees Fee	S & D

Date: 3/2/2010

  
\_\_\_\_\_  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CC# 214

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2004-00967-CD

Daniel Bowen

Debt: \$

Vs.

Atty's Comm.:

BJR, Inc.

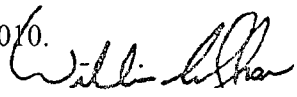
Conservco Construction

Interest From:

Cost: \$7.00

NOW, Friday, March 05, 2010 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 5th day of March, A.D. 2010.



LM

Prothonotary