

05-86-CD  
R. Minich vs. DRMC

MEDICAL CENTER

Ronald Minich v. DRMC  
2005-086-CD

W. J. Keith

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER

Defendant.

CIVIL DIVISION

Docket No. :

Code No.: 05-86-CD

**COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiff:

Ronald J. Minich

Counsel of Record for this Party:

Peter D. Friday, Esquire

Pa I.D. # 48746

Richard G. Talarico, Esquire

Pa I.D. # 93449

Woomer & Friday LLP

3220 West Liberty Avenue,

Suite 200

Pittsburgh, PA 15216-2320

(412)563-7980

**JURY TRIAL DEMANDED**

FILED <sup>icc</sup> Shff  
m/1:44pm  
JAN 19 2005 Atty pd 85.00

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. :

vs.

DUBOIS REGIONAL MEDICAL CENTER

Defendant.

**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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

**Court Administrator**

**Clearfield County Courthouse**

**1 North Second Street**

**Clearfield, PA 16830**

**(814) 765-2641 ext. 32**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. :

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

**COMPLAINT IN CIVIL ACTION**

Plaintiff, Ronald J. Minich, by and through his attorneys, Peter D. Friday, Esquire, and  
Woomer & Friday LLP, hereby file the following Complaint in Civil Action:

1. Plaintiff Ronald J. Minich is an adult residing Gateway Towers, Apartment 612, 21  
East Long Avenue, DuBois, County of Clearfield, Commonwealth of Pennsylvania, 15801.

2. Defendant DuBois Regional Medical Center is a corporation with a principal place  
of business located at 100 Hospital Avenue, DuBois, County of Clearfield, Commonwealth of  
Pennsylvania, 15801.

3. At all times relevant to this matter, defendant owned, possessed, maintained and  
controlled the premises located at 100 Hospital Avenue, DuBois, County of Clearfield,  
Commonwealth of Pennsylvania, 15801 and had a duty, or an implied duty, to maintain, inspect  
and/or repair the premises.

4. On or about January 31, 2003, there existed on the premises a dangerous and  
defective condition characterized by an area of the sidewalk being raised approximately one inch  
higher than the remainder of the sidewalk and other dangerous, hazardous and defective  
conditions.

5. On the aforementioned date, plaintiff was a visitor at the premises and a business invitee as to defendant.

6. Plaintiff was caused to fall by the dangerous and defective conditions of the sidewalk outside the emergency entrance of the hospital.

7. As a direct and proximate result of the fall, plaintiff suffered the following injuries, some or all of which are or may be continuing:

- a. Herniated disc;
- b. Radiating pain and numbness in back and lower extremities;
- c. Severe injury and damage to the muscles, bones, tendons, ligaments, nerves, tissues and vessels of the head and back;
- d. Bruises, contusions about the body, including, his back, head and lower extremities;
- e. Shock, nervousness, emotional tension, anxiety and depression; and
- f. Inability to sleep due to constant, severe and persistent pain.

8. As a direct and proximate result of the aforementioned incident, plaintiff sustained the following damages, some or all of which are or may be permanent or on-going:

- a. he has endured, and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, monetary expenditures for the care of his injury, and emotional and psychological trauma.
- b. he has been, and will be required to, expend large sums of money for medical treatment and care, medical supplies, rehabilitation and therapeutic treatment, medicines and other attendant services.
- c. his general health, strength and vitality have been impaired.
- d. he has sustained and will continue to sustain lost earnings and his earning capacity has been and may be permanently impaired;
- e. he has been and will in the future be unable to enjoy various pleasures of life that he previously enjoyed.

9. At all relevant times, defendant knew or should have known of the dangerous, hazardous, unsafe and defective condition of the premises and failed to take any steps to eliminate the hazard, reduce its danger to invitees, or otherwise warn users, including the plaintiff, of its dangerous, hazardous, unsafe and defective condition.

10. Plaintiff's injuries and damages were a direct and proximate result of defendant's negligence in the following particulars:

- a. Causing and permitting the dangerous, hazardous, unsafe and defective condition to exist on the premises for an unreasonable period of time;
- b. In providing a premises that was unsafe for use;
- c. In designing, constructing, and maintaining the premises in such a manner that invitees were at risk of injury;
- d. In failing to warn users, including the plaintiff, regarding the dangerous, hazardous, unsafe and defective condition of the premises;
- e. In failing to altogether eliminate the dangerous, hazardous, unsafe and defective condition from the premises;
- f. In failing to cordon off the dangerous condition or otherwise prevent invitees of the premises from transversing through the dangerous, hazardous, unsafe and defective condition;
- g. In negligently designing, constructing, maintaining and operating the premises such that plaintiff was caused to fall;
- h. In failing to timely, properly, or regularly inspect the premises for defects; and
- i. In failing to remove, repair or cordon off the unsafe condition on the premises.
- j. In failing to properly or adequately hire, train and supervise its agents, servants, employees, subcontractors and assignees in the inspection, repair and maintenance of the premises.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of the jurisdictional limits for compulsory arbitration, together with court costs, interest and all other relief permitted by the Court.

**A JURY TRIAL IS DEMANDED.**

Woomer & Friday LLP

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

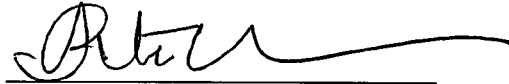
Peter D. Friday, Esquire  
Pa I.D. # 48746

Richard G. Talarico, Esquire  
Pa I.D. # 93449  
Attorneys for Plaintiff

3220 West Liberty Avenue  
Suite 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

**VERIFICATION**

I, Peter D. Friday, Esquire, counsel for the plaintiff verify the statements submitted in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief based upon the information received from plaintiff(s), and the documents/records related to the matters raised in this action. This verification is filed in an effort to expedite litigation. A verification from the plaintiff can and will be supplied upon the request of any party to this action. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



---

Peter D. Friday, Esquire  
Pa I.D. # 48746  
Attorney for Plaintiff

Woomer & Friday LLP  
3220 West Liberty Avenue, Ste. 200  
Pittsburgh, PA 15216-2320  
(412)563-7980



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

CIVIL DIVISION

No. 05-86-CD

Issue No.

PRAECIPE FOR APPEARANCE

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

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

(412) 232-3400

**FILED** <sup>10</sup>cc  
m/11:32/11  
FEB 07 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

PRAECIPE FOR APPEARANCE

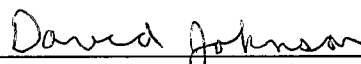
TO: PROTHONOTARY

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

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

  
\_\_\_\_\_  
David R. Johnson, Esquire  
Attorneys for defendant.

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within PRAECIPE FOR  
APPEARANCE has been served upon the following counsel of record and same placed  
in the U.S. Mails on this 4th day of Feb., 2005:

Peter D. Friday, Esquire  
Woomer & Friday, LLP  
3220 W. Liberty Avenue, Suite 200  
Pittsburgh, PA 15216

THOMSON, RHODES & COWIE, P.C.

David Johnson  
David R. Johnson, Esquire  
Attorneys for defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100157  
NO: 05-86-CD  
SERVICE # 1 OF 1  
COMPLAINT; PLFF.FIRST SET OF

INTERROGATORIES

PLAINTIFF: RONALD J. MINICH  
vs.  
DEFENDANT: DUBOIS REGIONAL MEDICAL CENTER

SHERIFF RETURN

NOW, January 20, 2005 AT 1:00 PM SERVED THE WITHIN COMPLAINT; PLFF.FIRST SET OF INTERROGATORIES ON DUBOIS REGIONAL MEDICAL CENTER DEFENDANT AT 100 HOSPITAL AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GREG VOLPE, P.I.C., RISK MANAGEMENT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT; PLFF.FIRST SET OF INTERROGATORIES AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED

62 FEB 11 2005  
0/2:50  
William A. Shaw  
Prothonotary/Clerk of Courts

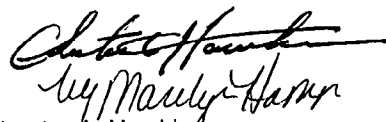
PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WOOMER	26456	10.00
SHERIFF HAWKINS	WOOMER	26456	33.76

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

CIVIL DIVISION

No. 05-86-CD

Issue No.

ANSWER AND NEW MATTER

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

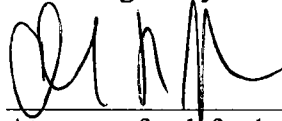
THOMSON, RHODES & COWIE, P.C.  
Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219

(412) 232-3400

NOTICE TO PLEAD:

To: Plaintiff

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



Attorneys for defendant.

FILED <sup>no</sup>  
m/1:35pm <sup>cc</sup>  
MAR 18 2005 (LW)

William A. Shaw  
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

NOW COMES, defendant by its attorneys, Thomson, Rhodes & Cowie, P.C., and files the following answer and new matter in response to plaintiff's complaint.

ANSWER

1. Defendant is advised and therefore believes and avers that the Pennsylvania Rules of Civil Procedure do not require it to set forth its answers and defenses except as stated below.
2. If and to the extent that any factual averment in the complaint is not responded to in the paragraphs which follow, said allegation is denied for the reason that, after a reasonable investigation, this defendant lacks sufficient information or knowledge upon which to form a belief as to the truth of the averments therein.
3. Each of the paragraphs of this answer should be read so as to incorporate by reference each of the other paragraphs of this answer.
4. The following paragraphs of the complaint are denied for the reason that, after a reasonable investigation, this defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein: 1, 7 (including sub-paragraphs (a) through (f)), 8 (including sub-paragraphs (a) through (e)).

5. Paragraph 2 of the complaint is denied as stated. To the contrary, defendant is a non-profit healthcare institution located at the address specified in the complaint.

6. In response to Paragraph 3 of the complaint, defendant admits that it owns the premises. The allegations with regard to duties set forth a conclusion of law to which no further response is required.

7. Paragraphs 4 and 6 of the complaint are denied.

8. Paragraph 5 of the complaint constitutes a conclusion of law to which no further response is required.

9. Paragraphs 9 and 10 (including sub-paragraphs (a) through (j)) of the complaint constitute conclusions of law to which no further response is required. However, if any response is deemed necessary, these paragraphs and sub-paragraphs are denied.

WHEREFORE, plaintiff's complaint should be dismissed and judgment should be entered in favor of defendant.

NEW MATTER

10. Defendant pleads the applicability of the Pennsylvania Comparative Negligence Statute as an affirmative defense.

WHEREFORE, plaintiff's complaint should be dismissed and judgment should be entered in favor of defendant.

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

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

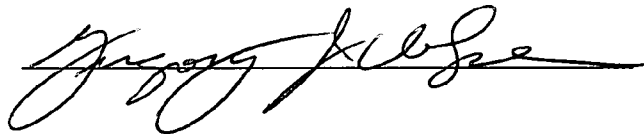
David R. Johnson, Esquire  
Attorneys for defendant.



**VERIFICATION**

I, Gregory J. Volpe in the capacity of  
Director of Risk Mgt. at DuBois Regional Medical Center, have read the  
foregoing ANSWER AND NEW MATTER. The statements therein are correct to the  
best of my personal knowledge or information and belief.

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



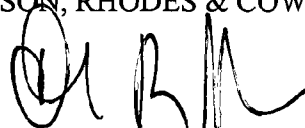
Date: 3-14-05

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within ANSWER AND NEW  
MATTER has been served upon the following counsel of record and same placed in the  
U.S. Mails on this 16<sup>th</sup> day of March, 2005:

Peter D. Friday, Esquire  
Woomer & Friday, LLP  
3220 W. Liberty Avenue, Suite 200  
Pittsburgh, PA 15216

THOMSON, RHODES & COWIE, P.C.

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

David R. Johnson, Esquire  
Attorneys for defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No.: 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

**VERIFICATION OF PLAINTIFF TO  
COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiff:  
Ronald J. Minich

Counsel of Record for this Party:  
Peter D. Friday, Esquire  
Pa I.D. # 48746

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
Tele # (412)563-7980  
Fax # (412)563-0120

**JURY TRIAL DEMANDED**

**FILED** <sup>GR</sup>  
m/11:45 <sup>NO</sup>  
APR 21 2005 <sup>CC</sup>

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No.: 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL  
CENTER,

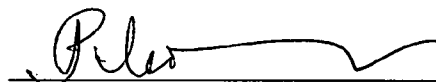
Defendant.

**VERIFICATION OF PLAINTIFF TO  
COMPLAINT IN CIVIL ACTION**

Attached hereto and incorporated herein by reference is Plaintiff's Verification of the Complaint in Civil Action filed with the above-captioned Court on January 19, 2005, with a copy of the same being mailed to attorney for the defendant(s) via First Class Mail, postage prepaid, to-wit:

David R. Johnson, Esquire  
THOMSON, RHODES & COWIE, P.C.  
1010 Two Chatham Center  
Pittsburgh, PA 15219

Respectfully submitted,



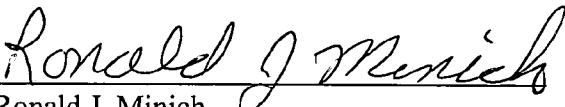
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Peter D. Friday, Esquire  
Pa I.D. # 48746  
Attorney for Plaintiff

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

**VERIFICATION**

I, Ronald J. Minich, being duly sworn according to law, depose and say that the facts contained in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
Ronald J. Minich

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

RONALD J. MINICH,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

CIVIL DIVISION

Docket No.: 05-86-CD

Code No.:

**PLAINTIFF'S REPLY TO NEW MATTER**

Filed on behalf of Plaintiff:  
Ronald J. Minich

Counsel of Record for this Party:  
Peter D. Friday, Esquire  
Pa I.D. # 48746

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
Tele # (412)563-7980  
Fax # (412)563-0120

**JURY TRIAL DEMANDED**

**FILED**

MAY 16 2005 @  
m/12:401 m  
William A. Shaw  
Prothonotary  
w/c/c

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

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. : 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

**PLAINTIFF'S REPLY TO NEW MATTER**

Plaintiff, Ronald Minich, by and through his attorney of record, Peter D. Friday, Esquire, and Woomer & Friday LLP, and files the following Reply to New Matter in accordance with Pennsylvania Rules of Civil Procedure:

1. Paragraph 1 of Defendant's New Matter is denied and strict proof is demanded at trial.

WHEREFORE, Plaintiff demands judgment in his favor against the Defendant in an amount in excess of the jurisdictional limits for arbitration, together with court costs, interest and such other and further relief as this Court may deem just and equitable.

Respectfully submitted,

By: 

Peter D. Friday, Esquire  
Attorney for Plaintiff  
PA I.D. # 48746

**CERTIFICATE OF SERVICE**

I hereby certify on the \_\_\_\_\_ day of May, 2005 that a true and correct copy of the foregoing *Plaintiff's Reply to New Matter* was served upon the following, by First Class U.S. mail, postage prepaid:

David R. Johnson, Esquire  
THOMSON, RHODES & COWIE, P.C.  
1010 Tow Chatham Center  
Pittsburgh, PA 15219

Respectfully submitted,

By: 

Peter D. Friday, Esquire  
Attorney for Plaintiff  
PA I.D. # 48746

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
(412)563-7980



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

CIVIL DIVISION

Docket No.: 05-86-CD

Code No.:

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

Filed on behalf of Plaintiff:  
Ronald J. Minich

Counsel of Record for this Party:  
Peter D. Friday, Esquire  
Pa I.D. # 48746

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
Tele # (412)563-7980  
Fax # (412)563-0120

**JURY TRIAL DEMANDED**

FILED NO CC  
m/p:10/21  
AUG 10 2005  
WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No.: 05-86-CD

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

NOTICE OF SERVICE

I hereby certify that on August 8<sup>th</sup>, 2005, a true and correct copy of  
***Plaintiff's Answers to Interrogatories and Request for Production of Documents*** was  
served by first class U.S. mail, postage prepaid, upon Defendant's counsel, to-wit:

Dubois Regional Medical Center 100 Hospital Avenue DuBois, PA 15801

Woomer & Friday LLP



---

Peter D. Friday, Esquire  
Pa I.D. # 48746  
Attorney for Plaintiff

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. : 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL CENTER,

**Praecipe for Appearance**

Defendant.

Filed on behalf of Plaintiff:  
RONALD J. MINICH

Counsel of Record for this Party:  
James C. Ward, Esquire  
Pa I.D. # 86055

Peter D. Friday, Esquire  
Pa I.D. #48746

Woomer & Friday LLP  
3220 West Liberty Avenue, Ste. 200  
Pittsburgh, PA 15216-2320  
Tele # (412)563-7980  
Fax # (412)563-0120

**JURY TRIAL DEMANDED**

**FILED** *No cc*  
*m 11:46 AM*  
**MAY 15 2006** *WS*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. : 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL CENTER,

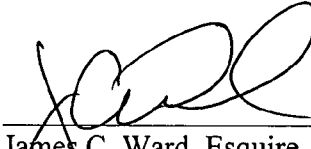
Defendant.

**PRAECIPE FOR APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance as co-counsel with Peter D. Friday, Esquire for plaintiff,  
Ronald Minich, in the above-captioned matter.

Woomer & Friday LLP

  
\_\_\_\_\_  
James C. Ward, Esquire  
Pa I.D. # 86055

Woomer & Friday LLP  
3220 West Liberty Avenue, Ste. 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

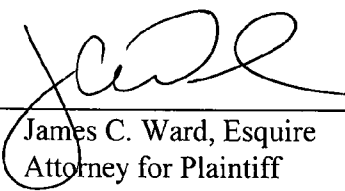
**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2006, a true and correct copy of the foregoing *Praecipe for Appearance* was served by First Class U.S. Mail, postage prepaid, upon the following:

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

Woomer & Friday LLP

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

  
James C. Ward, Esquire  
Attorney for Plaintiff

Woomer & Friday LLP  
3220 West Liberty Avenue, Ste. 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

CP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD J. MINICH

CIVIL DIVISION

Plaintiff,

No. 05-86-CD

vs.

Issue No.

DUBOIS REGIONAL MEDICAL  
CENTER,

**MOTION FOR SUMMARY JUDGMENT**

Defendant.

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. #86831

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

(412) 232-3400

1

**FILED** acc Atty  
M/12:00 am Korinski  
NOV 13 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

MOTION FOR SUMMARY JUDGMENT

NOW COMES, DuBois Regional Medical Center, the defendant, by and through its attorneys, Thomson, Rhodes & Cowie, P.C., and files the following Motion for Summary Judgment and, in support thereof, states the following.

1. Plaintiff instituted this lawsuit by complaint in January of 2005. Through it, plaintiff alleges that, on January 31, 2003, while walking into the DuBois Regional Medical Center for healthcare treatment, he slipped and fell outside of the Emergency Room entrance of the hospital. (See, Complaint ¶ 6). As a result of this tumble onto his buttocks and back, plaintiff is attempting to claim a host of spurious and exaggerated injuries and damages, almost of all of which pre-exist the incident here at issue and have etiologies totally unrelated to the potential trauma suffered in the alleged fall. (The Complaint is attached hereto as Exhibit "A.").

2. There is absolutely no evidence that the fall occurred. Plaintiff is the sole witness to the accident. Additionally, as set forth at length in the transcript of his deposition, plaintiff is unable to even reasonably identify the location of his fall. The Complaint specifically asserts that the fall happed "outside the Emergency Room entrance." Yet, plaintiff has now testified that he actually fell "at the main entrance" and "in front of the hospital." (See Plaintiff's Deposition, pp. 26 and 46-47, attached in its entirety hereto as Exhibit "B.").

3. Regardless of exactly where the fall occurred, plaintiff contends that the hospital is liable for the "dangerous and defective condition" of its premises - in particular for having an area of sidewalk raised one inch higher than the remaining slabs of sidewalk. It is this one inch discrepancy in sidewalk height to which plaintiff points as the root cause of the incident. According to plaintiff (in a seeming contravention of the law of physics), as he approached the

"dangerous and defective" elevated portion of sidewalk, his right foot became caught, resulting in a backwards fall. (See Plaintiff's Deposition, p. 18).

4. Plaintiff has had ample opportunity to conduct discovery in this action. He directed written discovery to this defendant, and that discovery has been responded to.

5. It is clear from the deposition testimony of the plaintiff and the written discovery and documents produced to date, that plaintiff cannot prove a *prima facie* case against the hospital to support a claim for negligence.

6. Because the negligence alleged herein is founded upon the theory of premises liability for injuries to a business invitee, it must be proved that (a) the possessor of the land knew or should have known of a harmful condition on the premises and should have realized that it involved an unreasonable risk of harm to its invitees; (b) the possessor of the land should have expected that invitees would not discover or realize the danger or would fail to protect themselves against it; and (c) the possessor of the land failed to exercise reasonable care to protect its invitees against the danger. See Zito v. Merit Outlet Stores, 647 A.2d 573, 574-575 (Pa. Super. 1994), quoting Meyers v. Penn Traffic Company, 606 A.2d 926 (Pa. Super. 1992), appeal denied, 620 A.2d 491 (Pa. 1993). In this case, plaintiff bears the burden of producing evidence that the hospital knew or, through the exercise of reasonable care, should have known of the existence of the harmful condition of its property in that it either created the harmful condition or that it had actual or constructive notice of the condition. Zito, 647 A.2d at 575.

7. Plaintiff has not come forward with any evidence tending to show that the alleged one inch elevation in the concrete sidewalk constituted a harmful condition of the premises. Further, plaintiff has not offered any evidence or facts tending to show that defendant had any actual or constructive notice of this purportedly dangerous condition. Indeed, plaintiff cannot



even identify the location of the incident. Accordingly, there are no genuine issues of material fact left for trial with respect to plaintiff's claim of premises liability against defendant and, accordingly, defendant is entitled to judgment in its favor as a matter of law.

8. Defendant hereby incorporates by reference its brief in support of this motion and all exhibits attached thereto.

WHEREFORE, the defendant, DuBois Regional Medical Center, respectfully requests that this Honorable Court grant summary judgment in its favor as a matter of law.

Respectfully Submitted,

THOMSON, RHODES & COWIE, P.C.



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David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL CENTER

Defendant.

CIVIL DIVISION

Docket No. :

Code No.:

05-86-CD

**COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiff:

Ronald J. Minich

Counsel of Record for this Party:

Peter D. Friday, Esquire

Pa I.D. # 48746

Richard G. Talarico, Esquire

Pa I.D. # 93449

Woomer & Friday LLP

3220 West Liberty Avenue,

Suite 200

Pittsburgh, PA 15216-2320

(412)563-7980

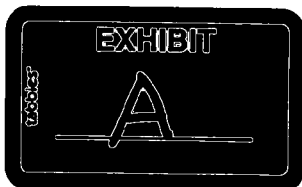
**JURY TRIAL DEMANDED**

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

JAN 19 2005

Attest.

*Richard G. Talarico*  
Prothonotary/  
Clerk of Courts



**RECEIVED**  
JAN 19 2005

Complaint in Civil Action

Page 1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. :

vs.

DUBOIS REGIONAL MEDICAL CENTER

Defendant.

**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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

**Court Administrator**

**Clearfield County Courthouse**

**1 North Second Street**

**Clearfield, PA 16830**

**(814) 765-2641 ext. 32**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. :

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

**COMPLAINT IN CIVIL ACTION**

Plaintiff, Ronald J. Minich, by and through his attorneys, Peter D. Friday, Esquire, and Woomer & Friday LLP, hereby file the following Complaint in Civil Action:

1. Plaintiff Ronald J. Minich is an adult residing Gateway Towers, Apartment 612, 21 East Long Avenue, DuBois, County of Clearfield, Commonwealth of Pennsylvania, 15801.

2. Defendant DuBois Regional Medical Center is a corporation with a principal place of business located at 100 Hospital Avenue, DuBois, County of Clearfield, Commonwealth of Pennsylvania, 15801.

3. At all times relevant to this matter, defendant owned, possessed, maintained and controlled the premises located at 100 Hospital Avenue, DuBois, County of Clearfield, Commonwealth of Pennsylvania, 15801 and had a duty, or an implied duty, to maintain, inspect and/or repair the premises.

4. On or about January 31, 2003, there existed on the premises a dangerous and defective condition characterized by an area of the sidewalk being raised approximately one inch higher than the remainder of the sidewalk and other dangerous, hazardous and defective conditions.

5. On the aforementioned date, plaintiff was a visitor at the premises and a business invitee as to defendant.

6. Plaintiff was caused to fall by the dangerous and defective conditions of the sidewalk outside the emergency entrance of the hospital.

7. As a direct and proximate result of the fall, plaintiff suffered the following injuries, some or all of which are or may be continuing:

- a. Herniated disc;
- b. Radiating pain and numbness in back and lower extremities;
- c. Severe injury and damage to the muscles, bones, tendons, ligaments, nerves, tissues and vessels of the head and back;
- d. Bruises, contusions about the body, including, his back, head and lower extremities;
- e. Shock, nervousness, emotional tension, anxiety and depression; and
- f. Inability to sleep due to constant, severe and persistent pain.

8. As a direct and proximate result of the aforementioned incident, plaintiff sustained the following damages, some or all of which are or may be permanent or on-going:

- a. he has endured, and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, monetary expenditures for the care of his injury, and emotional and psychological trauma.
- b. he has been, and will be required to, expend large sums of money for medical treatment and care, medical supplies, rehabilitation and therapeutic treatment, medicines and other attendant services.
- c. his general health, strength and vitality have been impaired.
- d. he has sustained and will continue to sustain lost earnings and his earning capacity has been and may be permanently impaired;
- e. he has been and will in the future be unable to enjoy various pleasures of life that he previously enjoyed.

9. At all relevant times, defendant knew or should have known of the dangerous, hazardous, unsafe and defective condition of the premises and failed to take any steps to eliminate the hazard, reduce its danger to invitees, or otherwise warn users, including the plaintiff, of its dangerous, hazardous, unsafe and defective condition.

10. Plaintiff's injuries and damages were a direct and proximate result of defendant's negligence in the following particulars:

- a. Causing and permitting the dangerous, hazardous, unsafe and defective condition to exist on the premises for an unreasonable period of time;
- b. In providing a premises that was unsafe for use;
- c. In designing, constructing, and maintaining the premises in such a manner that invitees were at risk of injury;
- d. In failing to warn users, including the plaintiff, regarding the dangerous, hazardous, unsafe and defective condition of the premises;
- e. In failing to altogether eliminate the dangerous, hazardous, unsafe and defective condition from the premises;
- f. In failing to cordon off the dangerous condition or otherwise prevent invitees of the premises from transversing through the dangerous, hazardous, unsafe and defective condition;
- g. In negligently designing, constructing, maintaining and operating the premises such that plaintiff was caused to fall;
- h. In failing to timely, properly, or regularly inspect the premises for defects; and
- i. In failing to remove, repair or cordon off the unsafe condition on the premises.
- j. In failing to properly or adequately hire, train and supervise its agents, servants, employees, subcontractors and assignees in the inspection, repair and maintenance of the premises.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of the jurisdictional limits for compulsory arbitration, together with court costs, interest and all other relief permitted by the Court.

**A JURY TRIAL IS DEMANDED.**

Woomer & Friday LLP



---

Peter D. Friday, Esquire  
Pa I.D. # 48746

Richard G. Talarico, Esquire  
Pa I.D. # 93449  
Attorneys for Plaintiff

3220 West Liberty Avenue  
Suite 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

### VERIFICATION

I, Peter D. Friday, Esquire, counsel for the plaintiff verify the statements submitted in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief based upon the information received from plaintiff(s), and the documents/records related to the matters raised in this action. This verification is filed in an effort to expedite litigation. A verification from the plaintiff can and will be supplied upon the request of any party to this action. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Peter D. Friday, Esquire  
Pa I.D. # 48746  
Attorney for Plaintiff

Woomer & Friday LLP  
3220 West Liberty Avenue, Ste. 200  
Pittsburgh, PA 15216-2320  
(412)563-7980



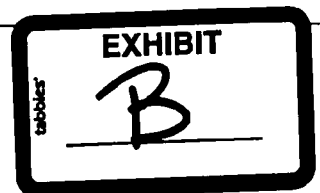
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
-----

RONALD J. MINICH	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. 05-86-CD
	)	
vs.	)	DEPOSITION OF:
	)	Ronald Minich
	)	
DUBOIS REGIONAL HOSPITAL,	)	DATE:
	)	February 2, 2006
Defendant.	)	
	)	REPORTED BY:
	)	Danielle Noone

-----

DEPOSITION OF RONALD J. MINICH the plaintiff herein, called upon for examination, taken pursuant to the Pennsylvania Rules of Civil Procedure, by and before Danielle Noone, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at Dubois Regional Hospital, Dubois, Pennsylvania, on February 2, 2006, commencing at 10:00 a.m.

COPY



13

- 
1. A They took me away from Dr. Turkin because he
  - 2 had too many patients and gave me Dr. Sabo. It
  - 3 was their decision.
  - 4 Q Besides going to the psychiatrist, do you
  - 5 participate in any other mental health programs?
  - 6 A No.
  - 7 Q Does the drug that you take cause any problems
  - 8 with your memory?
  - 9 A No.
  - 10 Q Is there any reason today when you are
  - 11 responding to questions that you have any
  - 12 problems with your memory?
  - 13 A No.
  - 14 Q Just in general terms, sir, why are you filing
  - 15 this lawsuit?
  - 16 MR. WARD: I am going to place an
  - 17 objection to the question. The form
  - 18 of the question is vague. Can you be
  - 19 more specific?
  - 20 MR. JOHNSON: If you have an
  - 21 objection, just object to the form of
  - 22 the question.
  - 23 BY MR. JOHNSON:
  - 24 Q Do you know why you are filing a lawsuit, sir?
  - 25 A Yes.

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15

- 
- 1 A I would say closer to 7:00.
  - 2 Q Was it dark or light or what was it like in
  - 3 terms of what you could see?
  - 4 A It was dark.
  - 5 Q What was the weather like?
  - 6 A I don't remember.
  - 7 Q Were you inside or outside when you fell?
  - 8 A Outside.
  - 9 Q Was anyone around when you fell?
  - 10 A Not that I seen.
  - 11 Q Do you know of anyone that saw you fall?
  - 12 A No.
  - 13 Q Why were you coming to the hospital?
  - 14 A I was going to -- I was coming to the emergency
  - 15 room because I was sick.
  - 16 Q What was wrong with you?
  - 17 A I had a chest pain.
  - 18 Q When had that chest pain started?
  - 19 A That I can't -- I don't remember.
  - 20 Q Had the chest pain started that day or had the
  - 21 chest pain started before that day?
  - 22 A No, that day.
  - 23 Q Can you give us any estimate of how long you had
  - 24 the chest pain before coming to the hospital?
  - 25 A I had it in the afternoon.

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14

- 
- 1 Q Why have you filed a lawsuit?
  - 2 A I feel that the hospital is guilty.
  - 3 I don't know. I don't know what to say.
  - 4 MR. WARD: Then say you don't know
  - 5 how to answer the question.
  - 6 BY MR. JOHNSON:
  - 7 A I don't know how to answer it.
  - 8 Q You said you fell?
  - 9 A Yes.
  - 10 Q When did you fall?
  - 11 A It was January 31st. I don't remember the year.
  - 12 Q Any particular reason why you remember it was
  - 13 January 31st?
  - 14 A No, sir.
  - 15 Q Where did you fall?
  - 16 A I fell in the emergency room entrance.
  - 17 Q What time of day was it?
  - 18 A It was in the evening.
  - 19 Q Can you tell us approximately when in the
  - 20 evening?
  - 21 A I would say 7:00 in the evening or maybe later.
  - 22 Q 7:00 or later?
  - 23 A Yes.
  - 24 Q Do you think it was closer to 7:00 or later at
  - 25 night?

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16

- 
- 1 Q How did you get to the hospital?
  - 2 A I had drove my car.
  - 3 Q How long of a drive is it from where you were
  - 4 living at the time to the hospital?
  - 5 A It was about 15 minutes.
  - 6 Q How many miles is it?
  - 7 A Eight miles.
  - 8 Q Where did you park?
  - 9 A In the main parking lot.
  - 10 Q What had you done that day before coming to the
  - 11 hospital?
  - 12 A I don't remember.
  - 13 Q Had you had chest pains prior to that day?
  - 14 A No.
  - 15 Q Had you ever had chest pains before?
  - 16 A Yes.
  - 17 Q Had you ever been to the hospital before for
  - 18 chest pains?
  - 19 A Yes.
  - 20 Q How far in to the past has it been since you had
  - 21 chest pains?
  - 22 A Maybe months ago.
  - 23 Q Had you ever had any other heart problems
  - 24 besides just having chest pains?
  - 25 A Yes.

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17

- 
- 1 Q Tell us about that.
- 2 A I was in the hospital here with -- I had a heart
- 3 attack.
- 4 Q When did you have that?
- 5 A I don't remember.
- 6 Q Did you have surgery?
- 7 A No.
- 8 Q Were you ever treated anywhere else for chest
- 9 pains?
- 10 A Yes, I was taken to Altoona Hospital and they
- 11 put three stents in my heart.
- 12 Q When was that?
- 13 A About four years ago.
- 14 Q Was that before you fell or after?
- 15 A That was before I fell, I believe.
- 16 Q Had you been treated -- let me begin that
- 17 question again.
- 18 At any time had you been treated for any
- 19 heart or chest pain problems anywhere else
- 20 besides Dubois Regional Medical Center and
- 21 Altoona Hospital?
- 22 A Pittsburgh, West Penn.
- 23 Q When were you at West Penn?
- 24 A I would have to say about five years ago.
- 25 Q What did they do to you there?

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19

- 
- 1 back.
- 2 Q So you were lying down backwards?
- 3 A Yes.
- 4 Q What happens next?
- 5 A I laid there until visitors came out and found
- 6 me.
- 7 Q Do you know who came out?
- 8 A I didn't know the people.
- 9 Q Did health care workers come out to help you
- 10 then too?
- 11 A Yes.
- 12 Q Between the time that you fell and landed and
- 13 the time that the health care workers came out,
- 14 did you move?
- 15 A I tried, but I had too much pain and I couldn't.
- 16 Q So the position you were in when the health care
- 17 workers came out, was the position that you had
- 18 landed in when you fell; is that correct?
- 19 A Yes.
- 20 Q What type of shoes did you have on at that time?
- 21 A Tennis shoes.
- 22 Q Do you still have those shoes?
- 23 A No.
- 24 Q What happened to them?
- 25 A I threw them out.

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18

- 
- 1 A They did a cath on me and changed my medicine.
- 2 Q With regard to the accident that you are
- 3 alleging is the basis for this lawsuit, tell us
- 4 what happened, please.
- 5 A When I came into the hospital, the walk -- it
- 6 was cement -- it was laid in sections and there
- 7 was cement that was sticking up and my foot
- 8 caught it and that is when I fell.
- 9 Q Which foot caught it?
- 10 A My right foot.
- 11 Q Do you actually remember that?
- 12 A Yes.
- 13 Q After you right foot caught something, what
- 14 happened to you?
- 15 A There was nothing for me to grab to catch myself
- 16 and I just went down in the back.
- 17 Q Did you fall frontwards or backwards?
- 18 A Backwards.
- 19 Q When you fell backwards, what part of your body
- 20 hit the ground?
- 21 A My buttocks and my lower back.
- 22 Q Did you land in the seated position?
- 23 A No.
- 24 Q How did you land?
- 25 A I landed like straight on my buttocks and my

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20

- 
- 1 Q Why did you throw them out?
- 2 A They were worn out.
- 3 Q Did you wear them at all after the accident?
- 4 A Yes.
- 5 Q Do you know what part of the tennis shoe caught
- 6 prior to you falling?
- 7 A The toe.
- 8 Q As you were approaching the emergency room, were
- 9 you walking or were you running?
- 10 A Walking.
- 11 Q And you say that your toe caught?
- 12 A Yes.
- 13 Q Can you explain that any better than that?
- 14 A My toe caught the cement. There was cement that
- 15 was sticking out and that is what I hit.
- 16 Q How do you know that the cement was sticking up?
- 17 A Because I seen it after I fell.
- 18 Q While you were lying there, did you see it or
- 19 did you go back to look at it at some other
- 20 time?
- 21 A I could feel it because it was up pretty good
- 22 and later on I came back to look to make sure.
- 23 Q What do you mean you could feel it?
- 24 A It was sticking up and I felt it with my
- 25 fingers.

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21

- 1 Q While you were lying there?
- 2 A Yes.
- 3 Q How far was it sticking up?
- 4 A I would say probably an inch.
- 5 Q So you came up and -- which foot was it? Was it
- 6 your right foot?
- 7 A My right foot.
- 8 Q So your right foot caught and then you fell over
- 9 backwards?
- 10 A Right.
- 11 Q And you landed on your back and your lower back
- 12 and you are down on the ground?
- 13 A Yes.
- 14 Q So you are then lying down on the ground, right?
- 15 A Yes.
- 16 Q And then did you reach out from that position
- 17 and feel the area where you believe that the
- 18 cement was raised up?
- 19 A Yes.
- 20 Q Did you move at all from the position where you
- 21 had fallen before reaching out to feel the area
- 22 that was raised up?
- 23 A I tried, but I couldn't move.
- 24 Q It is correct to understand then that once you
- 25 fell to the ground after having caught your foot

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23

- 1 A Yes.
- 2 Q So that, in fact, as you landed and fell
- 3 backwards your butt actually was resting on what
- 4 you believe was the raised area that you caught
- 5 your foot on?
- 6 A Yes.
- 7 Q And while you were lying there and unable to
- 8 move, you did reach with your hand to touch and
- 9 notice that it was about an inch raised?
- 10 A Yes.
- 11 Q And before that, had you seen other areas that
- 12 were about an inch raised in this same area?
- 13 A Yes.
- 14 MR. WARD: Excuse me. When you
- 15 say that, can you define what you mean
- 16 by that?
- 17 BY MR. JOHNSON:
- 18 Q You just said that before that you had seen
- 19 other areas that were raised. Where were they?
- 20 A The same area where I was laying.
- 21 MR. WARD: Are you asking him
- 22 before he fell?
- 23 MR. JOHNSON: Yes.
- 24 MR. WARD: Or before he touched --
- 25 BY MR. JOHNSON:

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22

- 1 and fallen over backwards, you did not feel
- 2 capable of moving at all until after the care
- 3 workers came?
- 4 A Yes.
- 5 Q Yet, is it correct also to understand that it
- 6 is your belief that from that position you could
- 7 reach and touch the point where the cement was
- 8 allegedly elevated?
- 9 A Yes.
- 10 Q Is it possible for you to explain how that
- 11 occurred that you could touch that area if you
- 12 had fallen over backwards?
- 13 A Because all the walks had cement sticking up.
- 14 Q So are you saying then that the area that you
- 15 could touch wasn't what you caught your foot on
- 16 but some other area?
- 17 A My butt was laying on the area that I hit.
- 18 Because when I went back, I went straight down
- 19 and I could feel.
- 20 Q Okay. So the area that was raised was, in fact,
- 21 the area that your butt landed on?
- 22 A Yes.
- 23 Q Is it correct then to understand that after your
- 24 foot caught, your butt came directly down to the
- 25 area that was raised?

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24

- 1 A That I don't know.
- 2 Q When are you talking about that you saw these
- 3 other areas?
- 4 A It was after I fell. I went back later.
- 5 Q You went back later. What did you see later?
- 6 A Right where I fell, the cement was up like that
- 7 (indicating). I took pictures of it.
- 8 MR. WARD: The court reporter
- 9 can't take finger gestures.
- 10 BY MR. JOHNSON:
- 11 A An inch.
- 12 Q You were actually raising your hand a little bit
- 13 higher. How high up was it?
- 14 Maybe I am going to give you a piece of paper
- 15 and you can show us on a piece of paper how high
- 16 it was.
- 17 I've drawn a red line that I will put an "A"
- 18 beside and if you could draw a line with your
- 19 ink pen and mark it as "B" to show the distance
- 20 that it was raised?
- 21 MR. WARD: If it helps you, maybe
- 22 you want to turn it that (indicating)
- 23 way.
- 24 BY MR. JOHNSON:
- 25 Q Or even hold it up if it helps you.

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25

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1 MR. WARD: Do you understand what  
2 he is asking you to do?

3 BY MR. JOHNSON:

4 Q I want you to show me on the paper how high of a  
5 raise it was.

6 A That (indicating) would be the walk.

7 MR. WARD: Do you understand by  
8 this (indicating) you are indicating,  
9 basically, it was elevated this  
10 (indicating) much?

11 THE DEPONENT: Yes.

12 BY MR. JOHNSON:

13 Q So I am going to put with my red pen the letter  
14 "B" at the end of the line that you drew.

15 A Yes, sir.

16 Q And you drew the line that is in the blue ink,  
17 right?

18 A Yes, sir.

19 Q So the raised part was the distance between the  
20 letter "B" and the letter "C", correct?

21 A Correct.

22 MR. JOHNSON: We will mark that as  
23 Exhibit A, please.  
24 (Deposition Exhibit A was marked  
25 for purposes of identification)

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27

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1 A This (indicating) is the main entrance and this  
2 (indicating) the walk that I went in to, the  
3 main entrance.

4 Q I am not sure that I understand the photos. Let  
5 me get another paper.

6 I am not going to be a real good artist here,  
7 but I've tried to draw on this drawing, sir, the  
8 general layout of the hospital. What I have  
9 drawn was a great big box to show where the  
10 hospital is. Then at the bottom of that box  
11 that is where the emergency room entrance is.  
12 Then there is parking on the side of that.

13 Moving from the right to the left, there is a  
14 walkway leading up to the emergency room  
15 entrance. To the right of the hospital there is  
16 a street. Then there is parking to the right of  
17 the street.

18 That is generally the configuration at the  
19 hospital, correct?

20 A Yes.

21 Q And you would agree with me wouldn't you that  
22 the area -- and I will just mark this as Exhibit  
23 B and the color photograph as Exhibit B-1.  
24 (Deposition Exhibit B and B-1 were marked  
25 for purposes of identification)

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26

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1 BY MR. JOHNSON:

2 Q And when you went back, did you see other areas  
3 of the cement raised that same distance?

4 A Yes.

5 Q Mr. Minich, I have a color photo and a photocopy  
6 photo that I am showing you that appeared to be  
7 the emergency room entrance. On this  
8 (indicating) picture, does it show the area  
9 where you believe that you fell?

10 A It wasn't here that I fell, it was the main  
11 entrance. I have to correct myself.

12 Q Okay. So these pictures do not show where you  
13 fell?

14 A No, it was the main entrance that I went in to.

15 Q Where is the main entrance in comparison to the  
16 emergency room entrance shown in this picture?

17 A This (indicating) is the way back of the  
18 hospital. The main entrance is up front.

19 Q You worked there for quite awhile, sir?

20 A 26 years.

21 Q Can you just draw a little drawing and just show  
22 us where the emergency room entrance is and  
23 where the entrance is that you fell?

24 (Pause)

25 BY MR. JOHNSON:

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28

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1 BY MR. JOHNSON:

2 Q The area that is depicted in Exhibit B and  
3 Exhibit B-1 is the area that I've marked as  
4 point "Z" in this drawing, correct?

5 A Yes.

6 MR. JOHNSON: And I will mark the  
7 drawing for identification as Exhibit  
8 C.  
9 (Deposition Exhibit C was marked  
10 for purposes of identification)

11 BY MR. JOHNSON:

12 Q Now, looking at this drawing that I've marked as  
13 Exhibit C, is it possible for you to point to  
14 the place where the entrance is where you  
15 believe you fell?

16 A This (indicating) is the emergency room entrance  
17 and this would be the back of the hospital.  
18 Here (indicating) would be the front of the  
19 hospital and here (indicating) is the main  
20 entrance and that is where I fell.

21 Q And so I am going to mark "front" where you were  
22 pointing when you said front?

23 A Yes.

24 Q Now, have I done that?

25 A Yes.

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45

47

1 A No.  
 2 Q Is it the side of the hospital that fronts on to  
 3 Hospital Avenue?  
 4 A I don't know.  
 5 Q Is there any way that you can tell us where the  
 6 location was where you took Exhibit I-1?  
 7 MR. WARD: Can I ask for some  
 8 clarification to the question? He  
 9 already testified that is where he  
 10 fell at, it was the main entrance of  
 11 the hospital.  
 12 Are you asking in relation to  
 13 Deposition Exhibit C.  
 14 BY MR. JOHNSON:  
 15 Q Exhibit I-1 you are saying, sir, was not the  
 16 emergency room entrance, right?  
 17 A Yes.  
 18 MR. WARD: This (indicating) is  
 19 I-1.  
 20 BY MR. JOHNSON:  
 21 A Yes, this (indicating) is the main entrance.  
 22 Q You are familiar with the side of the building  
 23 where the emergency room entrance is, right?  
 24 A Yes.  
 25 Q If one were to want to walk from the emergency

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1 A Yes.  
 2 Q And would that also be the area where you took  
 3 photographs I-2 through I-14?  
 4 A Yes.  
 5 Q And that is where you claim that you fell?  
 6 A Yes.  
 7 Q And your recollection is very good that that is  
 8 the point where you fell?  
 9 A Yes.  
 10 Q And is that the point where you were lying when  
 11 the health care workers came to pick you up?  
 12 A Yes.  
 13 Q And is that the area where you felt the raised  
 14 piece of the concrete?  
 15 A Yes.  
 16 Q And is that the area where you believe your foot  
 17 caught so as to cause you to fall?  
 18 A Yes.  
 19 Q I think I asked you this before, but you don't  
 20 know what the weather was like that day, do you?  
 21 A No, I don't. No.  
 22 Q It wasn't raining or snowing or anything that  
 23 day, was it?  
 24 A No.  
 25 Q Do you have any idea if it had snowed or rained

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46

48

1 room entrance to the point where you say you  
 2 fell, how would you get there?  
 3 A You would have to go down the walk and walk on  
 4 the side of the hospital to get to the emergency  
 5 room.  
 6 Q Are you saying that you have to come out the  
 7 emergency room door?  
 8 A Right.  
 9 Q Come down the walk to your left and then turn  
 10 left again to get to the entrance?  
 11 A Yes.  
 12 Q And when you did that, would you get to the  
 13 point where you took the photograph marked as  
 14 Exhibit I-1?  
 15 A You come up this (indicating) way here  
 16 (indicating) -- if you walked around the  
 17 emergency room, you would come up this  
 18 (indicating) way.  
 19 MR. WARD: You are indicating to  
 20 the sidewalk on the right-hand side of  
 21 the picture.  
 22 THE DEPONENT: Yes.  
 23 BY MR. JOHNSON:  
 24 Q Is it correct then that would be the area where  
 25 you've marked as "Q" on Exhibit C?

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1 in the last three or four days?  
 2 A Yes, we had some rain.  
 3 Q How many days before that?  
 4 A I would say two days before.  
 5 Q Had it been dry for two days since the rain?  
 6 A No, we had some snow before that.  
 7 Q Before the rain?  
 8 A Yes.  
 9 Q So two days before the accident, there was some  
 10 rain?  
 11 A Yes.  
 12 Q And before that there had been some snow?  
 13 A Yes.  
 14 Q During the last two days before the accident  
 15 happened then, was it dry?  
 16 A I can't remember.  
 17 Q You don't recall the ground or the sidewalk  
 18 being wet the day you fell?  
 19 A Yes, when I fell it was wet and muddy and my  
 20 clothes were a mess.  
 21 Q Was the area that was raised, wet or -- let me  
 22 just -- was the area that was raised wet?  
 23 A Yes.  
 24 Q Did you slip then?  
 25 A After I hit the cement then I slipped.

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49

51

1 Q After you fell?  
 2 A Yes.  
 3 Q I am talking about prior to your foot catching,  
 4 did you slip at all?  
 5 A No.  
 6 Q Did you slip at all before your butt hit the  
 7 ground?  
 8 A Yes.  
 9 Q I guess what I am trying to ask, Mr. Minich, is  
 10 did the accident happen you think because you  
 11 slipped or because it was wet or anything like  
 12 that or was it because of the raised piece of  
 13 concrete? How can you explain that?  
 14 A When I came in, my foot hit the cement and that  
 15 is when I slid. I tried to catch myself, but I  
 16 went down so quick.  
 17 Q I am a little confused. Was it that your foot  
 18 that caught or that slipped?  
 19 A It caught.  
 20 Q It didn't slip then, correct?  
 21 A After, yes.  
 22 MR. WARD: Counsel, he has two  
 23 feet. Maybe you want to ask him about  
 24 his feet.  
 25 MR. JOHNSON: Okay.

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1 A Yes.  
 2 Q What part of your back hurt?  
 3 A Lower back.  
 4 Q Has you previously had lower back problems?  
 5 A Yes.  
 6 Q Had you previously had trouble walking?  
 7 A Yes.  
 8 Q Had you previously received medical treatment  
 9 because your lower back hurt and because you had  
 10 trouble walking?  
 11 A Yes.  
 12 Q And prior to the accident, had you been told  
 13 that you needed surgery for that?  
 14 A No.  
 15 Q Are you sure about that?  
 16 A I'm not sure.  
 17 Q How long had it been before the accident that  
 18 you had been having trouble with your back  
 19 hurting and having troubling walking?  
 20 A I don't recall.  
 21 Q More than a year?  
 22 A Yes.  
 23 Q Had you been to the emergency room for  
 24 treatment?  
 25 A Yes.

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50

52

1 BY MR. JOHNSON:  
 2 Q So your right foot caught?  
 3 A Yes.  
 4 Q Before that you had not slipped at all?  
 5 A No.  
 6 Q When your right foot caught, what happens next?  
 7 A And then I slid backwards and went down on my  
 8 back and my butt.  
 9 Q What part of you slid?  
 10 A My foot.  
 11 Q Which foot?  
 12 A My right.  
 13 Q So your right foot caught and then your right  
 14 foot slid backwards?  
 15 A Yes.  
 16 Q And that is when you fell?  
 17 A Yes.  
 18 Q Did you hit your head?  
 19 A No.  
 20 Q How long were you in the hospital after this  
 21 happened?  
 22 A I don't remember.  
 23 Q What problems did you have?  
 24 A My back hurt and I had trouble walking.  
 25 Q Have you previously had any back problems?

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1 Q Had you treated with any doctors outside of the  
 2 emergency room?  
 3 A Yes.  
 4 Q Who?  
 5 A Casteel.  
 6 Q He is a chiropractor?  
 7 A Yes.  
 8 MR. WARD: Just so we are clear, I  
 9 assume you are asking about treatment  
 10 prior to the injury.  
 11 MR. JOHNSON: I thought I did.  
 12 BY MR. JOHNSON:  
 13 Q You treated with Dr. Casteel, the chiropractor,  
 14 for your back and trouble walking before you  
 15 fell, right?  
 16 A Yes.  
 17 Q Had you previously fallen so as to hurt your  
 18 back?  
 19 A Yes.  
 20 Q How many times?  
 21 A I don't know.  
 22 Q How many times can you remember?  
 23 A Four or five.  
 24 Q Just tell us about those. When was the first  
 25 time you recall falling and hurting your back?

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<p style="text-align: right;">53</p> <p style="text-align: center;">-----</p> <p>1 A I fell on the ice in the parking lot here.</p> <p>2 Q When was that?</p> <p>3 A I can't remember.</p> <p>4 Q When was the second time you fell and hurt your lower back?</p> <p>5 A I fell at home going outside.</p> <p>6 Q Do you remember when that was?</p> <p>7 A No.</p> <p>8 Q When was the third time that you fell and hurt your lower back?</p> <p>9 A I fell over at the East Division in the parking lot on the ice.</p> <p>10 Q Do you remember when that was?</p> <p>11 A No.</p> <p>12 Q When was the fourth time that you fell and you hurt your lower back?</p> <p>13 A I don't know.</p> <p>14 Q Do you remember any other times that you fell and hurt your lower back besides what you've told us about prior to the accident you are claiming in this case?</p> <p>15 A No.</p> <p>16 Q Were you on any type of drugs or medication the day that you claim the accident happened here?</p> <p>17 A No.</p> <p style="text-align: center;"><b>GOLDEN TRIANGLE REPORTERS</b> One Gateway Center - Suite 653 (412) 261-4565</p>	<p style="text-align: right;">55</p> <p style="text-align: center;">-----</p> <p>1 A No.</p> <p>2 Q Did you talk to any policeman or security person or anybody like that?</p> <p>3 A No.</p> <p>4 Q Who was the next person you told other than the emergency room doctor and the nurses that you had fallen?</p> <p>5 A Larry Travis when I went home later.</p> <p>6 Q Who was the next person after Larry Travis who you told that you fell?</p> <p>7 A I don't remember.</p> <p>8 Q Do you remember ever telling anyone else that you had fallen before you went to a lawyer?</p> <p>9 A No.</p> <p>10 Q How long after you fell did you go to a lawyer?</p> <p>11 A I can't remember that.</p> <p>12 Q What lawyer did you go to first?</p> <p>13 A Snyder's.</p> <p>14 MR. WARD: I am going to place an objection to this line of questioning. It is completely, completely inappropriate and it is not reasonably calculated to lead to discoverable material as to which attorneys he spoke to in regards to representation.</p> <p style="text-align: center;"><b>GOLDEN TRIANGLE REPORTERS</b> One Gateway Center - Suite 653 (412) 261-4565</p>
<p style="text-align: right;">54</p> <p style="text-align: center;">-----</p> <p>1 Q You weren't taking anything?</p> <p>2 A No.</p> <p>3 Q Do you remember talking to anyone after the accident?</p> <p>4 MR. WARD: Can we get some sort of time frame?</p> <p>5 MR. JOHNSON: Sure.</p> <p>6 BY MR. JOHNSON:</p> <p>7 Q Within a couple of hours after the accident, do you remember talking with anyone?</p> <p>8 A Just an emergency room doctor.</p> <p>9 Q Anyone else?</p> <p>10 A And the nurses.</p> <p>11 Q Did you tell them how you felt?</p> <p>12 A Yes.</p> <p>13 Q What do you remember telling the doctor?</p> <p>14 A I don't remember that.</p> <p>15 Q What do you remember telling the nurses?</p> <p>16 A I don't remember.</p> <p>17 Q Do you remember who the doctor was?</p> <p>18 A No.</p> <p>19 Q Do you remember who the nurses were?</p> <p>20 A No.</p> <p>21 Q Other than the doctor and the nurses, did you tell anybody else anything about your falling?</p> <p style="text-align: center;"><b>GOLDEN TRIANGLE REPORTERS</b> One Gateway Center - Suite 653 (412) 261-4565</p>	<p style="text-align: right;">56</p> <p style="text-align: center;">-----</p> <p>1 MR. JOHNSON: I think that it is.</p> <p>2 I don't think that it is something</p> <p>3 privileged in who he told about this</p> <p>4 accident. I certainly can't get into</p> <p>5 any content and I wouldn't presume to</p> <p>6 do that.</p> <p>7 BY MR. JOHNSON:</p> <p>8 Q Are you referring to the Edgar Snyder Firm?</p> <p>9 A Yes.</p> <p>10 Q After you talked with someone at the Edgar Snyder Firm, who was the next person you talked to regarding to how the accident happened?</p> <p>11 A Fridays.</p> <p>12 Q How was it that you learned of the Friday Firm in order to talk with someone there?</p> <p>13 A Edgar Snyder sent me there.</p> <p>14 Q The records that we have indicate, sir, that you actually began treating with Casteel,</p> <p>15 C-a-s-t-e-e-l, Chiropractor back in 1990?</p> <p>16 A Yes.</p> <p>17 Q Does that agree with your recollection?</p> <p>18 A Yes.</p> <p>19 Q And those records indicate that your treatment started with Casteel Chiropractic because you fell on ice at your home in 1990. Do you</p> <p style="text-align: center;"><b>GOLDEN TRIANGLE REPORTERS</b> One Gateway Center - Suite 653 (412) 261-4565</p>



57

- 1 remember that?
- 2 A Yes.
- 3 Q And the records also indicate that beginning in
- 4 1990 after that fall, you had neck and low back
- 5 pain and leg numbness. Do you remember that?
- 6 A Yes.
- 7 Q And then we have some records from Phillipsburg
- 8 Hospital in 1995 indicating that you were in the
- 9 emergency room there after having fallen the day
- 10 before a visit in May of 1995. Do you remember
- 11 that?
- 12 A Yes.
- 13 Q And those records refer to lower back pain as a
- 14 result of that fall. Do you remember that?
- 15 A Yes.
- 16 Q And it said that the pain radiates down to your
- 17 leg to your knee and that you had tingling in
- 18 your leg. Do you remember that?
- 19 A Yes.
- 20 Q And that you were having trouble flexing forward
- 21 with your back because of the acute pain that
- 22 you were feeling?
- 23 A Yes.
- 24 Q Then there are some records from Dubois Regional
- 25 Medical Center dated January 12, 2000. Those

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59

- 1 A No.
- 2 Q Had you been referred to him by someone?
- 3 A Dr. Bellomo.
- 4 Q It is spelled B-e-l-l-o-m-o.
- 5 There are then records from January of 2001
- 6 indicating that you had a MRI and that a disc
- 7 hemiation of the lumbar area was shown by the
- 8 MRI. Do you remember that?
- 9 A Yes.
- 10 Q That was on January 2, 2001. After that there
- 11 is a record from January 11, 2001 saying that
- 12 you had fallen at home. Do you recall that,
- 13 sir?
- 14 A No.
- 15 Q The emergency room record says: Patient fell at
- 16 home and complains of lower back pain radiating
- 17 to his left leg. He has a history of a ruptured
- 18 disc in the lower back, complaints of some
- 19 numbness radiating to the toes and to follow up
- 20 with Dr. Bellomo.
- 21 Do you remember that?
- 22 A No.
- 23 Q The records for that date also include a
- 24 radiology report indicating that you had
- 25 degenerative arthritis to the lumbar spine, that

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58

- 1 records refer to back and hip pain. Do you
- 2 remember that?
- 3 A Yes.
- 4 Q They also refer to your having been diagnosed
- 5 with having a disc fracture and that you were to
- 6 see a surgeon. Do you recall that?
- 7 A Yes.
- 8 Q Did you see a surgeon after that?
- 9 A Yes.
- 10 Q Okay. Who did you see?
- 11 A I don't remember his name but, he was from
- 12 Franklin Hospital.
- 13 Q Did you have surgery for the disc that was
- 14 fractured?
- 15 A No.
- 16 Q Did he recommend surgery?
- 17 A No, he said that there was nothing wrong with my
- 18 back. He said that I didn't have a ruptured
- 19 disc.
- 20 Q Was this in the emergency room at Franklin or
- 21 was he a private doctor?
- 22 A A private doctor.
- 23 Q But you don't recall his name?
- 24 A No.
- 25 Q Did you ever go back to him?

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60

- 1 you had disc narrowing in the lumbar sacral
- 2 area. Do you recall those x-rays being taken?
- 3 A No.
- 4 Q There are records from Dr. Bellomo dated in
- 5 January of 2001, which indicate that you were
- 6 seen for follow up of leg pain and
- 7 hospitalization after a herniated disc had been
- 8 found. Do you recall seeing Dr. Bellomo about
- 9 that at that time?
- 10 A Yes.
- 11 Q Those records also state that you were having
- 12 persistent pain in the left leg with numbness.
- 13 Do you remember that?
- 14 A Yes.
- 15 Q And those records indicate that he was going to
- 16 refer you to Dr. Cairn, C-a-i-r-n. Do you
- 17 remember that?
- 18 A Yes.
- 19 Q Was that the Franklin doctor?
- 20 A I'm not sure if that was the Franklin doctor or
- 21 if that was the doctor down in Geisenger.
- 22 Q There is a record then on January 12, 2001 from
- 23 Dubois Regional Medical Center that talks about
- 24 back and leg pain with weakness. It says: The
- 25 patient had recently been diagnosed with a left

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61

side herniation by MRI of the lumbar side.

It says that you had been admitted with leg weakness and inability to stand and that your pain seemed to worsen and that you had developed weakness. Do you remember that?

A No.

Q This record also states that you had been to the emergency room twice since being discharged from the hospital; and that because of your pain and your inability to care for yourself at home, you were being admitted. Do you remember that?

A No.

Q There is a record in April of 2002 from Dubois Regional Medical Center, which is another emergency room visit, and this one talks about back pain after you had been going up steps and missed one. Do you remember that accident?

A No.

Q Do you remember being in the emergency room after any occasion when you were going up steps and missed one?

A No.

Q Then there is a record from October 1, 2002 from Dubois Regional Medical Center in which it talks about your coming to the emergency room because

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63

and my hip came out.

Q And did you hurt your lower back?

A Yes.

Q Five days after that visit on October 26, 2002 there is a record from Dubois Regional Medical Center in which the emergency room report says that you came in saying: "I hurt my back".

Do you remember coming back to the emergency room on the 26th of October?

A No.

Q Do you remember that after you moved the refrigerator that you continued to have back and leg pain for at least a week's time?

A Yes.

Q How many week's time did that pain last?

A Just a couple of weeks, two weeks.

Q Finally, you had surgery at Geisinger Medical Center on your back?

A Yes.

Q That was surgery to the lumbar area?

A Yes.

Q Do you recall, sir, that two weeks after the surgery you fell and hurt your back again?

A No.

Q There is a record from Phillipsburg Area

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62

you had back pain all day and that it was worse at night and you hadn't had any new injuries but that your right flank area was sore with radiation to the lower back. Do you remember that?

A No.

Q 18 days later on October 19, 2002 there is a record from Dubois Regional Medical Center that you had come to the emergency room complaining of back pain beginning the day before radiating down to your left hip to your left leg. Do you remember that?

A No.

Q Two days later there is an emergency room record from Dubois Regional Medical Center and it is dated October 21, 2002. It states that you came to the emergency room complaining of pain after having moved a refrigerator several days before and that you had back pain going down your left leg with numbness to your left leg. Do you remember that?

A Yes.

Q How had you hurt yourself moving the refrigerator?

A When I moved the refrigerator, I twisted wrong

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64

Hospital saying that you had had surgery on your back for a herniated disc and then you fell and your left leg went out and that your left leg had been giving you trouble before the surgery. Do you recall that happening?

A No.

Q Do you remember being at Phillipsburg Hospital about two weeks after the surgery at Geisinger?

A No.

Q Do you remember falling at any time after your surgery at Geisinger?

A No.

Q The day after you were at Phillipsburg Hospital, which was May 23rd, you were at Dubois Regional Medical Center on May 24th. It indicates that you had lumbar surgery on May 9th and that you had fallen and that you had positive pain. Do you remember that?

A No.

Q Do you remember having any accidents after your back surgery?

A No.

Q Do you remember any medical treatment at any hospital for your back after your back surgery?

A Yes.

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65

- 
- 1 Q Where was it?
- 2 A The Dubois Regional Medical Center.
- 3 Q How about Phillipsburg Hospital?
- 4 A That I don't remember.
- 5 Q There is a record from 2004, Dr. Bellomo's
- 6 records on April 14th, indicating that the EMTs
- 7 took you to West Penn Hospital after you
- 8 collapsed on the floor while smoking. Do you
- 9 remember that?
- 10 A No.
- 11 Q Do you remember being taken to DRMC west after
- 12 collapsing on the floor after smoking?
- 13 A No.
- 14 Q Do you remember ever being taken to the hospital
- 15 after collapsing on the floor while smoking?
- 16 A No.
- 17 Q There is a record in March of 2005 from Dubois
- 18 Regional Medical Center. It is an emergency
- 19 room record and it said that you were
- 20 complaining of low back pain because you had
- 21 fallen three weeks before and fractured a
- 22 vertebrae. Do you remember that?
- 23 A No.
- 24 Q Do you remember a fall in which you hurt your
- 25 back in 2005?

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67

- 
- 1 A I was going across the bridge and the wood that
- 2 was on the bridge was all broke up and my foot
- 3 hit that and I went down.
- 4 Q Had you filed any sort of claims as a result of
- 5 that?
- 6 A No.
- 7 Q After that accident involving your hip and your
- 8 lower back, have you had any other accidents
- 9 hurting your hip and lower back?
- 10 A I fell again in my apartment, but I can't
- 11 remember when.
- 12 Q And when you fell again in your apartment, did
- 13 you hurt your lower back again?
- 14 A Yes.
- 15 Q Where were you treated for that?
- 16 A Dubois Regional Medical Center.
- 17 Q What injuries and damages are you claiming in
- 18 this lawsuit?
- 19 A I don't know.
- 20 Q With respect to the area where you think you
- 21 fell, do you know of anybody else who has seen
- 22 that area that you claim is raised?
- 23 A Not that I know of.
- 24 Q You don't know of anybody also that has fallen
- 25 there, do you?

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66

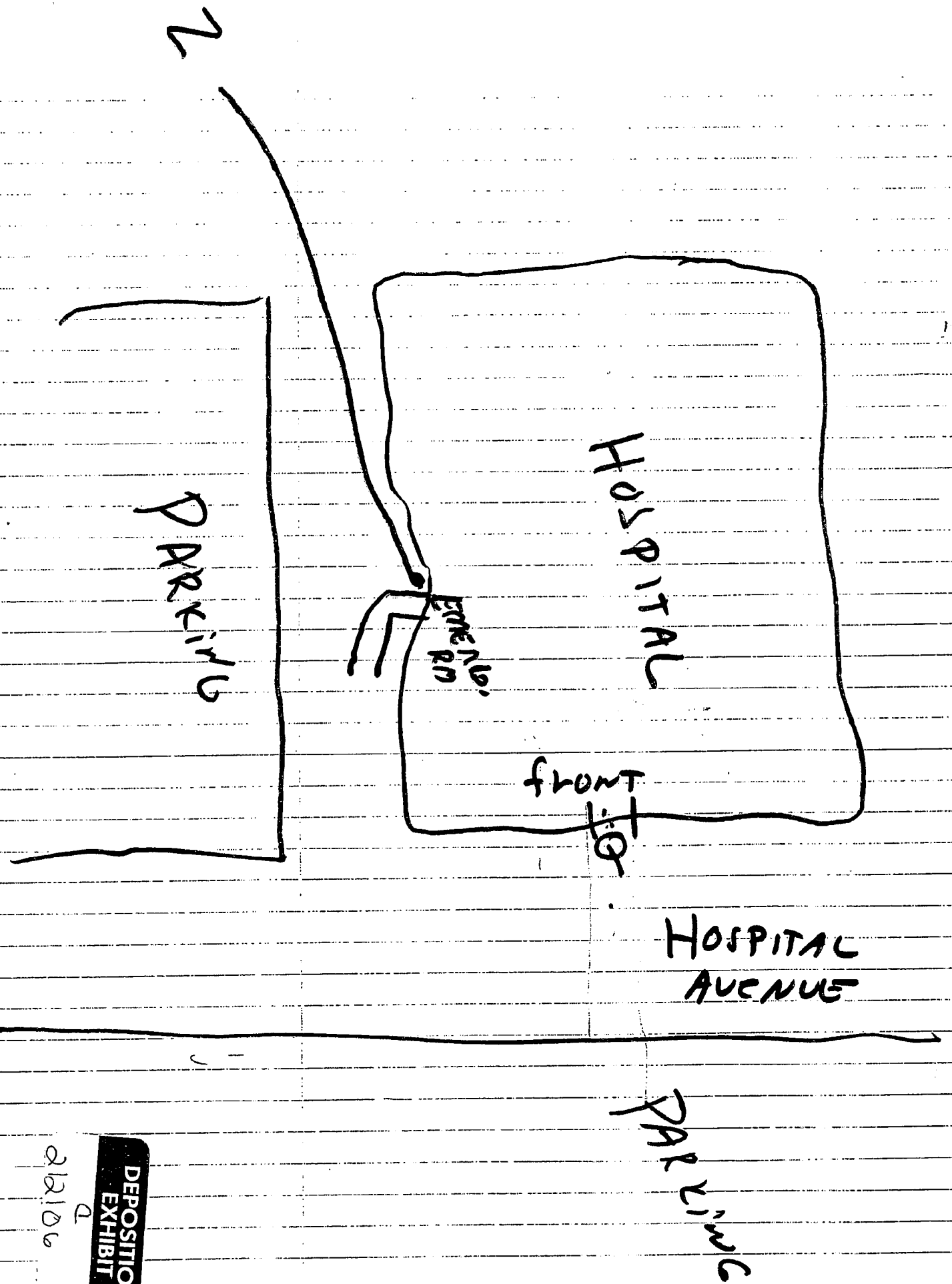
- 
- 1 A No.
- 2 Q Do you remember being seen in the emergency room
- 3 at Dubois Regional Medical Center during 2005
- 4 because of your back?
- 5 A Yes.
- 6 Q Was that after a fall?
- 7 A Yes.
- 8 Q Where had you fallen?
- 9 A I fell in my bathroom in my apartment.
- 10 Q And did you hurt your lower back in that fall?
- 11 A Yes.
- 12 Q Was that around March of 2005?
- 13 A I don't know.
- 14 Q There is a record from Casteel Chiropractic in
- 15 August of 2005 saying that you were walking on a
- 16 walkway and you tripped on a piece of wood on a
- 17 bridge and you fell and hurt your hip and your
- 18 low back. Do you remember that?
- 19 A Yes.
- 20 Q Where did that accident happen?
- 21 A Out here in Dubois on the walkway.
- 22 Q This is like the walking path that is around
- 23 here?
- 24 A Yes.
- 25 Q What happens as to cause you to fall that day?

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68

- 
- 1 A No.
- 2 Q Are there sidewalks around where your home is?
- 3 A Yes.
- 4 Q And do the sidewalks have different sections to
- 5 them with a space between them?
- 6 A Yes.
- 7 Q And do you walk on those sidewalks from time to
- 8 time?
- 9 A Yes.
- 10 Q And do those sidewalks, too, have a raised area
- 11 at least as high as this raised area between one
- 12 block and the next?
- 13 A No.
- 14 Q Are you sure of that?
- 15 A I am not sure.
- 16 Q Have you seen any other sidewalk areas that have
- 17 a raised area of the height that you showed us
- 18 on Exhibit A.
- 19 A Yes.
- 20 Q Where else have you seen that type of raised
- 21 area?
- 22 A In the City of Dubois on the streets.
- 23 Q Is it pretty common?
- 24 A It is bad.
- 25 Q Is it pretty common?

**GOLDEN TRIANGLE REPORTERS**  
 One Gateway Center - Suite 653  
 (412) 261-4565



DEPOSITO  
EXHIBIT


212106

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within document has been served upon the following counsel of record and same placed in the U.S. Mails on this 8th day of Nov, 2006:

Peter D. Friday, Esquire  
Woomer & Friday, LLP  
3220 W. Liberty Avenue, Suite 200  
Pittsburgh, PA 15216

THOMSON, RHODES & COWIE, P.C.

  
\_\_\_\_\_  
David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD J. MINICH,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. 05-86-CD
	)	
vs.	)	Issue No.
	)	
DUBOIS REGIONAL MEDICAL	)	Code: 007
CENTER,	)	
	)	
Defendants.	)	

ORDER OF COURT

AND NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon hearing and consideration of the Motion for Summary Judgment filed by DuBois Regional Medical center, it is hereby ORDERED, ADJUDGED and DECREED that said motion is GRANTED.

All claims made against DuBois Regional Medical Center are hereby dismissed with prejudice.

BY THE COURT:

\_\_\_\_\_. J.

**THOMSON, RHODES & COWIE, P.C.**

Attorneys At Law

TWO CHATHAM CENTER, TENTH FLOOR  
PITTSBURGH, PENNSYLVANIA 15219-3499

Direct Dial: 412-316-8685

Facsimile: 412-232-3498

**Brad R. Korinski**

Email: brk@trc-law.com

November 8, 2006

Ronald J. Minich vs. DuBois Regional Medical Center. In the Court of Common Pleas of Clearfield County, Pennsylvania. Civil Division No. 05-86-CD. Our File No. 14086.

William Shaw, Prothonotary  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Dear Mr. Shaw:

Enclosed for filing in the matter above captioned is an original and two copies of the defendant's motion for summary judgment along with a scheduling order. Kindly submit the order to my office once a date has been scheduled for argument.

Thank you.

Very truly yours,



Brad R. Korinski

/cah

Enclosures

cc: Peter D. Friday, Esquire  
(w/enclosures)

CA

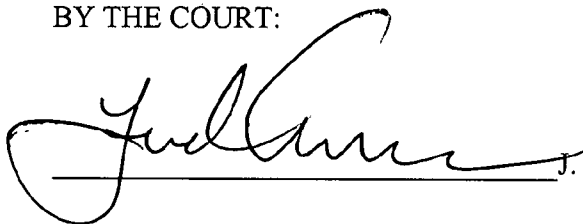
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD J. MINICH,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. 05-86-CD
	)	
vs.	)	Issue No.
	)	
DUBOIS REGIONAL MEDICAL	)	Code: 007
CENTER,	)	
	)	
Defendants.	)	

ORDER OF COURT

AND NOW on this 16 day of November, 2006, it is hereby ORDERED, ADJUGED and DECREED that oral argument on defendant's motion for summary judgment is scheduled for the 12<sup>th</sup> day of January, 2007, at 2:30 ~~am~~ (p.m.) before Judge Ammerman in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:



**FILED** 2cc  
013:03/01 Amy Koriaski  
NOV 17 2006 (60)  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH

Plaintiff,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

CIVIL DIVISION

No. 05-86-CD

Issue No.

AFFIDAVIT OF SERVICE

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. #86831

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

(412) 232-3400

FILED  
m/10:5920/ NO CC  
NOV 27 2006

William A. Shaw  
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

Notice has been made by regular U.S. Mail to plaintiff's attorney, Peter D. Friday, Esquire, that argument will occur on defendant's motion for summary judgment on January 12, 2007 at 2:30 p.m. before Judge Ammerman in Courtroom No. 1 of the Clearfield County Courthouse. A copy of the November 16, 2006 order of court signed by Judge Ammerman is attached hereto as Exhibit A.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.



---

Brad R. Korinski, Esquire  
Attorneys for DuBois Regional Medical  
Center.

CA

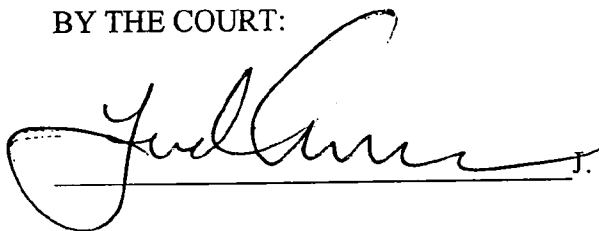
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD J. MINICH,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. 05-86-CD
	)	
vs.	)	Issue No.
	)	
DUBOIS REGIONAL MEDICAL	)	Code: 007
CENTER,	)	
	)	
Defendants.	)	

ORDER OF COURT

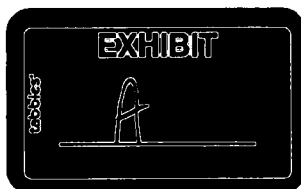
AND NOW on this 16 day of November, 2006, it is hereby ORDERED, ADJUGED and DECREED that oral argument on defendant's motion for summary judgment is scheduled for the 12<sup>th</sup> day of January, 2007, at 2:30 ~~am~~ p.m. before Judge Ammerman in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:

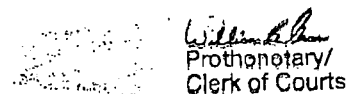


I hereby certify this to be a true and attested copy of the original statement filed in this case.

NOV 17 2006



Attest.

  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. : 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

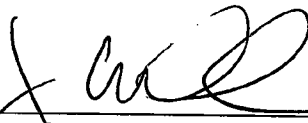
**PRAECIPE TO DISCONTINUE PROCEEDINGS PURSUANT TO PA. R.C.P 229**

TO THE PROTHONOTARY:

Please discontinue this action as to all defendants.

Respectfully submitted 26<sup>th</sup> December, 2006.

Woomer & Friday LLP

  
\_\_\_\_\_  
James C. Ward, Esquire  
Pa I.D. # 86055  
Attorney for Plaintiff

Woomer & Friday LLP  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
(412)563-7980

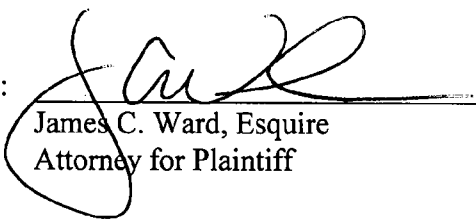
**CERTIFICATE OF SERVICE**

I hereby certify that on 26<sup>th</sup> December, 2006, a true and correct copy of the foregoing ***Praecipe to Discontinue Proceedings Pursuant to PA. R.C.P 229*** was served by First Class U.S. Mail, postage prepaid, upon the following:

David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Thomson Rhodes & Cowie, P.C.  
Two Chatham Center, 10th Floor  
Pittsburgh, PA 15219-3499

Woomer & Friday LLP

By:

  
James C. Ward, Esquire  
Attorney for Plaintiff

# Friday Porta Cox & Ward LLP

ATTORNEYS AT LAW

Peter D. Friday\*  
Cynthia M. Porta-Clark\*  
Brian D. Cox  
James C. Ward  
Michele L. Zerr  
\*Also admitted in West Virginia

3220 West Liberty Avenue  
Suite 200  
Pittsburgh, PA 15216  
412 561-4290  
Fax 412 561-4291  
TOLL FREE 1 800 482-0032

December 26, 2006

William Shaw, Prothonotary  
Court of Common Pleas of Clearfield County  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

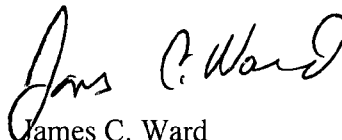
Re: Ronald J Minich v. DuBois Regional Medical Center  
Clearfield County Court of Common Pleas Case No. 05-86-CD

Dear Mr. Shaw:

Enclosed please find an original Praeipue to Discontinue in the above-captioned matter, together with 1 additional coversheet to the same. Please file the original, conform the coversheet with the Court's filing stamp and return said coversheet to me in the enclosed pre-addressed, stamped envelope.

Thank you.

Very truly yours,



James C. Ward  
e-mail: [jward@fridaylaw.com](mailto:jward@fridaylaw.com)

JCW/mr  
Enclosure  
cc: David R. Johnson, Esquire (w/enclosure)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Ronald J. Minich

Vs.  
DuBois Regional Medical Center

No. 2005-00086-CD

CERTIFICATE OF DISCONTINUATION

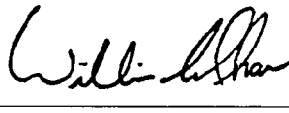
Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 28, 2006, marked:

Discontinued

Record costs in the sum of \$85.00 have been paid in full by Peter D. Friday Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of December A.D. 2006.



\_\_\_\_\_  
William A. Shaw, Prothonotary