

05-86-CD
R. Minich vs. DRMC

MEDICAL CENTER

Ronald Minich vs. DRMC
2005-086-CD

Angela Keith

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No. :

vs.

Code No.: 05-86-CD

DUBOIS REGIONAL MEDICAL CENTER

Defendant.

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 ^{CC}
m 11:44 AM JAN 19 2005 Shff
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



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

CIVIL DIVISION

Plaintiff,

No. 05-86-CD

vs.

Issue No.

DUBOIS REGIONAL MEDICAL
CENTER,

PRAECLYPE FOR APPEARANCE

Defendant.

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 NO Cc
1:32pm
FEB 07 2005
WAS
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 Johnson
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 February, 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

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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

So Answers,

____ Day of _____ 2005


Chester A. Hawkins
Sheriff

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,

ANSWER AND NEW MATTER

Defendant.

Code: 007

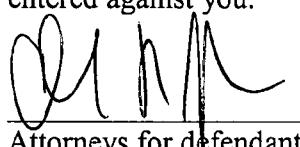
Filed on behalf of defendant.

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



Attorneys for defendant.

FILED NO
M 1/3584 CC
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.



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 16th 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.



David R. Johnson, 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.: 05-86-CD

Code No.:

**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
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no
cc

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,

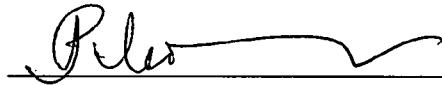
Defendant.

**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,


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 CLEARFIELD COUNTY,
PENNSYLVANIA**

RONALD J. MINICH,

CIVIL DIVISION

Plaintiff,

Docket No.: 05-86-CD

vs.

Code No.:

DUBOIS REGIONAL MEDICAL CENTER,

PLAINTIFF'S REPLY TO NEW MATTER

Defendant.

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

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William A. Shaw
Prothonotary
no 4/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

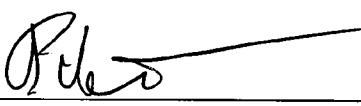
CERTIFICATE OF SERVICE

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
M 11:10 AM CC
AUG 10 2005
S

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 8/24, 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,

Praeclipe 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*
MAY 15 2006 *WAS*

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,

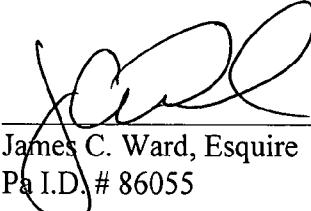
Defendant.

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 *Præcipe 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

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/12:00pm Korinski
NOV 13 2006
WM

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.



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,

Docket No. :

vs.

Code No.:

05-86-CD

DUBOIS REGIONAL MEDICAL CENTER

Defendant.

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

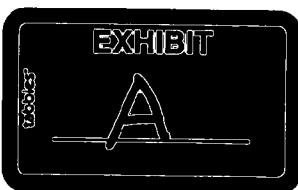
JURY TRIAL DEMANDED

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

JAN 19 2005

Attest.

John J. Schaeffer
Prothonotary/
Clerk of Courts



RECEIVED
THIS 12/14/04

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

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.

COPIED

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EXHIBIT

B

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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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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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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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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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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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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19

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 your 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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18

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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20

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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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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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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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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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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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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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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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 trouble 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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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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1 A I fell on the ice in the parking lot here.
 2 Q When was that?
 3 A I can't remember.
 4 Q When was the second time you fell and hurt your
 5 lower back?
 6 A I fell at home going outside.
 7 Q Do you remember when that was?
 8 A No.
 9 Q When was the third time that you fell and hurt
 10 your lower back?
 11 A I fell over at the East Division in the parking
 12 lot on the ice.
 13 Q Do you remember when that was?
 14 A No.
 15 Q When was the fourth time that you fell and you
 16 hurt your lower back?
 17 A I don't know.
 18 Q Do you remember any other times that you fell
 19 and hurt your lower back besides what you've
 20 told us about prior to the accident you are
 21 claiming in this case?
 22 A No.
 23 Q Were you on any type of drugs or medication the
 24 day that you claim the accident happened here?
 25 A No.

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1 A No.
 2 Q Did you talk to any policeman or security person
 3 or anybody like that?
 4 A No.
 5 Q Who was the next person you told other than the
 6 emergency room doctor and the nurses that you
 7 had fallen?
 8 A Larry Travis when I went home later.
 9 Q Who was the next person after Larry Travis who
 10 you told that you fell?
 11 A I don't remember.
 12 Q Do you remember ever telling anyone else that
 13 you had fallen before you went to a lawyer?
 14 A No.
 15 Q How long after you fell did you go to a lawyer?
 16 A I can't remember that.
 17 Q What lawyer did you go to first?
 18 A Snyder's.

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.

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1 Q You weren't taking anything?
 2 A No.
 3 Q Do you remember talking to anyone after the
 4 accident?
 5 MR. WARD: Can we get some sort of
 6 time frame?
 7 MR. JOHNSON: Sure.
 8 BY MR. JOHNSON:
 9 Q Within a couple of hours after the accident, do
 10 you remember talking with anyone?
 11 A Just an emergency room doctor.
 12 Q Anyone else?
 13 A And the nurses.
 14 Q Did you tell them how you felt?
 15 A Yes.
 16 Q What do you remember telling the doctor?
 17 A I don't remember that.
 18 Q What do you remember telling the nurses?
 19 A I don't remember.
 20 Q Do you remember who the doctor was?
 21 A No.
 22 Q Do you remember who the nurses were?
 23 A No.
 24 Q Other than the doctor and the nurses, did you
 25 tell anybody else anything about your falling?

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1 MR. JOHNSON: I think that it is.
 2 I don't think that it is something
 3 privileged in who he told about this
 4 accident. I certainly can't get into
 5 any content and I wouldn't presume to
 6 do that.
 7 BY MR. JOHNSON:
 8 Q Are you referring to the Edgar Snyder Firm?
 9 A Yes.
 10 Q After you talked with someone at the Edgar
 11 Snyder Firm, who was the next person you talked
 12 to regarding to how the accident happened?
 13 A Fridays.
 14 Q How was it that you learned of the Friday Firm
 15 in order to talk with someone there?
 16 A Edgar Snyder sent me there.
 17 Q The records that we have indicate, sir, that you
 18 actually began treating with Casteel,
 19 C-a-s-t-e-e-l, Chiropractor back in 1990?
 20 A Yes.
 21 Q Does that agree with your recollection?
 22 A Yes.
 23 Q And those records indicate that your treatment
 24 started with Casteel Chiropractic because you
 25 fell on ice at your home in 1990. Do you

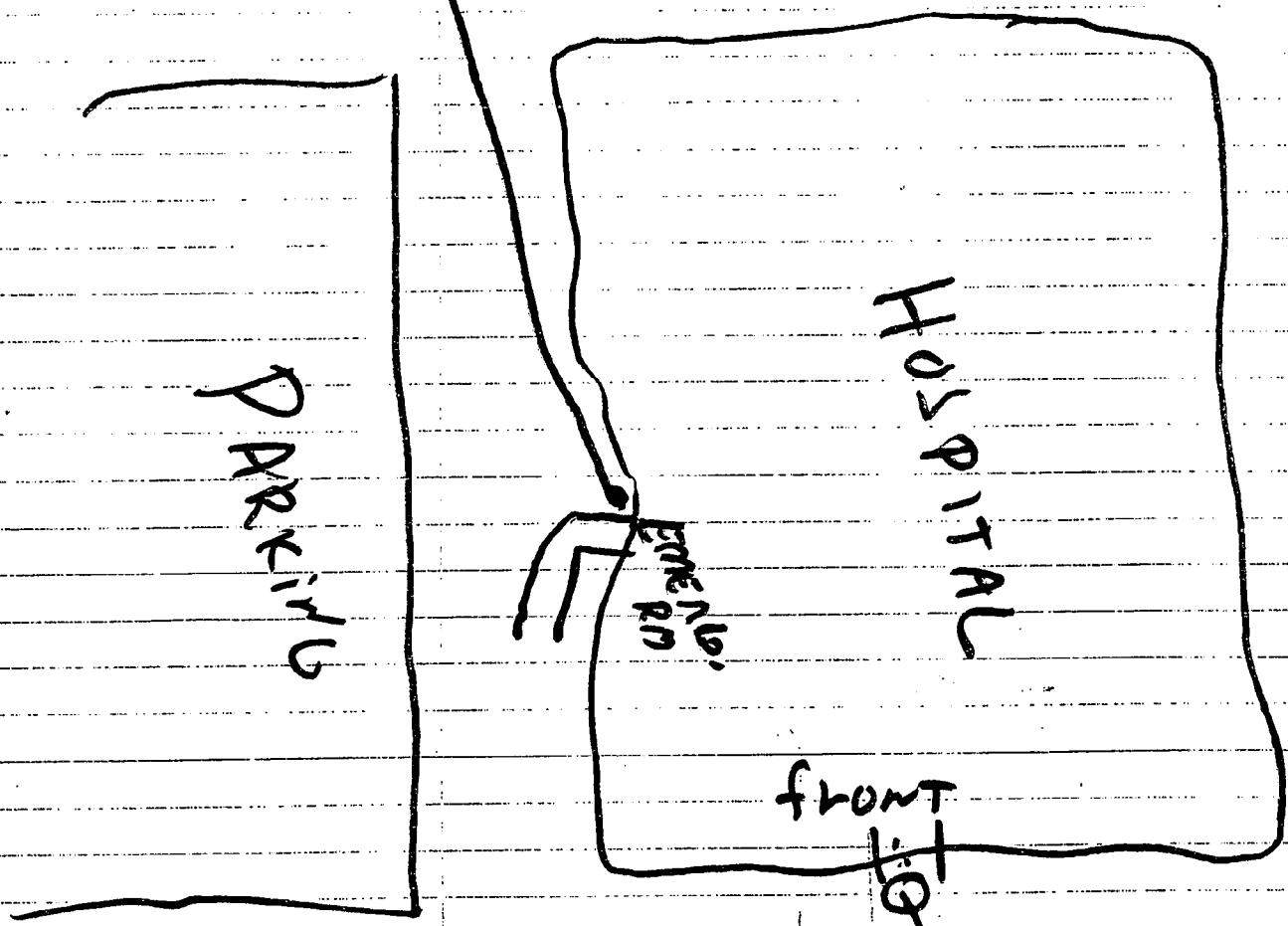
GOLDEN TRIANGLE REPORTERS
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<p>57</p> <p>-----</p> <p>1 remember that?</p> <p>2 A Yes.</p> <p>3 Q And the records also indicate that beginning in 4 1990 after that fall, you had neck and low back 5 pain and leg numbness. Do you remember that?</p> <p>6 A Yes.</p> <p>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?</p> <p>12 A Yes.</p> <p>13 Q And those records refer to lower back pain as a 14 result of that fall. Do you remember that?</p> <p>15 A Yes.</p> <p>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?</p> <p>19 A Yes.</p> <p>20 Q And that you were having trouble flexing forward 21 with your back because of the acute pain that 22 you were feeling?</p> <p>23 A Yes.</p> <p>24 Q Then there are some records from Dubois Regional 25 Medical Center dated January 12, 2000. Those GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>	<p>59</p> <p>-----</p> <p>1 A No.</p> <p>2 Q Had you been referred to him by someone?</p> <p>3 A Dr. Bellomo.</p> <p>4 Q It is spelled B-e-l-l-o-m-o.</p> <p>5 There are then records from January of 2001 6 indicating that you had a MRI and that a disc 7 herniation of the lumbar area was shown by the 8 MRI. Do you remember that?</p> <p>9 A Yes.</p> <p>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?</p> <p>14 A No.</p> <p>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.</p> <p>21 Do you remember that?</p> <p>22 A No.</p> <p>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 GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>
<p>58</p> <p>-----</p> <p>1 records refer to back and hip pain. Do you 2 remember that?</p> <p>3 A Yes.</p> <p>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?</p> <p>7 A Yes.</p> <p>8 Q Did you see a surgeon after that?</p> <p>9 A Yes.</p> <p>10 Q Okay. Who did you see?</p> <p>11 A I don't remember his name but, he was from 12 Franklin Hospital.</p> <p>13 Q Did you have surgery for the disc that was 14 fractured?</p> <p>15 A No.</p> <p>16 Q Did he recommend surgery?</p> <p>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.</p> <p>20 Q Was this in the emergency room at Franklin or 21 was he a private doctor?</p> <p>22 A A private doctor.</p> <p>23 Q But you don't recall his name?</p> <p>24 A No.</p> <p>25 Q Did you ever go back to him?</p> <p>GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>	<p>60</p> <p>-----</p> <p>1 you had disc narrowing in the lumbar sacral 2 area. Do you recall those x-rays being taken?</p> <p>3 A No.</p> <p>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?</p> <p>10 A Yes.</p> <p>11 Q Those records also state that you were having 12 persistent pain in the left leg with numbness. 13 Do you remember that?</p> <p>14 A Yes.</p> <p>15 Q And those records indicate that he was going to 16 refer you to Dr. Caim, C-a-i-r-n. Do you 17 remember that?</p> <p>18 A Yes.</p> <p>19 Q Was that the Franklin doctor?</p> <p>20 A I'm not sure if that was the Franklin doctor or 21 if that was the doctor down in Geisenger.</p> <p>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 GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>

<p style="text-align: center;">-----</p> <p>1 side herniation by MRI of the lumbar side. 2 It says that you had been admitted with leg 3 weakness and inability to stand and that your 4 pain seemed to worsen and that you had developed 5 weakness. Do you remember that? 6 A No. 7 Q This record also states that you had been to the 8 emergency room twice since being discharged from 9 the hospital; and that because of your pain and 10 your inability to care for yourself at home, you 11 were being admitted. Do you remember that? 12 A No. 13 Q There is a record in April of 2002 from Dubois 14 Regional Medical Center, which is another 15 emergency room visit, and this one talks about 16 back pain after you had been going up steps and 17 missed one. Do you remember that accident? 18 A No. 19 Q Do you remember being in the emergency room 20 after any occasion when you were going up steps 21 and missed one? 22 A No. 23 Q Then there is a record from October 1, 2002 from 24 Dubois Regional Medical Center in which it talks 25 about your coming to the emergency room because <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p> </p>	<p style="text-align: center;">61</p> <p>1 and my hip came out. 2 Q And did you hurt your lower back? 3 A Yes. 4 Q Five days after that visit on October 26, 2002 5 there is a record from Dubois Regional Medical 6 Center in which the emergency room report says 7 that you came in saying: "I hurt my back". 8 Do you remember coming back to the emergency 9 room on the 26th of October? 10 A No. 11 Q Do you remember that after you moved the 12 refrigerator that you continued to have back and 13 leg pain for at least a week's time? 14 A Yes. 15 Q How many week's time did that pain last? 16 A Just a couple of weeks, two weeks. 17 Q Finally, you had surgery at Geisinger Medical 18 Center on your back? 19 A Yes. 20 Q That was surgery to the lumbar area? 21 A Yes. 22 Q Do you recall, sir, that two weeks after the 23 surgery you fell and hurt your back again? 24 A No. 25 Q There is a record from Phillipsburg Area <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p> </p>
<p style="text-align: center;">-----</p> <p>1 you had back pain all day and that it was worse 2 at night and you hadn't had any new injuries but 3 that your right flank area was sore with 4 radiation to the lower back. Do you remember 5 that? 6 A No. 7 Q 18 days later on October 19, 2002 there is a 8 record from Dubois Regional Medical Center that 9 you had come to the emergency room complaining 10 of back pain beginning the day before radiating 11 down to your left hip to your left leg. Do you 12 remember that? 13 A No. 14 Q Two days later there is an emergency room record 15 from Dubois Regional Medical Center and it is 16 dated October 21, 2002. It states that you came 17 to the emergency room complaining of pain after 18 having moved a refrigerator several days before 19 and that you had back pain going down your left 20 leg with numbness to your left leg. Do you 21 remember that? 22 A Yes. 23 Q How had you hurt yourself moving the 24 refrigerator? 25 A When I moved the refrigerator, I twisted wrong <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p> </p>	<p style="text-align: center;">62</p> <p>1 Hospital saying that you had had surgery on your 2 back for a herniated disc and then you fell and 3 your left leg went out and that your left leg 4 had been giving you trouble before the surgery. 5 Do you recall that happening? 6 A No. 7 Q Do you remember being at Phillipsburg Hospital 8 about two weeks after the surgery at Geisinger? 9 A No. 10 Q Do you remember falling at any time after your 11 surgery at Geisinger? 12 A No. 13 Q The day after you were at Phillipsburg Hospital, 14 which was May 23rd, you were at Dubois Regional 15 Medical Center on May 24th. It indicates that 16 you had lumbar surgery on May 9th and that you 17 had fallen and that you had positive pain. Do 18 you remember that? 19 A No. 20 Q Do you remember having any accidents after your 21 back surgery? 22 A No. 23 Q Do you remember any medical treatment at any 24 hospital for your back after your back surgery? 25 A Yes. <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p> </p>

<p>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?</p> <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>	<p>65</p> <p>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?</p> <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>
<p>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?</p> <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>	<p>66</p> <p>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?</p> <p style="text-align: center;">GOLDEN TRIANGLE REPORTERS One Gateway Center - Suite 653 (412) 261-4565</p>

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HOSPITAL
AVENUE

PARKING

22106

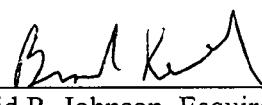
DEPOSITION
EXHIBIT

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 8/1 day of July, 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

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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)

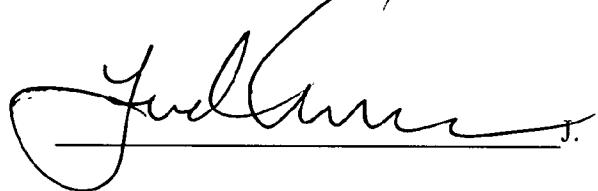
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD J. MINICH,) CIVIL DIVISION
vs. 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 12th day of January, 2007, at
2:30 ~~10~~ p.m. before Judge Ammerman in Courtroom No. 1 of the
Clearfield County Courthouse.

BY THE COURT:



FILED 2cc
01/03/07 Atty Korinski
NOV 17 2006
(60)
William A. Shaw
Prothonotary/Clerk of Courts

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,

AFFIDAVIT OF SERVICE

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.
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Pittsburgh, PA 15219

(412) 232-3400

FILED
NO CC
NO 10/59/2011
NOV 27 2006
CM

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.

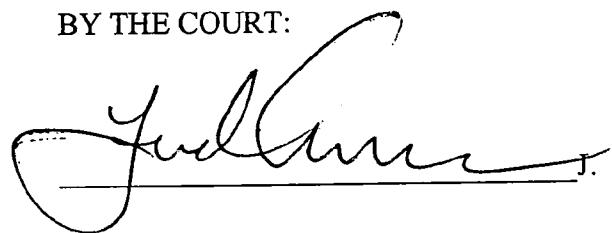
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

ORDER OF COURT

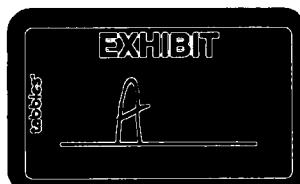
AND NOW on this 16 day of November, 2006, it is hereby ORDERED, ADJUGED and DECREED that oral argument on defendant's motion for summary judgment is scheduled for the 12th day of January, 2007, at 2:30 ~~pm~~ (p.m.) before Judge Ammerman in Courtroom No. 1 of the Clearfield County Courthouse.

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.



William J. Ammerman
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,

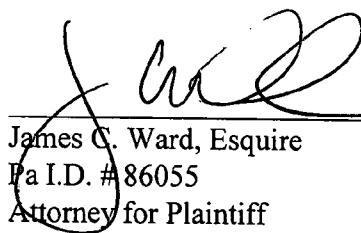
Defendant.

PRAECIPE TO DISCONTINUE PROCEEDINGS PURSUANT TO PA. R.C.P 229
TO THE PROTHONOTARY:

Please discontinue this action as to all defendants.

Respectfully submitted 26th 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

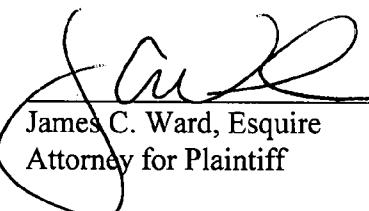
CERTIFICATE OF SERVICE

I hereby certify that on 26th 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

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December 26, 2006

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

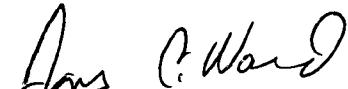
Re: Ronald J Minich v. DuBois Regional Medical Center
Clearfield County Court of Common Pleas Case No. 05-86-CD

Dear Mr. Shaw:

Enclosed please find an original Praeclipe 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

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. No. 2005-00086-CD
DuBois Regional Medical Center

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