

05-95-CD

R. Conklin et al vs. Geisinger et al

h group, et al.

Ray Conklin et al v. Geisinger Health et al
2005-095-CD

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

RAY CONKLIN and BARBARA
CONKLIN, his wife,

Plaintiffs,

vs.

GEISINGER HEALTH GROUP, a
professional corporation; KEVIN J.
KOLLMAN, M.D.; and BARBARA
MARTINEZ, R.N.;

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 05-95-c0

Code: 007

COMPLAINT IN CIVIL ACTION

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

RENÉE A. METAL, ESQUIRE
Pa. I.D. #75660

ROSEN LOUIK & PERRY, P.C.
Firm #020

Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED
m 1:37 pd 86 Jelt Mff

JAN 21 2005

William A. Shaw
Prothonotary

COMPLAINT IN A CIVIL ACTION
Medical Professional Liability Action

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 and for any 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 OR KNOW A LAWYER, OR CANNOT AFFORD ONE, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE:

**Court Administrator's Office
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Telephone: (814)765-2641 x5982**

COMPLAINT IN CIVIL ACTION
Medical Professional Liability Action

COUNT I

RAY CONKLIN, Plaintiff, vs. KEVIN J. KOLLMAN, M.D.;
BARBARA MARTINEZ, R.N.; and GEISINGER HEALTH GROUP, Defendants

(Negligence)

1. Plaintiff, Ray Conklin ("Plaintiff"), is a resident of Clearfield County, Pennsylvania, where he resides with his wife, Barbara Conklin, the other Plaintiff herein.
2. Defendant, Geisinger Health Group ("Defendant Geisinger"), is a professional corporation or other entity chartered and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at 210 Medical Center Drive, Philipsburg, Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, this Defendant was regularly engaged in providing to the public, including Plaintiff, professional medical services in the specialty of family medicine within Westmoreland County.
3. Defendant, Kevin J. Kollman, M.D. ("Defendant Kollman"), is a resident of Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, Defendant Kollman was a duly licensed physician in the Commonwealth of Pennsylvania and was engaged in the practice of medicine and in the specialty of family practice. Plaintiffs are asserting a professional liability claim against this Defendant.
4. Defendant, Barbara Martinez, R.N. ("Defendant Martinez"), is a resident of Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, Defendant Martinez was a duly registered nurse in the Commonwealth of Pennsylvania and was engaged in the practice of medicine and in the specialty of family practice. Plaintiffs are asserting a professional liability claim against this Defendant.

5. At all times relevant to the matters set forth in this Complaint, Defendants Kollman and Martinez were the agents, servants and/or employees of Defendant Geisinger and were acting within the course and scope of their employment by said Defendant and while in and upon the business of said Defendant.

6. On or about July 24, 2003, Plaintiff presented to Defendant Geisinger with, among other things, complaints of congestion and/or a "clogged" feeling in his ears.

7. At that time and place, Plaintiff was examined by Defendant Kollman who concluded that Plaintiff's right and left ears were occluded by cerumen.

8. In response to Plaintiff's bilateral cerumen impaction, Defendant Kollman recommended that Plaintiff have both ears irrigated.

9. Thereafter, Defendant Martinez placed a solution into Plaintiff's right ear, inserted an instrument into the right ear and proceeded to irrigate and/or clean the right ear.

10. Subsequent to irrigating and/or cleaning Plaintiff's right ear, Defendant Martinez placed a solution into Plaintiff's left ear, inserted an instrument into the left ear and began to irrigate and/or clean the left ear.

11. During Defendant Martinez's irrigation/cleaning of Plaintiff's left ear, Plaintiff experienced severe and excruciating pain. Plaintiff immediately informed Defendant Martinez of the pain. Defendant Martinez proceeded to complete her irrigation/cleaning of Plaintiff's left ear.

12. Following Defendant Martinez's irrigation/cleaning of Plaintiff's left ear, Plaintiff noticed a significant discharge of clear fluid from the ear.

13. At that time, Plaintiff informed Defendant Martinez that he was continuing to experience severe pain in his left ear and that a clear discharge was now seeping from the ear.

14. Defendant Martinez told Plaintiff that the discharge was the solution she had placed in the ear prior to irrigating/cleaning. Defendant Martinez also told Plaintiff that she would inform Defendant Kollman of Plaintiff's complaints of pain.

15. Thereafter, Defendant Kollman examined Plaintiff's left ear and noting in Plaintiff's medical record that he found erythema and edema of the canal with tenderness upon insertion of the speculum of the otoscope. Defendant Kollman concluded that Plaintiff was suffering from otitis externa.

16. Following Defendant Kollman's examination of Plaintiff's left ear, Defendant Kollman informed Plaintiff that his left ear appeared to be a "little red" but was otherwise fine. Defendant Kollman then instructed Plaintiff to place four (4) drops of Cortisporin otic suspension in his ear four (4) times a day for the next five (5) to seven (7) days. Defendant Kollman did not treat Plaintiff's left ear in any other manner nor did he recommend that Plaintiff return to him for further evaluation of the ear.

17. Thereafter, Plaintiff continued to experience severe pain and discomfort in the left ear as well as swelling and the discharge of a clear, sticky fluid. Plaintiff also began to experience dizziness and hearing loss in the left ear.

18. The aforementioned symptoms, including Plaintiff's pain, became so severe Plaintiff was forced to present to the emergency room at Philipsburg Hospital ("Hospital") on or about July 28, 2003.

19. Following his presentation to the emergency room, Plaintiff was given the

antibiotic Amoxicillin and the pain medication, Percocet. Because Plaintiff's pain was not in any way relieved by the Percocet, Plaintiff was then administered 100 mg of Demerol.

20. Because the Demerol given to Plaintiff also failed to relieve his pain in any way, Plaintiff was admitted to the Hospital under the care of Lewis Newberg, M.D. ("Dr. Newberg").

21. Following Plaintiff's admission to the Hospital, Plaintiff was diagnosed with a perforation of the left ear drum, perichondritis, mastoiditis and significant hearing loss in the left ear.

22. Because of the severity of Plaintiff's pain and because his infection persisted, Plaintiff was scheduled for surgery for drainage of the mastoid bone in the left ear.

23. Thereafter, on or about August 5, 2003, Plaintiff underwent a left complete mastoidectomy in order to have debris from the infection removed from the left ear. Plaintiff's procedure was performed by Dr. Newberg.

24. Cultures obtained from Plaintiff's left ear during the performance of his August 5, 2003 procedure grew out *Pseudomonas*. Plaintiff was placed on IV antibiotics as a result of said infection.

25. Following Plaintiff's August 5, 2003 procedure, Plaintiff developed persistent bleeding from his incision site and was returned to the operating room where he underwent a ligation of a branch of an artery in the post auricular area.

26. Plaintiff was discharged from the Hospital on August 7, 2003 with a diagnosis of mastoiditis and severe hearing loss in the left ear.

27. At the time of Plaintiff's discharge from the Hospital on August 7, 2003, Plaintiff was instructed to return to the Hospital the next day for the administration of IV antibiotics. Thereafter, from August 8, 2003 to September 8, 2003, Plaintiff returned to the Hospital daily and underwent the administration of IV antibiotics.

28. Notwithstanding Plaintiff's month of IV antibiotic therapy, Plaintiff's infection persisted and he had to be re-admitted to the Hospital. Thereafter, on or about September 9, 2003, Plaintiff underwent a left radical mastoideectomy. This procedure was also performed by Dr. Newberg.

29. Following Plaintiff's September 9, 2003 procedure, Plaintiff continued to suffer from severe pain in the left ear and was forced to return to the emergency room at the Hospital numerous times.

30. On or about September 21, 2003, Plaintiff presented to the emergency room and underwent a culture and sensitivity which again showed the presence of a resistant *Pseudomonas* in the left ear. Plaintiff was admitted to the Hospital as a result of said finding.

31. Following Plaintiff's admission to the Hospital on September 21, 2003, Plaintiff was placed on IV antibiotics. Plaintiff was discharged from the Hospital on September 24, 2003 with instructions to return and undergo daily IV antibiotic therapy for the next six (6) weeks.

32. Because Plaintiff continued to suffer from ongoing otorrhea, hearing loss and chronic mastoid disease, Dr. Newberg referred Plaintiff to Barry E. Hirsch, M.D. ("Dr. Hirsch") of the University of Pittsburgh Medical Center Ear, Nose and Throat Specialists.

33. Thereafter, on or about March 3, 2004, Plaintiff underwent a surgical procedure with Dr. Hirsch in an attempt to treat his persistent pain and symptoms.

34. Because Plaintiff's infection persisted, Plaintiff was instructed to return to the Hospital for the administration of daily IV antibiotics. Thereafter, from during the month of October 2004 into November 2004, Plaintiff returned to the Hospital daily and underwent the administration of IV antibiotics.

35. Notwithstanding the numerous surgical procedures Plaintiff underwent since the irrigation/cleaning of his left ear by Defendants, Plaintiff continues to suffer from, among other things, hearing loss, pain and discomfort in the left ear, recurrent infections in the left ear, persistent and severe dizziness, unsteady gait and loss of taste.

36. The sole and proximate cause of the foregoing occurrences, injuries and damages was the negligence and carelessness of Defendants and their agents, servants and/or employees as is set forth above and more fully hereafter.

37. Defendants and their agents, servants and/or employees were negligent and careless in some or all of the following particulars:

- (a) In failing to know and/or utilize accepted and proper principles of medicine with respect to the irrigation/cleaning of Plaintiff's ear;
- (b) In failing to know and/or utilize accepted and proper principles of medicine with respect to the examination, evaluation and/or treatment of a patient suffering from severe and persistent pain as well as the drainage of clear, sticky fluid from the ear following the irrigation/cleaning of said ear;
- (c) In failing to properly evaluate Plaintiff's left ear and recognize that Plaintiff's left ear had been perforated during Defendants' irrigation/cleaning of said ear when Defendant knew and/or should have known that Plaintiff was suffering from decreased hearing and was experiencing the drainage of a clear sticky fluid from the ear and severe and persistent pain immediately following said procedure;

- (d) In failing to recognize that Plaintiff's left ear had been perforated and then in failing to appropriately and timely treat the same;
- (e) In failing to consult and/or refer Plaintiff to others more skilled in the examination, evaluation and treatment of a patient suffering from a perforation of the ear and/or severe and persistent pain as well as the drainage of clear, sticky fluid from the ear immediately following the irrigation/cleaning of said ear;
- (f) In failing to order and/or perform appropriate diagnostic testing after learning that Plaintiff was suffering from severe and persistent pain as well as the drainage of clear, sticky fluid from the ear following Defendants' irrigation/cleaning of said ear;
- (g) In failing to communicate to Plaintiff the nature, risks, complications and proper treatment of a patient suffering from a perforated ear;
- (h) In failing to initiate and/or prescribe proper monitoring, evaluation, diagnostic testing or any follow-up care of Plaintiff for the severe and persistent pain as well as the drainage of clear, sticky fluid from the left ear Plaintiff experienced following Defendants' irrigation/cleaning of said ear;
- (i) In failing to protect Plaintiff's left ear drum during the irrigation/cleaning of said ear on July 24, 2003;
- (j) In perforating Plaintiff's left ear drum during the irrigation/cleaning of said ear on July 24, 2003;
- (k) In using inappropriate equipment during Defendant's irrigation/cleaning of Plaintiff's left ear on July 24, 2003 and/or equipment that Defendants knew and/or should have known could injure or perforate Plaintiff's ear drum;
- (l) In failing to possess the skills necessary to operate and/or inappropriately operating the equipment used during Defendant's irrigation/cleaning of Plaintiff's left ear on July 24, 2003;
- (m) In exerting undue and excessive force during Defendant's irrigation/cleaning of Plaintiff's left ear on July 24, 2003; and
- (n) In irrigating/cleaning Plaintiff's left ear on July 24, 2003 in such a manner as to perforate Plaintiff's ear drum and cause Plaintiff to suffer severe and persistent pain, mastoiditis, perichondritis,

hearing loss, balance problems and chronic suppurative otitis media.

38. As a direct and proximate result of the negligence and carelessness of Defendants and their agents, servants and/or employees, Plaintiff suffered significant and permanent injuries and damages, including but not limited to mastoiditis, perichondritis, hearing loss, balance problems and chronic suppurative otitis media.

39. As a further direct and proximate result of the conduct of Defendants and their agents, servants and/or employees, Plaintiff was forced to endure great pain, suffering and inconvenience and will suffer same in the future. He was forced to submit to medical, surgical and therapeutic care and will be forced to submit to same in the future. He suffered embarrassment and humiliation and will suffer same in the future. His emotional and physical health in general have been seriously and permanently impaired.

40. As a further direct and proximate result of the conduct of Defendants and their agents, servants and/or employees, Plaintiff was forced to expend large sums of monies for doctors, hospitals, and other items necessary for proper care and treatment and he may be forced to expend additional sums for like items in the future.

WHEREFORE, Plaintiff Ray Conklin claims damages from Defendants in a sum in excess of \$25,000.00, exclusive of interest and costs, and such other relief as the Court may deem just and proper, and demands a trial by jury.

SECOND COUNT

Loss of Consortium

BARBARA CONKLIN, Plaintiff, vs. KEVIN J. KOLLMAN, M.D.;
BARBARA MARTINEZ, R.N.; and GEISINGER HEALTH GROUP, Defendants

41. Plaintiffs incorporate by reference and make a part of this Count all paragraphs appearing above in Count I.

42. As a further result of the conduct of defendants and their agents, servants and/or employees, Plaintiff Barbara Conklin has suffered the loss of consortium, services, society and companionship of her spouse, Ray Conklin, and she may suffer similar loss in the future.

43. As a further result of the conduct of defendants and their agents, servants and/or employees, Plaintiff Barbara Conklin has expended large sums of money for doctors, hospitals and other items necessary for her spouse's proper care and treatment and she may be forced to expend additional sums for like items in the future.

WHEREFORE, Plaintiff Barbara Conklin claims damages against Defendants in a sum in excess of \$25,000.00, exclusive of interest and costs, and such other relief as the Court may deem just and proper, and demands a trial by jury.

JURY TRIAL DEMANDED

ROSEN LOUIK & PERRY, P.C.

By: 
Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

VERIFICATION

We, Ray Conklin and Barbara Conklin, have read the foregoing COMPLAINT IN CIVIL ACTION. The averments and/or denials contained therein are true and correct to the best of our 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 statute provides that false statements are subject to criminal penalties.

Date: 1/12/05

Ray m Conklin
Ray Conklin

Barbara E Conklin
Barbara Conklin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RAY CONKLIN and BARBARA
CONKLIN, his wife,

Plaintiffs,

vs.

GEISINGER HEALTH GROUP, a
professional corporation; KEVIN J.
KOLLMAN, M.D.; and BARBARA
MARTINEZ, R.N.;

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 05-95-CD
Code: 007

**CERTIFICATE OF MERIT AS TO
DEFENDANT, GEISINGER HEALTH
GROUP**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

RENÉE A. METAL, ESQUIRE
Pa. I.D. #75660

ROSEN LOUIK & PERRY, P.C.
Firm #020

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Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED
JAN 21 2005
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

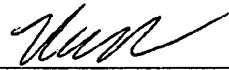
RAY CONKLIN and BARBARA)
CONKLIN, his wife,)
Plaintiffs,)
vs.)
GEISINGER HEALTH GROUP, a)
professional corporation; KEVIN J.)
KOLLMAN, M.D.; and BARBARA)
MARTINEZ, R.N.,)
Defendants.)

) CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY
ACTION
Case No.: _____

CERTIFICATE OF MERIT AS TO DEFENDANT, GEISINGER HEALTH GROUP

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

ROSEN LOUIK & PERRY, P.C.

By: 
Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

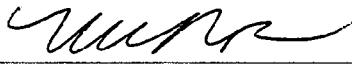
I hereby certify that a true and correct copy of the within CERTIFICATE OF MERIT AS TO DEFENDANT, GEISINGER HEALTH GROUP, was served upon all counsel of record by United States first-class mail, postage prepaid, or hand delivery, on the 19th day of January 2005, as follows:

Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

Kevin J. Kollman, M.D.
c/o Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

Barbara Martinez, R.N.
c/o Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

ROSEN LOUIK & PERRY, P.C.

By: 

Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

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

RAY CONKLIN and BARBARA
CONKLIN, his wife,

Plaintiffs,

vs.

GEISINGER HEALTH GROUP, a
professional corporation; KEVIN J.
KOLLMAN, M.D.; and BARBARA
MARTINEZ, R.N.;

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 05-95-CD
Code: 007

**CERTIFICATE OF MERIT AS TO
DEFENDANT, KEVIN J. KOLLMAN,
M.D.**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

RENÉE A. METAL, ESQUIRE
Pa. I.D. #75660

ROSEN LOUIK & PERRY, P.C.
Firm #020

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437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED

JAN 21 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RAY CONKLIN and BARBARA) CIVIL ACTION – MEDICAL
CONKLIN, his wife,) PROFESSIONAL LIABILITY
) ACTION
Plaintiffs,)
vs.) Case No.: _____
GEISINGER HEALTH GROUP, a)
professional corporation; KEVIN J.)
KOLLMAN, M.D.; and BARBARA)
MARTINEZ, R.N.,)
Defendants.)

CERTIFICATE OF MERIT AS TO DEFENDANT, KEVIN J. KOLLMAN, M.D.

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

ROSEN LOUIK & PERRY, P.C.

By: 
Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within CERTIFICATE OF MERIT AS TO DEFENDANT, KEVIN J. KOLLMAN, M.D., was served upon all counsel of record by United States first-class mail, postage prepaid, or hand delivery, on the 19th day of January 2005, as follows:

Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

Kevin J. Kollman, M.D.
c/o Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

Barbara Martinez, R.N.
c/o Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

ROSEN LOUIK & PERRY, P.C.

By: 

Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RAY CONKLIN and BARBARA
CONKLIN, his wife,

Plaintiffs,

vs.

GEISINGER HEALTH GROUP, a
professional corporation; KEVIN J.
KOLLMAN, M.D.; and BARBARA
MARTINEZ, R.N.;

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 05-95-CJ

Code: 007

**CERTIFICATE OF MERIT AS TO
DEFENDANT, BARBARA MARTINEZ,
R.N.**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

RENÉE A. METAL, ESQUIRE
Pa. I.D. #75660

ROSEN LOUIK & PERRY, P.C.
Firm #020

Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

FILED

JAN 21 2005

William A. Shaw
Prothonotary

JURY TRIAL DEMANDED

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

RAY CONKLIN and BARBARA CONKLIN, his wife,)	CIVIL ACTION – MEDICAL PROFESSIONAL LIABILITY ACTION
Plaintiffs,)	
vs.)	Case No.: _____
GEISINGER HEALTH GROUP, a professional corporation; KEVIN J. KOLLMAN, M.D.; and BARBARA MARTINEZ, R.N.,)	
Defendants.)	

CERTIFICATE OF MERIT AS TO DEFENDANT, BARBARA MARTINEZ, R.N.

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

ROSEN LOUIK & PERRY, P.C.

By: 
Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within CERTIFICATE OF MERIT AS TO DEFENDANT, BARBARA MARTINEZ, R.N., was served upon all counsel of record by United States first-class mail, postage prepaid, or hand delivery, on the 19th day of January 2005, as follows:

Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

Kevin J. Kollman, M.D.
c/o Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

Barbara Martinez, R.N.
c/o Geisinger Health Group
210 Medical Center Drive
Philipsburg, PA 16866

ROSEN LOUIK & PERRY, P.C.

By: 

Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RAY CONKLIN and BARBARA
CONKLIN, his wife,

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GEISINGER HEALTH GROUP, a
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MARTINEZ, R.N.;

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 05-95-CD
Code: 007

PRAECIPE TO DISCONTINUE

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

RENÉE A. METAL, ESQUIRE
Pa. I.D. #75660

ROSEN LOUIK & PERRY, P.C.
Firm #020

Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED

01/18/05 Rec'd. by Atty.
Copy to CJA

JAN 26 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RAY CONKLIN and BARBARA)	CIVIL ACTION – MEDICAL
CONKLIN, his wife,)	PROFESSIONAL LIABILITY
)	ACTION
Plaintiffs,)	
)	
vs.)	Case No.: 05-95-CD
)	
GEISINGER HEALTH GROUP, a)	
professional corporation; KEVIN J.)	
KOLLMAN, M.D.; and BARBARA)	
MARTINEZ, R.N.,)	
Defendants.)	

PRAECIPE TO DISCONTINUE

TO: Clearfield County Prothonotary

Please discontinue the above-captioned action.

ROSEN LOUIK & PERRY, P.C.

By:

Neil R. Rosen
Renée A. Metal
Neil R. Rosen, Esquire
Renée A. Metal, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Ray Conklin
Barbara Conklin

Vs. **No. 2005-00095-CD**
Geisinger Health Group
Kevin J. Kollman MD
Barbara Martinez R.N

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 January 26, 2005, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$85.00 have been paid in full by Attorney Rosen.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 26th day of January A.D. 2005.

William A. Shaw, Prothonotary