

05-275-CD  
R. Kirkwood vs. RAJ Cardi, Assoc



Randy Kirkwood et al v. RAJ Cardio et al  
2005-275-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD, and,  
NORMAN A. HETZLER, MD,

ISSUE NO.:

COMPLAINT  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED Atty pd. 85.00

3/1/2005 MAR 02 2005

ICC Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D., )  
 )  
Defendants. )

No. JURY TRIAL DEMANDED

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense 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.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**David S. Meholick, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641, Ext. 5982**

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
Plaintiffs, )  
vs. )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D., )  
Defendants. )  
No. JURY TRIAL DEMANDED

## **COMPLAINT**

AND NOW come the plaintiffs, Randy L. Kirkwood and Sharon Kirkwood, his wife, by and through their attorneys, John P. Gismondi and Gismondi & Associates, and files this action based upon the following.

1. The plaintiffs are husband and wife individuals who reside within Clearfield County.
2. The defendant RAJ Cardiovascular Associates, Inc., is a professional corporation which renders medical services throughout western Pennsylvania and which has a principle location in Allegheny County.
3. The defendant Sung Jin Park, MD, is an individual practitioner of medicine

licensed to practice within the Commonwealth of Pennsylvania.

4. The defendant Norman A. Hetzler, MD, is an individual practitioner of medicine licensed to practice within the Commonwealth of Pennsylvania.

5. At all times relevant hereto, the defendants Park and Hetzler were the actual or ostensible agents of defendant RAJ Cardiovascular Associates, Inc.

6. On or about June 25, 2003, the plaintiff Randy L. Kirkwood underwent vascular surgery by defendant Dr. Park at DuBois Regional Medical Center located in Clearfield County, namely, a fem-fem bypass and a right fem-pop bypass.

7. Between the date of surgery and September 19, 2003, the plaintiff Randy Kirkwood was seen on various occasions by Dr. Park or his agents during which time the plaintiff complained of pain, numbness and other symptoms in his right leg.

8. On September 19, 2003, Randy Kirkwood experienced the sudden onset of severe pain in his right leg, as a result of which he went immediately to the DuBois Regional Medical Center where he came under the care of defendant Dr. Hetzler.

9. Although he arrived at the hospital at approximately 9:00 a.m., Dr. Hetzler neither saw the patient nor provided any definitive care to him over the next several hours. Sometime between mid- and late-afternoon, Dr. Hetzler made a determination that the plaintiff's vascular

grafts had become occluded. He further determined that the leg could not be salvaged and, therefore, he recommended to the plaintiff that it be amputated.

10. The right leg was indeed amputated above the knee during a surgery performed at 7:00 p.m. that evening.

11. The aforesaid amputation of plaintiff's leg was caused by the individual and/or joint negligence of the defendants as described in the paragraphs below.

12. As a consequence of the amputation caused by the defendants' negligence, the plaintiff Randy Kirkwood claims damages for the following items of loss:

- a. Loss of earnings and earning capacity;
- b. Physical pain, suffering and inconvenience;
- c. Disfigurement;
- d. Loss of the ordinary pleasures of life; and,
- e. Mental anguish.

13. As a result of the injury to her husband, the wife-plaintiff, Sharon Kirkwood,

claims damages for loss of society, companionship and services of her spouse.

## **I. NEGLIGENCE**

### **Randy L. Kirkwood and Sharon Kirkwood v. Sung Jin Park, MD**

14. Each of the above paragraphs is incorporated herein by reference.
15. With respect to the surgery of June 25, 2003, the defendant Dr. Park was negligent in the following particulars:
  - a. In failing to order appropriate pre-operative imaging studies in order to adequately assess the location and significance of all blockages in plaintiff's vasculature;
  - b. In failing to order a conventional angiogram before doing surgery;
  - c. In failing to adequately interpret the pre-operative imaging studies that *were* done;
  - d. In failing to adequately assess the significance of a blockage in the right common iliac artery during the surgery;
  - e. In failing to surgically treat and relieve the blockage in the plaintiff's right

common iliac artery; and,

f. In failing to adequately assess the plaintiff's post-operative complaints between June and September 2003, in order to determine whether there were any early signs of blockage in the surgical grafts.

16. The aforesaid acts of negligence eventually led to the amputation of the plaintiff's right leg.

WHEREFORE, the plaintiffs demand judgment against the defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

## II. NEGLIGENCE

**Randy L. Kirkwood and Sharon Kirkwood, his wife, v. Norman A. Hetzler, MD**

17. Each of the above paragraphs is incorporated herein by reference.

18. The care and treatment provided by the defendant Dr. Hetzler on September 19, 2003, was negligent in the following respects:

a. He failed to appreciate that plaintiff's condition on that day constituted an acute vascular emergency;

- b. He inexcusably delayed in seeing the patient or providing any definitive treatment for him;
- c. He failed to arrange for a stat surgical procedure on the plaintiff on the morning of September 19, 2003, when he still had an opportunity to clear the blockage in his grafts and prevent his leg from being amputated;
- d. He failed to appreciate in a timely fashion that the plaintiff was suffering from an acute blockage in his surgical graft;
- e. He delayed unnecessarily in arranging for an angiogram or definitive treatment for the plaintiff.

WHEREFORE, the plaintiff demands judgment against the defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

### **III. NEGLIGENCE**

**Randy L. Kirkwood and Sharon Kirkwood, his wife, v.**

**RAJ Cardiovascular Associates, Inc.**

- 19. Each of the above paragraphs is incorporated herein by reference.

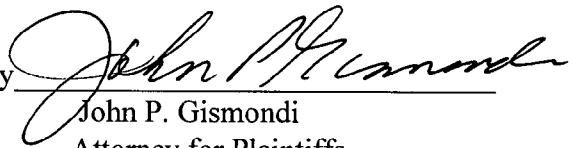
20. Each of the negligent acts described in paragraphs 16 and 19 above were committed by Drs. Parks and Hetzler during a time that they were the actual and/or ostensible agents of RAJ Cardiovascular Associates, Inc., and, therefore, this defendant is vicariously liable for their conduct.

WHEREFORE, the plaintiff demands judgment against the defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

JURY TRIAL DEMANDED.

Respectfully submitted,

GISMONDI & ASSOCIATES

By   
John P. Gismondi  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF ALLEGHENY ) ss.  
 )

BEFORE ME, the undersigned authority, a Notary Public in and for said County and Commonwealth, personally appeared, Randy L. Kirkwood and Sharon L. Kirkwood who, being duly sworn according to law, deposes and says that the averments of fact contained in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

SWORN TO and subscribed before  
me this 28<sup>th</sup> day of  
February, 2005.

Pamela McCracken  
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Pamela J. McCracken, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Jan. 16, 2008  
Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD, and,  
NORMAN A. HETZLER, MD,

ISSUE NO.:

CERTIFICATE OF MERIT  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED 3cc

3781 MAR 02 2005 1CC Atty  
MAR 02 2005 1CC Atty

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
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RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D., )  
 )  
Defendants. )  
 )  
No.  
JURY TRIAL DEMANDED

**CERTIFICATE OF MERIT AS TO SUNG JIN PARK, MD**

I, John P. Gismondi, 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;

OR

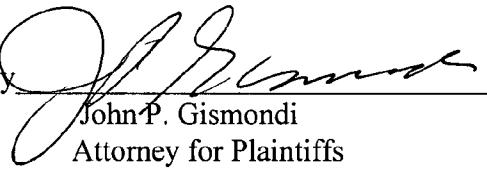
the claim that this defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement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

OR

expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

GISMONDI & ASSOCIATES

By   
John P. Gismondi  
Attorney for Plaintiffs

DATE: February 28, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD, and,  
NORMAN A. HETZLER, MD,

ISSUE NO.:

CERTIFICATE OF MERIT  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED *sec*  
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MAR 02 2005 *ccatty*  
*WAS* William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
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Plaintiffs, )  
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vs. )  
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RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D., )  
 )  
Defendants. )

No. JURY TRIAL DEMANDED

**CERTIFICATE OF MERIT AS TO RAJ CARDIOVASCULAR  
ASSOCIATES, INC.**

I, John P. Gismondi, 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;

OR

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

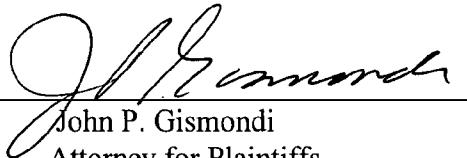
OR

expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

GISMONDI & ASSOCIATES

By



John P. Gismondi

John P. Gismondi  
Attorney for Plaintiffs

DATE: February 28, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CJ

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD, and,  
NORMAN A. HETZLER, MD,

ISSUE NO.:

CERTIFICATE OF MERIT  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED  
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MAR 02 2005 Staff  
WMA  
William A. Shaw  
Prothonotary/Clerk of Courts  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
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Plaintiffs, )  
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vs. )  
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RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D., )  
 )  
Defendants. )  
 )  
No.  
JURY TRIAL DEMANDED

**CERTIFICATE OF MERIT AS TO NORMAN A. HETZLER, MD**

I, John P. Gismondi, 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;

OR

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

OR

expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

GISMONDI & ASSOCIATES

By   
John P. Gismondi  
Attorney for Plaintiffs

DATE: February 28, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-075-CJ

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD, and,  
NORMAN A. HETZLER, MD,

ISSUE NO.:

NOTICE OF DEPOSITION  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED

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MAR 02 2005 1cc  
b/w William A. Shaw Atty  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
                                  )  
Plaintiffs,                   )                                   No.  
                                  )  
vs.                            )  
                                  )                                   JURY TRIAL DEMANDED  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D.,                    )  
                                  )  
Defendants.                    )

**NOTICE OF DEPOSITION**

TO: DEFENDANTS

TAKE NOTICE that the deposition of **Norman A. Hetzler, MD**, will be taken for the purposes of discovery and for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before an officer duly authorized to administer oaths at Gismondi & Associates, 700 Grant Building, Pittsburgh, PA 15219, beginning at 1:00 p.m. on May 26, 2005, at which time you are invited to appear and take such part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts and causes and results of the matter in suit.



John P. Gismondi, Esquire  
GISMONDI & ASSOCIATES  
Suite 700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

Plaintiffs,

CIVIL DIVISION

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD, and,  
NORMAN A. HETZLER, MD,

ISSUE NO.:

NOTICE OF DEPOSITION  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

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MAR 02 2005  
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b6  
William A. Shaw  
Prothonotary/Clerk of Courts  
1CC  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
 )  
Plaintiffs, ) ) No.  
vs. ) )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., and )  
NORMAN A. HETZLER, M.D., )  
 )  
Defendants. ) ) JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

TO: DEFENDANTS

TAKE NOTICE that the deposition of **Sung Jin Park, MD**, will be taken for the purposes of discovery and for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before an officer duly authorized to administer oaths at Gismondi & Associates, 700 Grant Building, Pittsburgh, PA 15219, beginning at 10:00 a.m. on May 26, 2005, at which time you are invited to appear and take such part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts and causes and results of the matter in suit.



John P. Gismondi, Esquire  
GISMONDI & ASSOCIATES  
Suite 700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiff,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D. and NORMAN  
A. HETZLER, M.D.,

Defendants.

CIVIL DIVISION

No. 05--275

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

Code:

Filed on behalf of Defendants,  
RAJ Cardiovascular Associates, Inc., Sung Jin  
Park, M.D. and Norman A. Hetzler, M.D.

Counsel of record for this party:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

**FILED**

MAR 28 2005  
3:00 PM (6K)  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 Court to Att'l

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife ,

CIVIL DIVISION

No. 05-275

Plaintiff,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D. and  
NORMAN A. HETZLER, M.D. ,

Defendant.

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Kindly enter the Appearance of John C. Conti, Esquire, Lisa D. Dauer, Esquire and the law firm of Dickie, McCamey & Chilcote, P.C. on behalf of the Defendants, RAJ Cardiovascular Associates, Inc., Sung Jin Park, M.D. and Norman A. Hetzler, M.D. relative to the above-captioned matter.

Dickie, McCamey & Chilcote, P.C.

By:

John C. Conti, Esquire

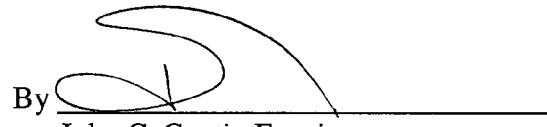
Attorney for Defendants,  
RAJ Cardiovascular Associates, Inc., Sung  
Jin Park, M.D. and Norman A. Hetzler,  
M.D.

**CERTIFICATE OF SERVICE**

I, John C. Conti, Esquire, hereby certify that true and correct copies of the foregoing Praeclipe for Entry of Appearance have been served this 23<sup>rd</sup> day of March, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

John P. Gismondi, Esquire  
GISMONDI & MARGOLIS  
700 Grant Building  
310 Grant Street  
Pittsburgh, PA 15219

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
John C. Conti, Esquire

Attorneys for Defendants,  
RAJ Cardiovascular Associates, Inc., Sung  
Jin Park, M.D. and Norman A. Hetzler,  
M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100266  
NO: 05-275-CD  
SERVICE # 1 OF 3  
COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF

DEPOSITION

PLAINTIFF: RANDY L. KIRKWOOD and SHARON KIRKWOOD

vs.

DEFENDANT: RAJ CARDIOVASCULAR ASSOCIATES, INC. al

SHERIFF RETURN

---

NOW, March 04, 2005 AT 10:03 AM SERVED THE WITHIN COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF DEPOSITION ON NORMAN A. HETZLER, MD DEFENDANT AT MED. ARTS BLDG, 145 HOSPITAL DR. STE 104, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHIRLEY PETRUCCI, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF DEPOSITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

ESW  
**FILED**  
01251801  
APR 07 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100266  
NO: 05-275-CD  
SERVICE # 2 OF 3  
COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF

DEPOSITION

PLAINTIFF: RANDY L. KIRKWOOD and SHARON KIRKWOOD  
vs.  
DEFENDANT: RAJ CARDIOVASCULAR ASSOCIATES, INC. al

**SHERIFF RETURN**

---

NOW, March 10, 2005, SHERIFF OF CUMBERLAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF DEPOSITION ON SUNG JIN PARK, MD.

NOW, March 17, 2005 AT 1:10 PM SERVED THE WITHIN COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF DEPOSITION ON SUNG JIN PARK, MD, DEFENDANT. THE RETURN OF CUMBERLAND COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100266  
NO: 05-275-CD  
SERVICE # 3 OF 3  
COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF

DEPOSITION

PLAINTIFF: RANDY L. KIRKWOOD and SHARON KIRKWOOD

vs.

DEFENDANT: RAJ CARDIOVASCULAR ASSOCIATES, INC. al

**SHERIFF RETURN**

---

NOW, March 04, 2005 AT 10:03 AM SERVED THE WITHIN COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF DEPOSITION ON RAJ CARDIOVASCULARS ASSOCIATES, INC. DEFENDANT AT MED. ARTS BLDG, 145 HOSPITAL AVE. STE 15801?, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHIRLEY PETRUCCI, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF DEPOSITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100266  
NO: 05-275-CD  
SERVICES 3  
COMPLAINT;CERTIFICATE/ MERIT;NOTICE OF

DEPOSITION

PLAINTIFF: RANDY L. KIRKWOOD and SHARON KIRKWOOD

vs.

DEFENDANT: RAJ CARDIOVASCULAR ASSOCIATES, INC. al

**SHERIFF RETURN**

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GISMONDI	16957	30.00
SHERIFF HAWKINS	GISMONDI	16957	45.39
CUMBERLAND CO.	GISMONDI	16965	31.97

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

## SHERIFF'S RETURN - REGULAR

CASE NO: 2005-00213 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF CUMBERLANDKIRKWOOD RANDY L ET AL

VS

RAJ CARDIOVASCULAR ASSOC. ET

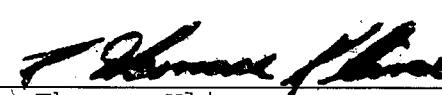
DAVID MCKINNEY \_\_\_\_\_, Sheriff or Deputy Sheriff of  
Cumberland County, Pennsylvania, who being duly sworn according to law,  
says, the within NOTICE \_\_\_\_\_ was served upon  
PARK SUNG JIN MD \_\_\_\_\_ the  
DEFENDANT \_\_\_\_\_, at 0013:10 HOURS, on the 17th day of March \_\_\_\_\_, 2005  
at 423 N 21ST ST \_\_\_\_\_ SUITE 301  
CAMP HILL, PA 17011 \_\_\_\_\_ by handing to  
STEVE VICKERS (EXECUTIVE \_\_\_\_\_ DIRECTOR)  
a true and attested copy of NOTICE \_\_\_\_\_ together with  
COMPLAINT \_\_\_\_\_

and at the same time directing His attention to the contents thereof.

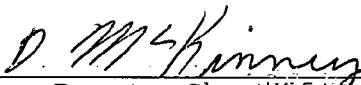
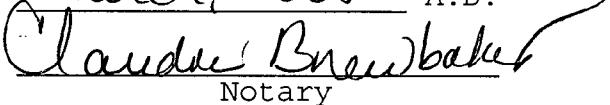
## Sheriff's Costs:

Docketing	18.00
Service	11.10
Affidavit	2.50
POSTAGE	.37
	.00
	<u>31.97</u>

## So Answers:

  
R. Thomas Kline03/18/2005  
GISMONDI & ASSOCIATESSworn and Subscribed to before  
me this 22nd day of

By:

  
D. McKinney  
Deputy SheriffMarch, 2005 A.D.  
Claudia Brewbaker  
Notary

NOTARIAL SEAL  
CLAUDIA A. BREWBAKER, NOTARY PUBLIC  
Carlisle Boro, Cumberland County  
My Commission Expires April 4, 2005



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
MARILYN HAMM  
DEPT. CLERK  
CYNTHIA AUGHENBAUGH  
OFFICE MANAGER  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 100266

TERM & NO. 05-275-CD

RANDY L. KIRKWOOD and SHARON KIRKWOOD

COMPLAINT; CERTIFICATE/ MERIT; NOTICE OF

DEPOSITION  
vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC. al

**SERVE BY: 03/31/05**

### MAKE REFUND PAYABLE TO GISMONDI & ASSOCIATES, P.C.

**SERVE:** SUNG JIN PARK, MD

**ADDRESS:** 423 N. 21st St. Suite 301, CAMP HILL, PA 17011 *Phone: 717-975-0900*

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CUMBERLAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, March 10, 2005.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiffs,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., and  
NORMAN A. HETZLER, M.D.,

Defendants.

CIVIL DIVISION

No. 05-275-C.D.

**ANSWER TO PLAINTIFFS' COMPLAINT**

Code:

Filed on behalf of Defendant:  
Norman A. Hetzler, M.D.

Counsel of record for this party:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED  
MAY 05 2005  
NO. 05-275-C.D.  
MAY 05 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON	)	CIVIL DIVISION
KIRKWOOD, his wife,	)	
	)	No. 05-275-C.D.
Plaintiffs,	)	
	)	
v.	)	
	)	
RAJ CARDIOVASCULAR	)	
ASSOCIATES, INC., SUNG JIN PARK,	)	
M.D., AND NORMAN A. HETZLER,	)	
M.D.,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFFS' COMPLAINT**

AND NOW, comes one of the defendants, Norman A. Hetzler, M.D., by and through his attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and files the within Answer to Plaintiffs' Complaint, and in support thereof avers as follows:

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.
2. The allegations set forth in Paragraph 2 of the Complaint are directed to another defendant and thus require no response from this defendant.
3. The allegations set forth in Paragraph 3 of the Complaint are directed to another defendant and thus require no response from this defendant.
4. The allegations set forth in Paragraph 4 of the Complaint are admitted.

5. The allegations set forth in Paragraph 5 of the Complaint are denied. It is averred that, at all times relevant hereto, Dr. Hetzler was an employee of RAJ Cardiovascular Association. It is denied that, at any time relevant hereto, Dr. Hetzler was the alleged actual or ostensible agent of RAJ Cardiovascular Association. With regard to patient care and treatment, Dr. Hetzler was an independent medical practitioners.

6. The allegations set forth in Paragraph 6 of the Complaint are denied as stated. The medical records reflect that the husband-plaintiff underwent a surgical procedure by Dr. Park at DuBois Regional Medical Center on June 25, 2003. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R. Civ. P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

7. The allegations set forth in Paragraph 7 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff as well as his condition are set forth in the medical records. Pursuant to Pa. R. Civ. P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied. To the extent that this paragraph alleges that the husband-plaintiff was seen by Dr. Park's alleged agents and fails to identify with specificity of these persons, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations, the same being denied and strict proof thereof will be demanded at the time of trial.

8. The allegations set forth in Paragraph 8 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-

plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of fact set forth in the paragraph are generally denied.

9. The allegations set forth in Paragraph 9 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of facts set forth in the paragraph are generally denied.

10. The allegations set forth in Paragraph 10 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of fact set forth in the paragraph are generally denied.

11. The allegations of negligence set forth in Paragraph 11 of the Complaint directed to this defendant are denied.

12. To the extent that Paragraph 12 of the Complaint sets forth allegations of negligence directed to this defendant, these allegations are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

13. With regard to the damage contentions set forth in Paragraph 13 of the Complaint, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

## I. Negligence

### Randy L. Kirkwood and Sharon Kirkwood v. Sung Jin Park, M.D.

14. Paragraph 14 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 13 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 13 of the Complaint as if the same or more fully set forth at length herein.

15. The allegations set forth in Paragraph 15 and the subparagraphs thereunder of the Complaint are directed to another defendant and thus require no response from this defendant.

16. The allegations set forth in Paragraph 16 of the Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, Norman A. Hetzler, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

### **JURY TRIAL DEMANDED.**

## **Count II – Negligence**

### Randy L. Kirkwood and Sharon Kirkwood, his wife v. Norman A. Hetzler, M.D.

17. Paragraph 17 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 16 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 16 of the Complaint as if the same or more fully set forth at length herein.

18. The allegations set forth in Paragraph 18 and the subparagraphs thereunder of the Complaint are denied.

WHEREFORE, the defendant, Norman A. Hetzler, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**Count III – Negligence**

**Randy L. Kirkwood and Sharon Kirkwood, his wife v. RAJ Cardiovascular**

**Associates, Inc.**

19. Paragraph 19 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 18 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 18 of the Complaint as if the same or more fully set forth at length herein.

20. The allegations set forth in Paragraph 20 of the Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, Norman A. Hetzler, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

DICKIE, McCAMEY & CHILCOTE, P.C.

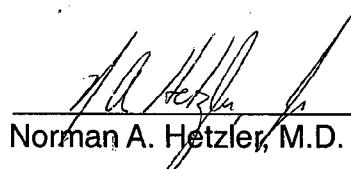
By John C. Conti  
Lisa D. Dauer  
John C. Conti  
Lisa D. Dauer

Attorneys for Defendant,  
Norman A. Hetzler, M.D.

**VERIFICATION**

I, Norman A. Hetzler, M.D., have read the foregoing Answer to Plaintiffs' Complaint. 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.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

  
\_\_\_\_\_  
Norman A. Hetzler, M.D.

APR 20 2005

DATED 28 Apr 05

[KIRKWOOD]

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Answer to Plaintiffs' Complaint have been served this 3<sup>rd</sup> day of May, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

John P. Gismondi, Esquire  
Gismondi & Associates  
700 Grant Building  
Pittsburgh, PA 15219  
(*Counsel for Plaintiffs*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Lisa Dauer  
Lisa D. Dauer

Attorneys for Defendant,  
Norman A. Hetzler, M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiffs,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., and  
NORMAN A. HETZLER, M.D.,

Defendants.

CIVIL DIVISION

No. 05-275-C.D.

**ANSWER TO PLAINTIFFS' COMPLAINT**

Code:

Filed on behalf of Defendant:  
RAJ Cardiovascular Association,  
incorrectly identified as RAJ  
Cardiovascular Associates, Inc.

Counsel of record for this party:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED 64  
MAY 11 2005  
NO CC  
MAY 09 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON	)	CIVIL DIVISION
KIRKWOOD, his wife,	)	
	)	No. 05-275-C.D.
Plaintiffs,	)	
	)	
v.	)	
	)	
RAJ CARDIOVASCULAR	)	
ASSOCIATES, INC., SUNG JIN PARK,	)	
M.D., AND NORMAN A. HETZLER,	)	
M.D.,	)	
Defendants.	)	

**ANSWER TO PLAINTIFFS' COMPLAINT**

AND NOW, comes one of the defendants, RAJ Cardiovascular Association, incorrectly identified as RAJ Cardiovascular Associates, Inc., by and through its attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and files the within Answer to Plaintiffs' Complaint, and in support thereof avers as follows:

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

2. The allegations set forth in Paragraph 2 of the Complaint are denied as stated. It is averred that RAJ Cardiovascular Association is a corporation with a principal place of business located in Allegheny County, Pennsylvania. It is denied that RAJ Cardiovascular Association renders medical care and treatment to patients. On the contrary, it is averred that physicians and other individuals who are

employed by RAJ Cardiovascular Association provide medical care and treatment to patients. The corporate entity does not render medical care and treatment.

3. The allegations set forth in Paragraph 3 of the Complaint are directed to another defendant and thus require no response from this defendant.

4. The allegations set forth in Paragraph 4 of the Complaint are directed to another defendant and thus require no response from this defendant.

5. The allegations set forth in Paragraph 5 of the Complaint are denied. It is averred that, at all times relevant hereto, Drs. Park and Hetzler were employees of RAJ Cardiovascular Association. It is denied that, at any time relevant hereto, Drs. Park and Hetzler were the alleged actual or ostensible agents of RAJ Cardiovascular Association. With regard to patient care and treatment, Drs. Park and Hetzler were independent medical practitioners.

6. The allegations set forth in Paragraph 6 of the Complaint are denied as stated. The medical records reflect that the husband-plaintiff underwent a surgical procedure by Dr. Park at DuBois Regional Medical Center on June 25, 2003. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R. Civ. P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

7. The allegations set forth in Paragraph 7 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff as well as his condition are set forth in the medical records. Pursuant to Pa. R. Civ. P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied. To the extent that this paragraph alleges that the husband-plaintiff was seen by

Dr. Park's alleged agents and fails to identify with specificity of these persons, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations, the same being denied and strict proof thereof will be demanded at the time of trial.

8. The allegations set forth in Paragraph 8 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of fact set forth in the paragraph are generally denied.

9. The allegations set forth in Paragraph 9 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of facts set forth in the paragraph are generally denied.

10. The allegations set forth in Paragraph 10 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of fact set forth in the paragraph are generally denied.

11. The allegations of negligence as set forth in Paragraph 11 of the Complaint are denied.

12. To the extent that Paragraph 12 of the Complaint sets forth allegations of negligence directed to this defendant, these allegations are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

13. With regard to the damage contentions set forth in Paragraph 13 of the Complaint, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

**I. Negligence**

**Randy L. Kirkwood and Sharon Kirkwood v. Sung Jin Park, M.D.**

14. Paragraph 14 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 13 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 13 of the Complaint as if the same or more fully set forth at length herein.

15. The allegations set forth in Paragraph 15 and the subparagraphs thereunder of the Complaint are directed to another defendant and thus require no response from this defendant.

16. The allegations set forth in Paragraph 16 of the Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, RAJ Cardiovascular Association, denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**Count II – Negligence**

**Randy L. Kirkwood and Sharon Kirkwood, his wife v. Norman A. Hetzler, M.D.**

17. Paragraph 17 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 16 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 16 of the Complaint as if the same or more fully set forth at length herein.

18. The allegations set forth in Paragraph 18 and the subparagraphs thereunder of the Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, RAJ Cardiovascular Association, denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**Count III – Negligence**

**Randy L. Kirkwood and Sharon Kirkwood, his wife v. RAJ Cardiovascular  
Associates, Inc.**

19. Paragraph 19 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 18 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 18 of the Complaint as if the same or more fully set forth at length herein.

20. The allegations set forth in Paragraph 20 of the Complaint are denied. To the extent that this paragraph incorporates by reference the allegations set forth in Paragraphs 16 and 19 of the Complaint, this defendant incorporates by

reference its responses to Paragraphs 16 and 19 of the Complaint as if the same were more fully set forth at length herein. To the extent that this paragraph alleges that, at any time relevant hereto, Dr. Park and Dr. Hetzler were the alleged actual or ostensible agents of RAJ Cardiovascular Association, these allegations are denied. On the contrary, it is averred that, at all times relevant hereto, Dr. Park and Dr. Hetzler were employees of RAJ Cardiovascular Association. With regard to medical care and treatment, it is averred that Dr. Park and Dr. Hetzler were independent medical practitioners.

WHEREFORE, the defendant, RAJ Cardiovascular Association, denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

DICKIE, McCAMEY & CHILCOTE, P.C.

By   
John C. Conti  
Lisa D. Dauer

Attorneys for Defendant,  
RAJ Cardiovascular Association

VERIFICATION

I, V.R. Machiraju, M.D., on behalf of RAJ Cardiovascular Association, have read the foregoing Answer to Plaintiffs' Complaint. 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.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.



V.R. Machiraju, M.D.

DATED 4.30.05

[KIRKWOOD]

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Answer to Plaintiffs' Complaint have been served this 3<sup>rd</sup> day of May, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

John P. Gismondi, Esquire  
Gismondi & Associates  
700 Grant Building  
Pittsburgh, PA 15219  
(Counsel for Plaintiffs)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Lisa Dauer  
Lisa D. Dauer

Attorneys for Defendant,  
RAJ Cardiovascular Association

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiffs,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., and  
NORMAN A. HETZLER, M.D.,

Defendants.

CIVIL DIVISION

No. 05-275-C.D.

**ANSWER TO PLAINTIFFS' COMPLAINT**

Code:

Filed on behalf of Defendant:  
Sung Jin Park, M.D.

Counsel of record for this party:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067

Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED NO CC  
M1624180  
JUN 06 2005 60

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON	)	CIVIL DIVISION
KIRKWOOD, his wife,	)	
	)	No. 05-275-C.D.
Plaintiffs,	)	
	)	
v.	)	
	)	
RAJ CARDIOVASCULAR	)	
ASSOCIATES, INC., SUNG JIN PARK,	)	
M.D., AND NORMAN A. HETZLER,	)	
M.D.,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFFS' COMPLAINT**

AND NOW, comes one of the defendants, Sung Jin Park, M.D., by and through his attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and files the within Answer to Plaintiffs' Complaint, and in support thereof aver as follows:

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.
2. The allegations set forth in Paragraph 2 of the Complaint are directed to another defendant and thus require no response from this defendant.
3. The allegations set forth in Paragraph 3 of the Complaint are admitted.
4. The allegations set forth in Paragraph 4 of the Complaint are directed to another defendant and thus require no response from this defendant.

5. The allegations set forth in Paragraph 5 of the Complaint are denied. It is averred that, at all times relevant hereto, Dr. Park was an employee of RAJ Cardiovascular Association. It is denied that, at any time relevant hereto, Dr. Park was the alleged actual or ostensible agent of RAJ Cardiovascular Association. With regard to patient care and treatment, Dr. Park was an independent medical practitioner.

6. The allegations set forth in Paragraph 6 of the Complaint are denied as stated. The medical records reflect that the husband-plaintiff underwent a surgical procedure by Dr. Park at DuBois Regional Medical Center on June 25, 2003. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R. Civ. P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

7. The allegations set forth in Paragraph 7 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff as well as his condition are set forth in the medical records. Pursuant to Pa. R. Civ. P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied. To the extent that this paragraph alleges that the husband-plaintiff was seen by Dr. Park's alleged agents and fails to identify with specificity of these persons, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations, the same being denied and strict proof thereof will be demanded at the time of trial.

8. The allegations set forth in Paragraph 8 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-

plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of fact set forth in the paragraph are generally denied.

9. The allegations set forth in Paragraph 9 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of facts set forth in the paragraph are generally denied.

10. The allegations set forth in Paragraph 10 of the Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa. R.Civ. P. 1029(e), all other allegations of fact set forth in the paragraph are generally denied.

11. The allegations of negligence set forth in Paragraph 11 of the Complaint directed to this defendant are denied.

12. To the extent that Paragraph 12 of the Complaint sets forth allegations of negligence directed to this defendant, these allegations are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

13. With regard to the damage contentions set forth in Paragraph 13 of the Complaint, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

### I. Negligence

#### Randy L. Kirkwood and Sharon Kirkwood v. Sung Jin Park, M.D.

14. Paragraph 14 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 13 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 13 of the Complaint as if the same or more fully set forth at length herein.

15. The allegations set forth in Paragraph 15 and the subparagraphs thereunder of the Complaint are denied.

16. The allegations set forth in Paragraph 16 of the Complaint are denied.

WHEREFORE, the defendant, Sung Jin Park, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

#### **JURY TRIAL DEMANDED.**

#### **Count II – Negligence**

#### Randy L. Kirkwood and Sharon Kirkwood, his wife v. Norman A. Hetzler, M.D.

17. Paragraph 17 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 16 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 16 of the Complaint as if the same or more fully set forth at length herein.

18. The allegations set forth in Paragraph 18 and the subparagraphs thereunder of the Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, Sung Jin Park, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**Count III – Negligence**

**Randy L. Kirkwood and Sharon Kirkwood, his wife v. RAJ Cardiovascular**

**Associates, Inc.**

19. Paragraph 19 of the Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 18 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 18 of the Complaint as if the same or more fully set forth at length herein.

20. The allegations set forth in Paragraph 20 of the Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, Sung Jin Park, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

DICKIE, McCAMEY & CHILCOTE, P.C.

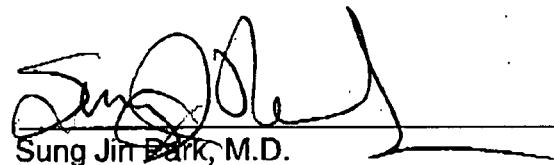
By Lisa Dauer  
John C. Conti  
Lisa D. Dauer

Attorneys for Defendant,  
Sung Jin Park, M.D.

**VERIFICATION**

I, Sung Jin Park, M.D., have read the foregoing Answer to Plaintiffs' Complaint. 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.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.



Sung Jin Park, M.D.

DATED

4/1/05

[KIRKWOOD]

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Answer to Plaintiffs' Complaint have been served this 2nd day of June, 2005, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

John P. Gismondi, Esquire  
Gismondi & Associates  
700 Grant Building  
Pittsburgh, PA 15219  
(*Counsel for Plaintiffs*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Lisa D. Dauer  
Lisa D. Dauer

Attorneys for Defendant,  
Sung Jin Park, M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

ISSUE NO.:

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

AMENDED COMPLAINT

/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

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William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and	)	
SHARON KIRKWOOD, his wife,	)	
	)	
Plaintiffs,	)	
	)	No. 05-275-CD
vs.	)	
	)	JURY TRIAL DEMANDED
RAJ CARDIOVASCULAR ASSOCIATES, INC.,	)	
SUNG JIN PARK, M.D.,	)	
NORMAN A. HETZLER, M.D.,	)	
DUBOIS REGIONAL MEDICAL CENTER, and,	)	
FRED G. WENGER, JR., D.O.,	)	
	)	
Defendants.	)	

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense 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.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**David S. Meholic, Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
814-765-2641, Ext. 5982**

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
 )  
Plaintiffs, ) )  
vs. ) )  
 )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., )  
NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL CENTER, and, )  
FRED G. WENGER, JR., D.O., )  
 )  
Defendants. ) )

No. 05-275-CD  
JURY TRIAL DEMANDED

**AMENDED COMPLAINT**

AND NOW come the plaintiffs, Randy L. Kirkwood and Sharon Kirkwood, his wife, by and through their attorneys, John P. Gismondi and Gismondi & Associates, and files this action based upon the following.

1. The plaintiffs are husband and wife individuals who reside within Clearfield County.
  
2. The defendant RAJ Cardiovascular Associates, Inc., is a professional corporation which renders medical services throughout western Pennsylvania and which has a principle location in Allegheny County.

3. The defendant Sung Jin Park, MD, is an individual practitioner of medicine licensed to practice within the Commonwealth of Pennsylvania.

4. The defendant Norman A. Hetzler, MD, is an individual practitioner of medicine licensed to practice within the Commonwealth of Pennsylvania.

5. At all times relevant hereto, the defendants Park and Hetzler were the actual or ostensible agents of defendant RAJ Cardiovascular Associates, Inc.

6. The defendant DuBois Regional Medical Center (DRMC) is a general medical facility which provides medical services within Clearfield County.

7. The defendant Fred G. Wenger, Jr., DO, was at all times relevant hereto a physician licensed to practice medicine in the Commonwealth of Pennsylvania.

8. At all times relevant hereto, the defendant Fred G. Wenger, Jr., DO, was the actual or ostensible agent of defendant DRMC.

9. On or about June 25, 2003, the plaintiff Randy L. Kirkwood underwent vascular surgery by defendant Dr. Park at DuBois Regional Medical Center located in Clearfield County, namely, a fem-fem bypass and a right fem-pop bypass.

10. Between the date of surgery and September 19, 2003, the plaintiff Randy

Kirkwood was seen on several occasions by Dr. Park or his agents during which time the plaintiff complained of varying degrees of pain, numbness and other symptoms in his right leg.

11. On September 19, 2003, Randy Kirkway was transported by ambulance to DRMC with acute and emergent symptoms in his right leg including the following: sudden onset of severe pain, absent or diminished pulses, coolness to the touch and numbness.

12. Upon presentation to the Emergency Room, plaintiff was seen by the emergency room physician on duty, the defendant Dr. Wenger.

13. After examining the plaintiff, Dr. Wenger, acting directly or through the agents of DRMC, contacted the defendant Dr. Hetzler, a vascular surgeon, concerning the patient's presentation. At the time of said contact, Dr. Hetzler was in the process of performing open heart surgery at DRMC.

14. Although he arrived at the hospital at approximately 9:00 a.m., neither Dr. Wenger or Dr. Hetzler provided any definitive care to him over the next several hours, during which time the condition of plaintiff's leg progressively worsened.

15. Sometimes between mid- and late-afternoon, Dr. Hetzler made a determination that the blood vessels and/or graft in plaintiff's right leg had become occluded. He further determined that the leg could not be salvaged and, therefore, he recommended to the plaintiff that it be amputated.

16. The right leg was indeed amputated above the knee during a surgery performed at 7:00 p.m. that evening.

17. The aforesaid amputation of plaintiff's right leg was caused by the individual and/or joint negligence of the defendants as described in the paragraphs below.

18. As a consequence of the amputation caused by the defendants' negligence, the plaintiff Randy Kirkwood claims damages for the following items of loss:

- a. Loss of earnings and earning capacity;
- b. Physical pain, suffering and inconvenience;
- c. Disfigurement;
- d. Loss of the ordinary pleasures of life; and,
- e. Mental anguish.

19. As a result of the injury to her husband, the wife-plaintiff, Sharon Kirkwood, claims damages for loss of society, companionship and services of her spouse.

## **COUNT I – NEGLIGENCE**

**Randy L. Kirkwood and Sharon Kirkwood v. Sung Jin Park, MD and RAJ Cardiovascular  
Associates, Inc.**

20. Each of the above paragraphs is incorporated herein by reference.

21. With respect to the surgery of June 25, 2003, the defendant Dr. Park was negligent in the following particulars:

- a. In failing to order appropriate pre-operative imaging studies in order to adequately assess the location and significance of all blockages in plaintiff's vasculature;
- b. In failing to order a conventional angiogram before doing surgery;
- c. In failing to adequately interpret the pre-operative imaging studies that *were* done;
- d. In failing to adequately assess the significance of a blockage in the right common iliac artery during the surgery;
- e. In failing to surgically treat and relieve the blockage in the plaintiff's right

common iliac artery; and,

f. In failing to adequately assess the plaintiff's post-operative complaints between June and September 2003, in order to determine whether there were any early signs of blockage in the surgical grafts.

22. At the time of the aforesaid acts were committed by Dr. Park, he was the agent of RAJ Cardiovascular and, therefore RAJ Cardiovascular is vicariously responsible for the said conduct of Dr. Park.

23. The aforesaid acts of negligence eventually led to the amputation of the plaintiff's right leg.

WHEREFORE, the plaintiffs demand judgment against the defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

#### **COUNT II -- NEGLIGENCE**

**Randy L. Kirkwood and Sharon Kirkwood, his wife, v. Norman A. Hetzler, MD and RAJ  
Cardiovascular Associates, Inc.**

24. Each of the above paragraphs is incorporated herein by reference.

25. The care and treatment provided by the defendant Dr. Hetzler on September 19, 2003, was negligent in the following respects:

- a. He failed to appreciate that plaintiff's condition on that day constituted an acute vascular emergency;
- b. He inexcusably delayed in seeing the patient or providing any definitive treatment for him;
- c. He failed to arrange for a stat surgical procedure on the plaintiff on the morning of September 19, 2003, when he still had an opportunity to clear the blockage in his grafts and prevent his leg from being amputated;
- d. He failed to appreciate in a timely fashion that the plaintiff was suffering from an acute blockage in the vessels of his right leg;
- e. He delayed unnecessarily in arranging for an angiogram or definitive treatment for the plaintiff;
- f. He failed to order heparin or other anticoagulation for the plaintiff;
- g. He failed to get a thorough and adequate history of all of the plaintiff's presenting signs and symptoms in the emergency room;

- h. He failed to arrange for another surgeon to treat the patient when he was advised that Dr. Hetzler was in the operating room;
- i. He failed to transfer the patient to another facility which could provide the plaintiff with the immediate care and attention his condition required; and,
- j. He failed to provide or otherwise arrange for the plaintiff to receive the immediate care and attention his condition required.

26. At the time the aforesaid acts were committed by Dr. Hetzler, he was the agent of RAJ Cardiovascular and, therefore, RAJ Cardiovascular is vicariously responsible for said conduct of Dr. Hetzler.

WHEREFORE, the plaintiff demands judgment against the defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

### **COUNT III**

#### **Plaintiffs v. Frank G. Wenger, Jr., DO, and DuBois Regional Medical Center**

27. Each of the above paragraphs is incorporated herein by reference.

28. The care and treatment provided by defendant Dr. Wenger on September 19, 2003, was negligent in the following respects:

- a. He failed to appreciate that the plaintiff's condition on that day constituted an acute vascular emergency;
- b. He failed to adequately inform Dr. Hetzler as to the full range of signs and symptoms the plaintiff was demonstrating in the emergency room;
- c. He failed to order and administer heparin or other anticoagulant medication;
- d. He failed to arrange for another surgeon to treat the patient when he was advised that Dr. Hetzler was in the operating room;
- e. He failed to transfer the patient to another facility which could provide the plaintiff with the immediate care and attention his condition required; and,
- f. He failed to provide or otherwise arrange for the plaintiff to receive the immediate care and attention his condition required.

29. At all times relevant hereto, Dr. Wenger was serving as the actual or ostensible agent of defendant DRMC and, therefore, DRMC is vicariously liable for the conduct set forth in the preceding paragraph.

30. The conduct of Dr. Wenger as described in paragraph 28 was a substantial legal cause of the amputation suffered by the plaintiff.

WHEREFORE, the plaintiffs demand judgment against each of the defendants in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

## **COUNT V**

### **Plaintiff v. DuBois Regional Medical Center**

30. Each of the above paragraphs is incorporated herein by reference.

31. The defendant DuBois Regional Medical Center, acting through its registered nurses, nurses' aides, technicians, physicians and other agents, was negligent in the following respects during its treatment of plaintiff on September 19, 2003:

- a. It failed to appreciate that the plaintiff's condition on that day constituted an acute vascular emergency;
- b. It failed to adequately inform Dr. Hetzler as to the full range of signs and symptoms the plaintiff was demonstrating in the emergency room;
- c. It failed to adequately convey Dr. Hetzler's instruction to Dr. Wenger concerning the plaintiff's treatment;

- d. It failed to order and administer heparin or other anticoagulant medication;
- e. It failed to arrange for another surgeon to treat the patient when it learned that Dr. Hetzler was in the operating room;
- f. It failed to transfer the patient to another facility which could provide the plaintiff with the immediate care and attention his condition required; and,
- g. It failed to provide or otherwise arrange for the plaintiff to receive the immediate care and attention his condition required.

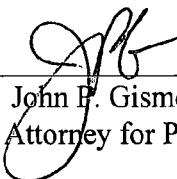
WHEREFORE, the plaintiffs demand judgment against the defendant in an amount in excess of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of costs and interest.

JURY TRIAL DEMANDED.

Respectfully submitted,

GISMONDI & ASSOCIATES

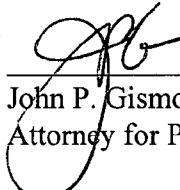
By \_\_\_\_\_

  
John P. Gismondi  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 27<sup>th</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF ALLEGHENY ) ss:  
                                  )

BEFORE ME, the undersigned authority, a Notary Public in and for said County and Commonwealth, personally appeared, Randy Kirkwood, who, being duly sworn according to law, deposes and says that the averments of fact contained in the foregoing Amended Complaint are true and correct to the best of his knowledge, information and belief.

Randy L. Kirkwood

SWORN TO and subscribed before

me this 27<sup>th</sup> day of  
June, 2005.

Pamela J. McCracken  
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Pamela J. McCracken, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Jan. 16, 2008

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

ISSUE NO.:

NOTICE OF DEPOSITION  
/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

**FILED**  
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JUL 05 2005  
⑥

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
 )  
Plaintiffs, ) ) No. 05-275-CD  
vs. ) ) JURY TRIAL DEMANDED  
 )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., )  
NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL CENTER, and, )  
FRED G. WENGER, JR., D.O., )  
 )  
Defendants. )

**NOTICE OF DEPOSITION**

TO: DEFENDANTS

TAKE NOTICE that the deposition of **the circulating nurse working in the OR with Dr. Hetzler on the morning of September 19, 2003**, will be taken for the purposes of discovery and for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before an officer duly authorized to administer oaths at Gismondi & Associates, 700 Grant Building, Pittsburgh, PA 15219, beginning at 1:00 p.m. on August 30, 2005, at which time you are invited to appear and take such part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts and causes and results of the matter in suit.

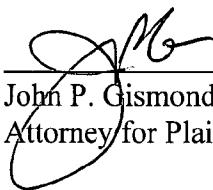
  
John P. Gismondi, Esquire  
GISMONDI & ASSOCIATES  
Suite 700 Grant Building

Pittsburgh, PA 15219  
(412) 281-2200

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 21<sup>st</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

Plaintiffs,

CIVIL DIVISION

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

Defendants.

ISSUE NO.:

NOTICE OF DEPOSITION  
/Jury Trial Demanded

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

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⑥

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
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Plaintiffs, )  
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vs. )  
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RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., )  
NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL CENTER, and, )  
FRED G. WENGER, JR., D.O., )  
 )  
Defendants. )  
 )  
No. 05-275-CD  
JURY TRIAL DEMANDED

## **NOTICE OF DEPOSITION**

TO: DEFENDANTS

TAKE NOTICE that the deposition of **Nurse Sue Burley**, will be taken for the purposes of discovery and for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before an officer duly authorized to administer oaths at Gismondi & Associates, 700 Grant Building, Pittsburgh, PA 15219, beginning at 12:15 a.m. on August 30, 2005, at which time you are invited to appear and take such part as shall be fitting and proper.

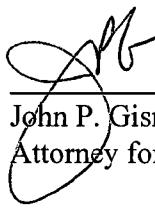
The scope and purpose of the deposition is to inquire into the facts and causes and results of the matter in suit.

John P. Gismondi, Esquire  
GISMONDI & ASSOCIATES  
Suite 700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 27<sup>th</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

Plaintiffs,

CIVIL DIVISION

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
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NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

Defendants.

ISSUE NO.:

NOTICE OF DEPOSITION  
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Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
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William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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FRED G. WENGER, JR., D.O., )  
Defendants. )  
No. 05-275-CD  
JURY TRIAL DEMANDED

## **NOTICE OF DEPOSITION**

TO: DEFENDANTS

TAKE NOTICE that the deposition of **Nurse Sue Baird** will be taken for the purposes of discovery and for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before an officer duly authorized to administer oaths at Gismondi & Associates, 700 Grant Building, Pittsburgh, PA 15219, beginning at 11:30 a.m. on August 30, 2005, at which time you are invited to appear and take such part as shall be fitting and proper.

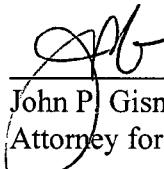
The scope and purpose of the deposition is to inquire into the facts and causes and results of the matter in suit.

John P. Gismondi, Esquire  
GISMONDI & ASSOCIATES  
Suite 700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 21<sup>st</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

Plaintiffs,

CIVIL DIVISION

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

Defendants.

ISSUE NO.:

NOTICE OF DEPOSITION  
/Jury Trial Demanded

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED 1CC  
JUL 12 2005 Shff  
JUL 05 2005 @

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
Plaintiffs, )  
vs. )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., )  
NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL CENTER, and, )  
FRED G. WENGER, JR., D.O., )  
Defendants. )  
No. No. 05-275-CD  
JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

TO: DEFENDANTS

TAKE NOTICE that the deposition of **Fred G. Wenger, Jr., DO**, will be taken for the purposes of discovery and for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before an officer duly authorized to administer oaths at Gismondi & Associates, 700 Grant Building, Pittsburgh, PA 15219, beginning at 10:00 a.m. on August 30, 2005, at which time you are invited to appear and take such part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts and causes and results of the matter in suit.

John P. Gismondi, Esquire  
GISMONDI & ASSOCIATES  
Suite 700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 21<sup>st</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

ISSUE NO.:

CERTIFICATE OF MERIT AS TO DR.  
WENGER/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED  
12:50 PM JUL 05 2005  
Shff  
WAK

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and	)	
SHARON KIRKWOOD, his wife,	)	
	)	
Plaintiffs,	)	
	)	No. 05-275-CD
vs.	)	
	)	JURY TRIAL DEMANDED
RAJ CARDIOVASCULAR ASSOCIATES, INC.,	)	
SUNG JIN PARK, M.D.,	)	
NORMAN A. HETZLER, M.D.,	)	
DUBOIS REGIONAL MEDICAL CENTER, and,	)	
FRED G. WENGER, JR., D.O.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF MERIT AS TO FRED G. WENGER, JR., D.O.**

I, John P. Gismondi, 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;

OR

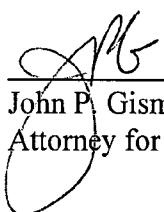
the claim that this defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement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

OR

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 27<sup>th</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

ISSUE NO.:

CERTIFICATE OF MERIT-DUBOIS  
REGIONAL MEDICAL CENTER/  
Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED *ccsnff*  
*m125001*  
JUL 05 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., )  
NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL CENTER, and, )  
FRED G. WENGER, JR., D.O., )  
 )  
Defendants. )

No. 05-275-CD  
JURY TRIAL DEMANDED

**CERTIFICATE OF MERIT AS TO DUBOIS REGIONAL  
MEDICAL CENTER**

I, John P. Gismondi, 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;

OR

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

OR

expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

GISMONDI & ASSOCIATES

By 

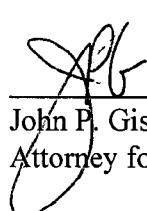
John P. Gismondi  
Attorney for Plaintiffs

DATE: June 27, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 21<sup>th</sup> day of June, 2005, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

No. 05-275-CD

ISSUE:  
PRAECIPE FOR APPEARANCE

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

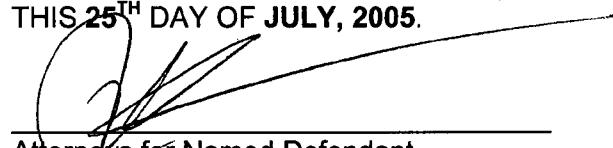
Filed on behalf of Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 25<sup>TH</sup> DAY OF JULY, 2005.

  
\_\_\_\_\_  
Attorneys for Named Defendant

FILED <sup>④</sup>  
M 11:30 AM  
JUL 27 2005

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Enter my Appearance on behalf of Defendant, DUBOIS REGIONAL MEDICAL  
CENTER.

Papers may be served at the address set forth below

  
\_\_\_\_\_  
Attorneys for Defendant,  
DUBOIS REGIONAL MEDICAL CENTER

McINTYRE, DUGAS, HARTYE & SCHMITT  
John L. McIntyre, Esquire  
PA I.D. #28015  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
PH: (814) 696-3581  
FAX: (814) 696-9399

Date: July 25, 2005

**FILED**

**JUL 27 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

RANDY L. KIRKWOOD and  
SHARON KIRKWOOD, his wife,  
Plaintiffs

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

v.

NO. 05-275-CD

RAJ CARDIOVASCULAR  
ASSOCIATES, INC.; SUNG JIN  
PARK, M.D.; NORMAN A. HETZLER,  
M.D.; DUBOIS REGIONAL MEDICAL  
CENTER, and FRED G. WENGER, D.O.,  
Defendants

CIVIL DIVISION

JURY TRIAL DEMANDED

**PRAECLPICE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter our appearance on behalf of defendant Fred G. Wenger, D.O. in the above-referenced matter.

Respectfully submitted,

McCORMICK LAW FIRM

By

*David R. Bahl*

David R. Bahl, Esquire  
I.D. No. 10347  
Sean P. Roman, Esquire  
I.D. No. 63521  
Attorneys for Defendant  
Fred G. Wenger, D.O.

835 West Fourth Street  
Williamsport, PA 17701  
(570) 326-5131

Date: Aug 1, 05

cc: John P. Gismondi, Esquire  
John C. Conti, Esquire  
John L. McIntyre, Esquire

FILED NO  
M 114 671 CC  
AUG 02 2005

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

No. 05-275-CD

ISSUE:  
NOTICE OF SERVICE OF DISCOVERY  
DATED: 09/21/05

Plaintiffs

VS.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Filed on behalf of Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 21<sup>st</sup> DAY OF September 2005.

John L. McIntyre/csm  
Attorneys for Named Defendant

FILED <sup>NOCC</sup>  
M 11/4/3 2005  
SEP 23 2005  
R

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife, : No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO PLAINTIFFS DATED SEPTEMBER 21, 2005**

TO: PROTHONOTARY

You are hereby notified that on the 21st day of September, 2005, Defendants, DuBois  
Regional Medical Center served Interrogatories and Request for Production of Documents  
Directed to Plaintiffs Dated September 21, 2005, by mailing the original of same via First Class  
U.S. Mail, postage prepaid, addressed to the following:

John P. Gismondi, Esquire  
Gismondi & Associates  
310 Grant Street  
Suite 700  
Pittsburgh, PA 15219

McINTYRE, DUGAS, HARTYE & SCHMITT

*John J. McIntyre/csm*  
Attorney for Defendants,  
DuBois Regional Medical Center

John L. McIntyre, Esquire  
PA I.D. No. 28015  
P. O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

RECEIVED IN CLERK'S OFFICE, 10TH DISTRICT COURT, KANSAS CITY, KANSAS

COMPLAINT FOR BREACH OF CONTRACT  
AND RECOVERY

STATEMENT

RECEIVED IN CLERK'S OFFICE, 10TH DISTRICT COURT,  
KANSAS CITY, KANSAS, ON SEPTEMBER 21, 2005  
JAMES R. HARRIS, JR., PLAINTIFF,  
vs. KANSAS CITY, KANSAS, DEFENDANT.

COMPLAINT FOR BREACH

OF CONTRACT

RECEIVED IN CLERK'S OFFICE, 10TH DISTRICT COURT,  
KANSAS CITY, KANSAS, ON SEPTEMBER 21, 2005

YATIM, HAO, POFER, LTD.

RECEIVED IN CLERK'S OFFICE, 10TH DISTRICT COURT,  
KANSAS CITY, KANSAS, ON SEPTEMBER 21, 2005  
JAMES R. HARRIS, JR., PLAINTIFF,  
vs. KANSAS CITY, KANSAS, DEFENDANT.

RECEIVED IN CLERK'S OFFICE,  
10TH DISTRICT COURT,  
KANSAS CITY, KANSAS,  
ON SEPTEMBER 21, 2005

FILED

SEP 23 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100611  
NO: 05-275-CD  
SERVICE # 1 OF 1  
AMENDED COMPLAINT;CERT.OF

MERIT;NOTICE/DEPOSITION

PLAINTIFF: RANDY L. KIRKWOOD & SHARON KIRKWOOD

vs.

DEFENDANT: RAJ CARDIOVASCULAR ASSOCIATES INC. a1

SHERIFF RETURN

---

NOW, July 15, 2005 AT 11:50 AM SERVED THE WITHIN AMENDED COMPLAINT;CERT.OF  
MERIT;NOTICE/DEPOSITION ON DUBOIS REGOINAL MEDICAL CENTER DEFENDANT AT 100 HOSPITAL AVE.,  
DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LISA BATSON, RISK MANAGEMENT  
SECRETARY A TRUE AND ATTESTED COPY OF THE ORIGINAL AMENDED COMPLAINT;CERT.OF  
MERIT;NOTICE/DEPOSITION AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED  
d2:48:51  
SEP 29 2005  
WR

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GISMONDI	17237	10.00
SHERIFF HAWKINS	GISMONDI	17237	33.76

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*  
*by Marilyn Hawk*  
Chester A. Hawkins  
Sheriff

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

: No. 05-275-CD

Plaintiffs

: ISSUE:  
NOTICE OF SERVICE OF  
RESPONSES TO REQUEST FOR  
PRODUCTION OF DOCUMENTS

VS.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

: Filed on behalf of Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

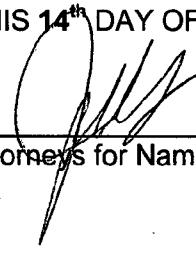
Defendants

: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 14<sup>th</sup> DAY OF NOVEMBER, 2005.

\_\_\_\_\_  
Attn:  for Named Defendant

**FILED**

NOV 15 2005  
11:15 AM   
William A. Shaw  
Prothonotary/Clerk of Courts  
wo 9/c

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

: No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

: JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF RESPONSES TO  
REQUEST FOR PRODUCTION OF DOCUMENTS**

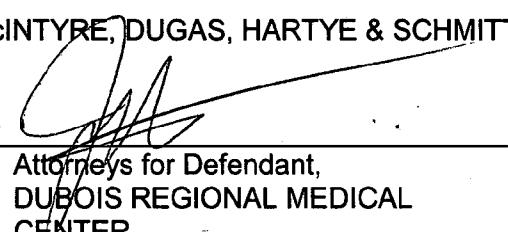
**TO: PROTHONOTARY**

You are hereby notified that on the 14<sup>th</sup> day of November, 2005, Defendant,  
DUBOIS REGIONAL MEDICAL CENTER, served Responses to Plaintiffs' Request for  
Production of Documents on the Plaintiffs by mailing the original of same via First Class  
U.S. Mail, postage prepaid, addressed to the following:

John P. Gismondi, Esquire  
Gismondi & Associates  
310 Grant Street - Suite 700  
Pittsburgh, PA 15219

McINTYRE, DUGAS, HARTYE & SCHMITT

By

  
Attorneys for Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

John L. McIntyre, Esquire  
PA I.D. #28015  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

No. 05-275-CD

ISSUE:

NOTICE OF SERVICE OF  
EXPERT INTERROGATORIES  
AND MEDICAL EXPENSE  
INTERROGATORIES DIRECTED  
TO PLAINTIFFS

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Filed on behalf of Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 15<sup>th</sup> DAY OF DECEMBER, 2005.

\_\_\_\_\_  
Atorneys for Named Defendant

FILED

DEC 16 2005

11:51 AM

William A. Shaw

Prothonotary/Clerk of Courts

No 9/

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife, : No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

JURY TRIAL DEMANDED

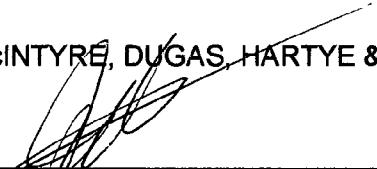
**NOTICE OF SERVICE OF EXPERT INTERROGATORIES AND**  
**MEDICAL EXPENSE INTERROGATORIES AND REQUEST**  
**FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

TO: PROTHONOTARY

You are hereby notified that on the 15<sup>th</sup> day of December, 2005, Defendant,  
DUBOIS REGIONAL MEDICAL CENTER, served Expert Interrogatories and Medical  
Expense Interrogatories and Request for Production of Documents on the Plaintiffs by  
mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the  
following:

John P. Gismondi, Esquire  
Gismondi & Associates  
310 Grant Street - Suite 700  
Pittsburgh, PA 15219

McINTYRE, DUGAS, HARTYE & SCHMITT

By 

Attorneys for Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

John L. McIntyre, Esquire  
PA I.D. #28015  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiffs,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., and  
NORMAN A. HETZLER, M.D.,

Defendants.

CIVIL DIVISION

No. 05-275-C.D.

**REQUEST FOR PRODUCTION OF  
EXPERT REPORTS DIRECTED TO  
PLAINTIFFS PURSUANT TO PA. R. CIV.  
P. 1042.28**

Code:

Filed on behalf of Defendants:  
RAJ Cardiovascular Association,  
incorrectly identified as RAJ  
Cardiovascular Associates, Inc., Sung Jin  
Park, M.D., and Norman A. Hetzler, M.D.

Counsel of record for these parties:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

FILED  
2/13/06  
FEB 08 2006  
WM

William A. Shaw  
Prothonotary/Clerk of Courts

**JURY TRIAL DEMANDED**

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

RANDY L. KIRKWOOD and SHARON	)	CIVIL DIVISION
KIRKWOOD, his wife,	)	
	)	No. 05-275-C.D.
Plaintiffs,	)	
	)	
v.	)	
	)	
RAJ CARDIOVASCULAR	)	
ASSOCIATES, INC., SUNG JIN PARK,	)	
M.D., AND NORMAN A. HETZLER,	)	
M.D.,	)	
	)	
Defendants.	)	

**REQUEST FOR PRODUCTION OF EXPERT REPORTS DIRECTED TO PLAINTIFFS**  
**PURSUANT TO PA. R. CIV. P. 1042.28**

TO: John P. Gismondi, Esquire  
Gismondi & Associates  
700 Grant Building  
Pittsburgh, PA 15219  
(Attorneys for Plaintiffs)

FROM: John C. Conti, Esquire  
Lisa D. Dauer, Esquire  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222  
(Attorneys for Defendants, RAJ Cardiovascular Association, Sung Jin Park, M.D., and Norman A. Hetzler, M.D.)

Pursuant to Pennsylvania Rule of Civil Procedure 1042.28, you are requested within one hundred and eighty (180) days of service of this request to furnish all expert reports summarizing the expert testimony that you will offer to support the claims of professional negligence that you have alleged in this action against these defendants. You shall serve copies of all expert reports on all other parties.

DICKIE, McCAMEY & CHILCOTE, P.C.

By Lisa Dauer  
John C. Conti  
Lisa D. Dauer

Attorneys for Defendants,  
RAJ Cardiovascular Association,  
Sung Jin Park, M.D., and Norman  
A. Hetzler, M.D.

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Request for Production of Expert Reports Directed to Plaintiffs Pursuant to Pa. R. Civ. P. 1042.28 have been served this 30 day of January, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

John P. Gismondi, Esquire  
Gismondi & Associates  
700 Grant Building  
Pittsburgh, PA 15219  
(Counsel for Plaintiffs)

John L. McIntyre, Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(Counsel for DuBois Regional Medical Center)

David R. Bahl, Esquire  
McCormick Law Firm  
835 West Fourth Street  
Williamsport, PA 17701  
(Counsel for Dr. Wenger)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Lisa D. Dauer  
Lisa D. Dauer

Attorneys for Defendants,  
RAJ Cardiovascular Association,  
Sung Jin Park, M.D., and Norman A.  
Hetzler, M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

CIVIL DIVISION

Plaintiffs,

No. 05-275-CD

vs.

ISSUE NO.:

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

CERTIFICATE OF READINESS

/Jury Trial Demanded

Defendants.

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED NO  
M 17 2006  
MAR 17 2006 (LW)

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD, and	)	
SHARON KIRKWOOD, his wife,	)	
	)	
Plaintiffs,	)	
	)	No. 05-275-CD
vs.	)	
	)	JURY TRIAL DEMANDED
RAJ CARDIOVASCULAR ASSOCIATES, INC.,	)	
SUNG JIN PARK, M.D.,	)	
NORMAN A. HETZLER, M.D.,	)	
DUBOIS REGIONAL MEDICAL CENTER, and,	)	
FRED G. WENGER, JR., D.O.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF READINESS**

Please place the above-captioned case on the next available trial list.

The type of trial requested is: XXX Jury        Non-Jury.

The estimated trial time is: 4-5 days

I further certify that pleadings are closed; all necessary depositions have been conducted; discovery in the case has been completed; and there are no outstanding motions pending.

Counsel as listed below have been served pursuant to local rules:

GISMONDI & ASSOCIATES

By

John P. Gismondi

Attorney for Plaintiffs

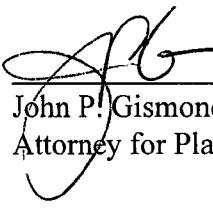
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished this 14<sup>th</sup> day of March, 2006, by U.S. Mail, First Class, postage pre-paid to the following:

John C. Conti, Esquire  
Dickie, McCamey & Chilcote  
400 Two PPG Place  
Pittsburgh, PA 15222-5402  
Attorney for RAJ Cardiovascular Associates,  
Sung Jin Park, MD, and Norman A. Hetzler, MD

John R. McIntyre, Esquire  
McIntyre, Dugas, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648  
Attorney for DuBois Regional Medical Center

David R. Bahl, Esquire  
The McCormick Law Firm  
835 West Fourth Avenue  
Williamsport, PA 17701  
Attorney for Fred G. Wenger, DO

  
John P. Gismondi, Esquire  
Attorney for Plaintiffs

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

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife

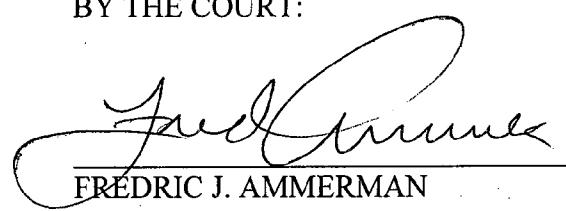
vs. : No. 05-275-CD

RAJ CARDIOVASCULAR ASSOCIATES, :  
INC., SUNG JIN PARK, MD, :  
NORMAN A. HETZLER, MD, DUBOIS :  
REGIONAL MEDICAL CENTER, and, :  
FRED G. WENGER, JR., DO :  
:

**ORDER**

AND NOW, this 28 day of March, 2006, it is the ORDER of the Court  
that Civil Jury Trial in the above matter has been scheduled for Monday, October 16,  
through and including, Friday, October 20, 2006, to commence each day at  
9:00 A.M., before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding,  
in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court  
Administrator's Office. You will be directed from there where this trial will be held.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

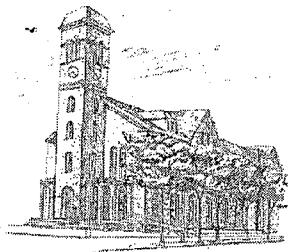
**FILED**

MAR 29 2006

010:45 AM 06  
William A. Shaw

Prothonotary/Clerk of Courts

CERT TO ATTY'S: GISMUND,  
CONTI / BAUER  
MCENTYRE  
BARN / ROMAN  
BROWN / REILLY



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw  
Prothonotary

DATE: 3-29-06

       You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other Judge Review

       Special Instructions:

RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife,	Plaintiffs	: IN THE COURT OF COMMON PLEAS : OF CLEARFIELD COUNTY, : PENNSYLVANIA
v.		: CIVIL DIVISION
		: NO. 05-275-CD
RAJ CARDIOVASCULAR ASSOCIATES, INC., SUNG JIN PARK, M.D., NORMAN A. HETZLER, M.D., DUBOIS REGIONAL MEDICAL CENTER and FRED G. WENGER, JR., D.O.,	Defendants	: CIVIL ACTION - LAW : JURY TRIAL DEMANDED

**NOTICE TO PLEAD**

TO: Plaintiffs Randy L. Kirkwood and Sharon Kirkwood  
c/o John P. Gismondi, Esquire  
310 Grant Street  
Suite 700  
Pittsburgh, PA 15219

You are hereby notified to file a written response to the enclosed *Answer and New Matter of Defendant Fred G. Wenger, Jr., D.O. to Plaintiffs' Amended Complaint* within twenty (20) days from service hereof or a judgment may be entered against you.

McCORMICK LAW FIRM

By:   
David R. Bahi, Esquire  
I.D. No. 10347  
Sean P. Roman, Esquire  
I.D. No. 63521  
Attorneys for defendants  
Geisinger Medical Center, et al.

**FILED**

JUL 24 2006

M/11:50/

William A. Shaw

Prothonotary/Clerk of Courts

1 cent to AIR

835 West Fourth Street

Williamsport, PA 17701

(570) 326-5131

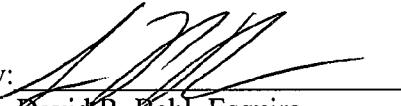
RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife, Plaintiffs : IN THE COURT OF COMMON PLEAS  
v. : OF CLEARFIELD COUNTY,  
RAJ CARDIOVASCULAR ASSOCIATES, : PENNSYLVANIA  
INC., SUNG JIN PARK, M.D., NORMAN :  
A. HETZLER, M.D., DUBOIS REGIONAL : CIVIL DIVISION  
MEDICAL CENTER and FRED G. :  
WENGER, JR., D.O., : NO. 05-275-CD  
Defendants : JURY TRIAL DEMANDED

**NOTICE TO PLEAD**

TO: Plaintiffs Randy L. Kirkwood and Sharon Kirkwood  
c/o John P. Gismondi, Esquire  
310 Grant Street  
Suite 700  
Pittsburgh, PA 15219

You are hereby notified to file a written response to the enclosed *Answer and New Matter of Defendant Fred G. Wenger, Jr., D.O. to Plaintiffs' Amended Complaint* within twenty (20) days from service hereof or a judgment may be entered against you.

McCORMICK LAW FIRM

By:   
David R. Bahl, Esquire  
I.D. No. 10347  
Sean P. Roman, Esquire  
I.D. No. 63521  
Attorneys for defendants  
Geisinger Medical Center, et al.

835 West Fourth Street  
Williamsport, PA 17701  
(570) 326-5131

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiffs

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY,  
: PENNSYLVANIA  
:  
: CIVIL DIVISION  
:  
: NO. 05-275-CD  
:  
: CIVIL ACTION - LAW  
:  
: JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER OF DEFENDANT FRED G. WENGER, JR., D.O.  
TO PLAINTIFFS' AMENDED COMPLAINT**

AND NOW, comes defendant, Fred G. Wenger, Jr., D.O., by and through his attorneys, McCormick Law Firm, and files the following Answer and New Matter to plaintiffs' amended complaint:

1. The answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 1 and therefore said averments are deemed denied and strict proof thereof is demanded at trial.

2. The answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 2 and therefore said averments are deemed denied and strict proof thereof is demanded at trial.

3. The answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 3 and therefore said averments are deemed denied and strict proof thereof is demanded at trial.

4. The answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 4 and therefore said averments are deemed denied and strict proof thereof is demanded at trial.

5. The allegations of paragraph 5 constitute a conclusion of law to which no response is deemed necessary. To the extent a response is deemed necessary, answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 5 and therefore said averments are deemed denied.

6. The allegations in paragraph 6 are directed to a defendant other than answering defendant and therefore no response is deemed necessary.

7. Admitted.

8. The allegations in paragraph 8 constitute a conclusion of law to which no response is deemed necessary. To the extent a response is deemed necessary, answering defendant was an employee of defendant, DuBois Regional Medical Center.

9. Denied. Answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 9 and therefore said averments are denied. However, the medical records do reflect that the plaintiff underwent a surgical procedure by Dr. Park at DuBois Regional Medical Center on June 25, 2003. The particulars of the care and treatment provided to the plaintiff are set forth in the medical records which, being in writing, speaks for itself. By way of further response, pursuant to Pennsylvania Rule of Civil Procedure 1029(e) all other allegations of fact set forth in this paragraph are denied.

10. Denied. Answering defendant is without knowledge or information as to the truth of the matters averred in paragraph 10 and therefore said averments are denied and strict proof thereof is demanded at trial.

11. Denied as stated. Reference is made to the medical records, in particular, the emergency room records of September 19, 2003 from the DuBois Regional Medical Center for a more complete accurate statement of the plaintiff's complaints and condition at that time.

12. Admitted that plaintiff was seen by defendant Dr. Wenger. Reference is made to the medical records, in particular the emergency room records of September 19, 2003 for a more complete and accurate description of the care and treatment provided to plaintiff.

13. Admitted in part and denied in part. It is admitted that after examining the plaintiff, Dr. Wenger immediately contacted Dr. Hetzler, a vascular surgeon, in the Dubois Regional Medical Center operating room concerning the patient's presentation. As to the remainder of the averments in paragraph 13, answering defendant is without knowledge or information as to the truth of the matters is averred and therefore strict proof is demanded at trial.

14. Denied pursuant to Pennsylvania Rules of Civil Procedure 1029(e). By way of further response, answering defendant does not know what plaintiff means by "definitive care" and is therefore incapable of responding to this allegation.

15. The allegations in paragraph 15 are directed to a defendant other than answering defendant therefore no response is deemed necessary. To the extent a response is deemed necessary, answering defendant is without knowledge or information as to the truth of the matters as averred in paragraph 15 and therefore said averments are deemed denied and strict proof is demanded at trial.

16. Answering defendant is without independent knowledge or information as to the truth of the matters averred in paragraph 16 and therefore said averments are denied. However, the medical records, specifically the medical records from DuBois Regional Medical Center of September 19, 2003, indicate the plaintiff's right leg was amputated. Reference is made to those medical records for a more complete and accurate statement of the care and treatment provided to the plaintiff.

17. Specifically denied. It is specifically denied that the amputation of plaintiff's right leg was caused by the negligence of defendant, Fred G. Wenger, Jr., D.O. It is further specifically denied that anything answering defendant did or did not do is in anyway related to any alleged damages/injuries that are alleged by plaintiff. To the contrary, at all times pertinent hereto, all care and treatment rendered to plaintiff by answering defendant was appropriate and proper under the circumstances and was at no time negligent and/or careless and was within the applicable standard of care. Proof to the contrary thereof is demanded at trial.

18. Specifically denied. It is specifically denied that plaintiff suffered any damages as the direct and/or proximate result of the purported negligent conduct of the answering defendant. The answering defendant specifically denies that any alleged damages and/or injuries claimed by plaintiffs were a result of any alleged negligence and/or failure to conform to the standard of care required of a healthcare provider with respect to the medical care and treatment rendered by answering defendant to plaintiff. To the contrary, at all times pertinent hereto, all medical care and treatment rendered by answering defendant was appropriate and proper under the circumstances and was at no time negligent or careless nor did it result in any damages sustained by plaintiff. Proof to the contrary thereof is demanded at trial.

19. Specifically denied. It is specifically denied that plaintiff Sharon Kirkwood is entitled to damages for loss of society, companionship and services of her spouse. Plaintiff Sharon Kirkwood was not married to the plaintiff husband at the time of the purported injury and therefore, pursuant to law, she is not permitted to recover said damages. To the extent plaintiff Sharon Kirkwood is permitted to claim such damages, it is specifically denied that any alleged damages claimed by plaintiffs were a result of any

alleged negligence and/or failure to conform to the standards of care required of a healthcare provider with respect to the medical care and treatment rendered by the answering defendant.

**COUNT I - NEGLIGENCE**

***Randy L. Kirkwood and Sharon Kirkwood v.  
Sung Jin Park, MD and RAJ Cardiovascular Associates, Inc.***

20. Answering defendant incorporates by reference paragraphs 1 through 19 above as if more fully set forth herein.

21. The allegations in paragraph 21 are directed to a defendant other than answering defendant and therefore no response is deemed necessary.

22. The allegations in paragraph 22, including subparagraphs a through f, are directed to a defendant other than answering defendant and therefore no response is deemed necessary.

23. The allegations in paragraph 23 are directed to a defendant other than answering defendant and therefore no response is deemed necessary.

WHEREFORE, answering defendant respectfully request this Honorable Court to enter judgment in his favor and to dismiss plaintiffs' complaint with prejudice.

**COUNT II - NEGLIGENCE**

***Randy L. Kirkwood and Sharon Kirkwood, his wife, v.  
Norman A. Hetzler, MD and RAJ Cardiovascular Associates, Inc.***

24. Answering defendant incorporates by reference paragraphs 1 through 23 above as if more fully set forth herein.

25. The allegations in paragraph 25, including subparagraphs a through j, are directed to a defendant other than the answering defendant and therefore no response is deemed necessary.

26. The allegations in paragraph 26 are directed to a defendant other than the answering defendant and therefore no response is deemed necessary.

WHEREFORE, answering defendant respectfully request this Honorable Court to enter judgment in his favor and to dismiss plaintiffs' complaint with prejudice.

### **COUNT III**

*Plaintiffs v.  
Fred G. Wenger, Jr., D.O., and DuBois Regional Medical Center*

27. Answering defendant incorporates by reference paragraphs 1 through 26 above as more fully set forth herein.

28. Specifically denied. It is specifically denied that defendant Dr. Wenger was negligent in any respect and at all times relevant hereto, the care and treatment provided by answering defendant was appropriate and proper under the circumstances and was provided within the applicable standard of medical care. By way of further response, answering defendant further specifically denies that any alleged damages/injuries claimed by plaintiffs were the result of any alleged negligence and or failure to conform the standards of care required of a health care provider.

29. The allegations in paragraph 29 constitute a conclusion of law to which no response is deemed necessary.

30. Specifically denied. It is specifically denied that the conduct of Dr. Wenger was a substantial legal cause of the amputation suffered by the plaintiff. It is specifically denied that the answering defendant was negligent in any respect. To the contrary, at all

times relevant hereto, the care and treatment provided by answering defendant was appropriate and proper under the circumstances and was provided within the applicable standard of medical care. By way of further response, answering defendant specifically denies that any alleged damages/injuries claimed by plaintiffs were caused by any alleged negligence and or failure to conform the standards of care required of a health care provider with respect to the medical treatment rendered by answering defendant to plaintiff.

WHEREFORE, answering defendant respectfully request this Honorable Court to enter judgment in his favor and to dismiss plaintiffs' complaint with prejudice.

**COUNT V**

*Plaintiff v.  
DuBois Regional Medical Center*

30. Answering defendant incorporates by reference paragraphs 1 through 29 above as if more fully set forth herein.

31. The allegations of paragraph 31 are directed to a defendant other than the answering defendant and therefore no response is deemed necessary. To the extent a response is deemed necessary, it is specifically denied that answering defendant was negligent in any respect and at all times relevant hereto, the care and treatment provided by answering defendant was appropriate and proper under the circumstances and was provided within the applicable standard of medical care. By way of further response, it is specifically denied that any alleged damages/injuries claimed by plaintiffs were the result of any alleged negligence and/or failure to confirm to the standards of care required of a health care provider with respect to the medical care and treatment rendered by answering defendant to plaintiff. Proof to the contrary thereof is demanded at trial.

WHEREFORE, answering defendant respectfully request this Honorable Court to enter judgment in his favor and to dismiss plaintiffs' complaint with prejudice.

**NEW MATTER**

32. Answering defendant incorporates by reference paragraphs 1 through 31 above as if more fully set forth herein.

33. There was no negligence or other actionable conduct committed by or on the part of defendant Dr. Wenger and plaintiffs' complaint fails to state a cause of action against him.

34. Even if it were judicially determined that defendant Dr. Wenger was negligent, all of which is specifically denied, no such action was causally related to any injuries and or damages which plaintiffs claim.

35. Pursuant to the provisions of the Medical Care Availability and Reduction of Error Act, 40 PS § 1303.101 et seq, defendant Dr. Wenger, insofar as he is considered to be a health care provider, is neither a guarantee nor warrantor of a cure.

36. Any acts or omissions of defendant Dr. Wenger alleged to constitute negligence were not substantial causes or factors of the subject incident and/or did not result in the injuries and/or losses alleged by the plaintiff.

37. The incident, injuries and/or damages alleged to have been sustained by plaintiff were not proximately caused by defendant Dr. Wenger.

38. The alleged injuries and/or damages sustained by plaintiff, were caused or contributed to, in whole or in part, by persons or entities other than defendant Dr. Wenger, and over whom defendant Dr. Wenger had no control, and for whose actions defendant Dr. Wenger is not liable.

40. Plaintiff Sharon Kirkwood is precluded by law from recovering damages for loss of consortium because she was not married to plaintiff Randy Kirkwood at the time of plaintiff's purported injuries.

41. All care and treatment rendered to the plaintiff by the answering defendant was appropriate, reasonable and within the required standard of care.

42. To the extent that evidence may show that other persons, partnerships, corporations or legal entities caused or contributed to the injuries and/or exacerbation of the preexisting conditions of the plaintiff, defendant was not the proximate cause of such condition or injuries.

43. Plaintiff's injuries and losses, if any, were not caused by the conduct or negligence of the answering defendant, but were rather caused by medical conditions and causes beyond the control of the answering defendant, therefore, plaintiff may not recover against him.

Respectfully Submitted,

McCORMICK LAW FIRM



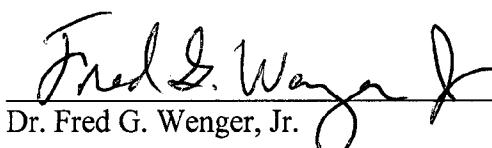
David R. Bahl, Esquire  
PA. I.D. #10347  
Sean P. Roman, Esquire  
PA. I.D. #63521  
Attorneys for defendant  
Fred G. Wenger, Jr., D.O.

835 West Fourth Street  
Williamsport, PA 17701  
570-326-5131

## VERIFICATION

I, Fred G. Wenger, Jr., verify that the facts set forth in the forgoing Answer and New Matter 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.A. §4904, relating to unsworn falsifications to authorities.

Dated: April 24, 2006

  
Dr. Fred G. Wenger, Jr.

RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife,	: IN THE COURT OF COMMON PLEAS
	: OF CLEARFIELD COUNTY,
Plaintiffs	: PENNSYLVANIA
	: CIVIL DIVISION
	: CIVIL ACTION – LAW
v.	: MEDICAL CENTER and FRED G.
	: WENGER, JR., D.O.,
	Defendants : JURY TRIAL DEMANDED

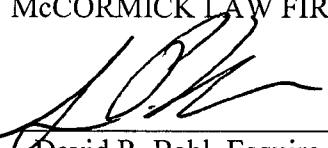
**CERTIFICATE OF SERVICE**

I, SEAN P. ROMAN, ESQUIRE, hereby certify that a true and correct copy of the foregoing *Answer and New Matter of Defendant Fred G. Wenger, Jr., D.O. to Plaintiffs' Amended Complaint* was served this 20th day of July, 2006, as indicated:

**U.S. MAIL: POSTAGE PRE-PAID**

John L. McIntyre, Esquire McINTYRE, DUGAS, HARTYE & SCHMITT P.O. Box 533 Hollidaysburg, PA 16648	John C. Conti, Esquire DICKIE, McCAMEY & CHILCOTE 400 Two PPG Pl Pittsburgh, PA 15222	John P. Gismondi, Esquire 310 Grant Street Suite 700 Pittsburgh, PA 15219
--	---	--

McCORMICK LAW FIRM

By: 

David R. Bahl, Esquire  
PA. I.D. #10347  
Sean P. Roman, Esquire  
PA. I.D. #63521  
Attorneys for defendant  
Fred G. Wenger, Jr., D.O.

835 West Fourth Street  
Williamsport, PA 17701  
570-326-5131

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

: No. 05-275-CD

Plaintiffs

: ISSUE:

: ANSWER AND NEW MATTER  
TO PLAINTIFFS' AMENDED  
COMPLAINT

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

: Filed on behalf of Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

Defendants

: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 25<sup>th</sup> DAY OF JULY, 2006.

\_\_\_\_\_  
Atorneys for Named Defendant

FILED NO cc  
SUL 1:00 PM  
JUL 26 2006  
LS

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife, : No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

: JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER TO PLAINTIFFS' AMENDED COMPLAINT**

AND NOW, come the Defendant, **DUBOIS REGIONAL MEDICAL CENTER**, and files the following Answer and New Matter to the Plaintiffs' Amended Complaint and in support set forth the following:

1. Admitted.

2 - 5. Said allegations are directed to other parties; hence, no response is required

6. Admitted.

7. Admitted.

8. Admitted.

9-10. In response to Paragraph Nos. 9 and 10, said averments are denied in accordance with Pa. R.C.P. 1029(e).

11. In response to Paragraph No. 11, it is admitted that on September 19, 2003, Randy Kirkwood was transported to DRMC. As to the remainder of said

averments, they are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at trial.

12. Admitted.

13-15. In response to Paragraph Nos. 13 – 15, said allegations are denied in accordance with Pa. R.C.P. 1029(e) and strict proof thereof is demanded at trial. Further, it is admitted that Dr. Wenger spoke to Dr. Hetzler and provided information, consistent with the testimony of Dr. Wenger and Dr. Hetzler. As to the remainder of the allegations in Paragraph Nos. 14 and 15, the same are directed to the doctors and; hence, no response is required.

16. Admitted.

17. In response to Paragraph No. 17, said averments constitute a legal conclusion to which no response is required. Insofar as a response is required, strict proof of all claims of negligence of this Defendant, as well as causation, is demanded at the time of trial.

18-19. In response to Paragraph Nos. 18 - 19, said averments are denied in accordance with Pa. R.C.P. 1029(e). and strict proof of all claims for injuries, damages and the cause of same is demanded at the time of trial.

#### **COUNT I – NEGLIGENCE**

**Randy L. Kirkwood and Sharon Kirkwood v. Sung Jin Park, M.D. and RAJ**

**Cardiovascular Associates, Inc.**

20-23. In response to Paragraph Nos. 20 – 23 in Count I of the Plaintiffs' Amended Complaint, said averments are not directed to this answering Defendant; hence, no response is required.

## **COUNT II – NEGLIGENCE**

**Randy L. Kirkwood and Sharon Kirkwood, his wife, v. Norman A. Hetzler, M.D. and  
RAJ Cardiovascular Associates, Inc.**

24-26. In response to Paragraph Nos. 24 – 26 in Count II of the Plaintiffs' Amended Complaint, said averments are not directed to this answering Defendant; hence, no response is required.

## **COUNT III**

**Plaintiffs v. Frank G. Wenger, Jr., D.O. and DuBois Regional Medical Center**

27. In response to Paragraph No. 27, DRMC incorporates its prior responses to Paragraph Nos. 1 – 26, as though the same were set forth at length.

28. In response to Paragraph No. 28a. – f., the same are denied in accordance with Pa. R.C.P. 1029(e). By way of further answer, the averments of Paragraph No. 28 are directed to Dr. Wenger and no further response is required by DRMC.

29. It is admitted that Dr. Wenger was acting as an agent of DRMC. As to the remainder of said allegations, the same constitute a legal conclusion.

30. In response to Paragraph No. 30. said averments constitute a legal conclusion and strict proof of the legal cause is an issue for trial.

WHEREFORE, the Defendant, DRMC, respectfully requests that Count III of Plaintiffs' Amended Complaint be dismissed with prejudice.

**COUNT V**

**Plaintiffs v. DuBois Regional Medical Center**

30. In response to Paragraph No. 30, DRMC incorporates by reference, its prior answers to Paragraph Nos. 1 – 30, as though the same were set forth at length.
31. In response to Paragraph No. 31, of Plaintiffs' Amended Complaint, it is denied that DRMC was negligent, acting through its nurses, nurses' aides, technicians, physicians or other agents, generally or on September 19, 2003, in providing care and treatment to Randy Kirkwood. At all times, the agents, servants or employees of DRMC did recognize and appreciate the conditions then and there existing, did provide adequate and forward information to Dr. Hetzler and Dr. Wenger. Further, DRMC cannot provide any Orders or administer medications without the Order of a physician. DRMC, through its agents, servants or employees, must follow the directions of physicians. Strict proof of allegations in sub-paragraphs a. – g. is demanded at the time of trial.

WHEREFORE, the Defendant, DRMC, respectfully requests that Count V of Plaintiffs' Amended Complaint be dismissed with prejudice and judgment entered in its favor.

**NEW MATTER**

By way of further answer, DuBois Regional Medical Center, sets forth the following New Matter:

31. Plaintiffs' claims are barred or limited as provided under the Health Care Services Malpractice Act, as amended, or the MCARE Act.
32. At all times, all medical care and treatment provided by the agents, servants or employees and/or ostensible agents, servants or employees of DuBois

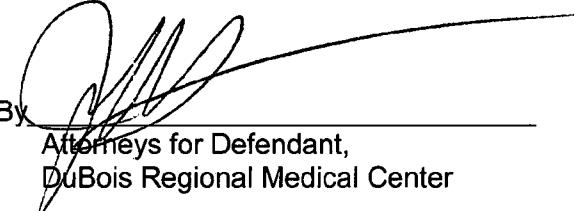
Regional Medical Center met or exceeded the applicable standard of care existing then and there under the circumstances.

33. At all times, Dr. Wenger, provided medical care and treatment in accordance with the accepted standard of care then and there existing.

WHEREFORE, the Defendant, DuBois Regional Medical Center, respectfully request that the Plaintiffs' Amended Complaint be dismissed with prejudice and judgment entered in its favor.

Respectfully submitted,

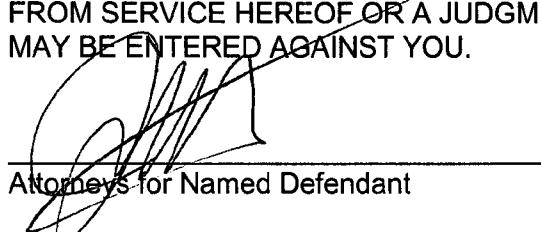
McINTYRE, HARTYE & SCHMITT

By   
Atorneys for Defendant,  
DuBois Regional Medical Center

**John L. McIntyre, Esquire**  
PA I.D. #28015  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

TO: PLAINTIFFS

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

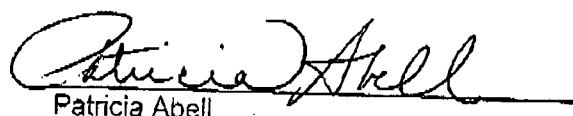
  
Atorneys for Named Defendant

VERIFICATION

I, Patricia Abell, Risk Management Assistant of **DuBois Regional Medical Center**, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFFS' AMENDED COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

**DUBOIS REGIONAL MEDICAL CENTER**



Patricia Abell

Date July 24, 2006

RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife, Plaintiffs : IN THE COURT OF COMMON PLEAS  
of CLEARFIELD COUNTY,  
PENNSYLVANIA

v.

RAJ CARDIOVASCULAR ASSOCIATES, :  
INC., SUNG JIN PARK, M.D., NORMAN :  
A. HETZLER, M.D., DUBOIS REGIONAL : CIVIL ACTION - LAW  
MEDICAL CENTER and FRED G. :  
WENGER, JR., D.O., :  
Defendants : JURY TRIAL DEMANDED

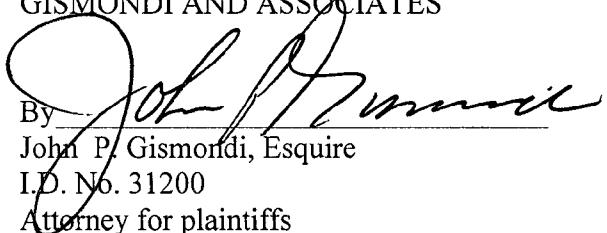
**PRAECIPE TO VOLUNTARY DISCONTINUE**

**TO THE PROTHONOTARY:**

Please mark the above matter voluntarily discontinued as to defendant Fred G. Wenger, Jr., D.O. All parties concur in this discontinuance as reflected in the attached consents.

Respectfully submitted,

GISMONDI AND ASSOCIATES

By   
John P. Gismonti, Esquire  
I.D. No. 31200  
Attorney for plaintiffs  
Randy L. Kirkwood and Sharon Kirkwood  
310 Grant Street, Suite 700  
Pittsburg, PA15219

Dated: 9/11/06

**FILED**

SEP 15 2006

M 12:50 PM

William A. Shaw  
Prothonotary/Clerk of Courts

no c/c

RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife, Plaintiffs : IN THE COURT OF COMMON PLEAS  
v. : OF CLEARFIELD COUNTY,  
RAJ CARDIOVASCULAR ASSOCIATES, : PENNSYLVANIA  
INC., SUNG JIN PARK, M.D., NORMAN : CIVIL DIVISION  
A. HETZLER, M.D., DUBOIS REGIONAL : NO. 05-275-CD  
MEDICAL CENTER and FRED G. : CIVIL ACTION - LAW  
WENGER, JR., D.O., :  
Defendants : JURY TRIAL DEMANDED

**CONSENT TO VOLUNTARY DISCONTINUE**

AND NOW, comes defendants RAJ Cardiovascular Associates, Inc., Sung Jin Park, M.D., and Norman A. Hetzler, M.D., by and through their attorney, Lisa Dauer, and hereby agrees to the Voluntary Discontinuance of the above matter as to defendant Fred. G. Wenger Jr., D.O.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

By Lisa Dauer  
Lisa Dauer, Esquire

I.D. No. 63274

Attorney for Defendants  
RAJ Cardiovascular Associates, Inc.,  
Sung Jin Park, M.D.,  
Norman A. Hetzler, M.D.,  
400 Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

Dated: 9/1/06

RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife, Plaintiffs : IN THE COURT OF COMMON PLEAS  
v. : OF CLEARFIELD COUNTY,  
RAJ CARDIOVASCULAR ASSOCIATES, : PENNSYLVANIA  
INC., SUNG JIN PARK, M.D., NORMAN :  
A. HETZLER, M.D., DUBOIS REGIONAL : CIVIL DIVISION  
MEDICAL CENTER and FRED G. :  
WENGER, JR., D.O., :  
Defendants : NO. 05-275-CD  
Defendants : JURY TRIAL DEMANDED

**CONSENT TO VOLUNTARY DISCONTINUE**

AND NOW, comes defendant Dubois Regional Medical Center by and through their attorney, John L. McIntyre and hereby agrees to the Voluntary Discontinuance of the above matter as to defendant Fred. G. Wenger Jr., D.O.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

By

John L. McIntyre, Esquire  
I.D. No. 28015  
Attorney for Defendant  
Dubois Regional Medical Center  
P.O. Box 533  
Hollidaysburg, PA 16648

Dated: 9-1-06

RANDY L. KIRKWOOD and SHARON KIRKWOOD, his wife,	Plaintiffs	: IN THE COURT OF COMMON PLEAS : OF CLEARFIELD COUNTY, : PENNSYLVANIA
v.		: CIVIL DIVISION
RAJ CARDIOVASCULAR ASSOCIATES, INC., SUNG JIN PARK, M.D., NORMAN A. HETZLER, M.D., DUBOIS REGIONAL MEDICAL CENTER and FRED G. WENGER, JR., D.O.,	Defendants	: NO. 05-275-CD : CIVIL ACTION - LAW : JURY TRIAL DEMANDED

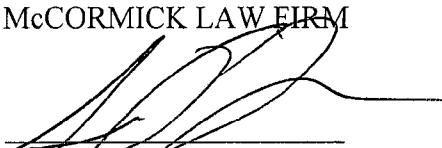
**CERTIFICATE OF SERVICE**

I, SEAN P. ROMAN, ESQUIRE, hereby certify that a true and correct copy of the *Praecipe to Voluntary Discontinue of Defendant Fred G. Wenger, Jr., D.O.* was served this 14th day of September, 2006, as indicated:

**U.S. MAIL: POSTAGE PRE-PAID**

John L. McIntyre, Esquire McINTYRE, DUGAS, HARTYE & SCHMITT P.O. Box 533 Hollidaysburg, PA 16648	John C. Conti, Esquire DICKIE, McCAMEY & CHILCOTE 400 Two PPG Pl Pittsburgh, PA 15222	John P. Gismondi, Esquire 310 Grant Street Suite 700 Pittsburgh, PA 15219
--	---	--

McCORMICK LAW FIRM

By:   
 David R. Bahl, Esquire  
 PA. I.D. #10347  
 Sean P. Roman, Esquire  
 PA. I.D. #63521  
 Attorneys for defendant  
 Fred G. Wenger, Jr., D.O.

835 West Fourth Street  
 Williamsport, PA 17701  
 570-326-5131

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD, and  
SHARON KIRKWOOD, his wife,

Plaintiffs,

vs.

RAJ CARDIOVASCULAR ASSOCIATES, INC.,  
SUNG JIN PARK, MD,  
NORMAN A. HETZLER, MD,  
DuBOIS REGIONAL MEDICAL CENTER, and,  
FRED G. WENGER, JR., DO,

Defendants.

CIVIL DIVISION

No. 05-275-CD

ISSUE NO.:

PRAECIPE TO SETTLE AND  
DISCONTINUE AS TO RAJ CARDIO-  
VASCULAR ASSOCIATES, INC., SUNG  
JIN PARK, MD and NORMAN A.  
HETZLER, MD

Civil Action/Medical Professional  
Negligence

Filed on behalf of  
Plaintiff

Counsel of record for this  
Party:

John P. Gismondi, Esquire  
PA I. D. # 31200

GISMONDI & ASSOCIATES  
Firm I.D. #858  
700 Grant Building  
Pittsburgh, PA 15219  
(412) 281-2200

FILED

SEP 22 2006  
11:55 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
W.C.C.

COPY TO C/A.

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

RANDY L. KIRKWOOD, and )  
SHARON KIRKWOOD, his wife, )  
Plaintiffs, )  
vs. )  
RAJ CARDIOVASCULAR ASSOCIATES, INC., )  
SUNG JIN PARK, M.D., )  
NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL CENTER, and, )  
FRED G. WENGER, JR., D.O., )  
Defendants. )

No. 05-275-CD  
JURY TRIAL DEMANDED

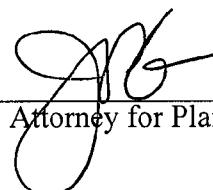
**PRAECIPE TO SETTLE AND DISCONTINUE AS TO RAJ CARDIOVASCULAR  
ASSOCIATES, INC., SUNG JIN PARK, MD, AND NORMAN A. HETZLER, MD**

TO: Prothonotary

SIR:

To settle, discontinue or satisfy--verdicts, judgments, executions, awards, decrees, equity, liens, counterclaims or crossclaims and plaintiff's case or as to garnishee only, D.S.B., M.L. & Claims.

OTHERS:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attorney for Plaintiffs

I hereby certify that the foregoing is a true and correct statement of the above case.

This statement is made subject to the penalties of 18 PA. C.S. § 4904 relating to unsworn falsifications to authorities.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

Plaintiffs,

v.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants.

CIVIL DIVISION

No. 05-275-C.D.

**STIPULATION TO DISCONTINUE  
ACTION WITH PREJUDICE AS TO  
SUNG JIN PARK, M.D., AND  
STIPULATION TO AMEND CAPTION**

Code:

Filed on behalf of Defendants,  
RAJ Cardiovascular Association,  
incorrectly identified as RAJ  
Cardiovascular Associates, Inc., Sung Jin  
Park, M.D., and Norman A. Hetzler, M.D.

Counsel of record for these parties:

John C. Conti, Esq.  
PA I.D. #28071

Lisa D. Dauer, Esq.  
PA I.D. #63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED  
013:37/69  
SEP 27 2006  
NO CC  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and	)	CIVIL DIVISION
SHARON KIRKWOOD, his wife,	)	
	)	No. 05-275-C.D.
Plaintiffs,	)	
	)	
v.	)	
	)	
RAJ CARDIOVASCULAR	)	
ASSOCIATES, INC., SUNG JIN	)	
PARK, M.D., NORMAN A. HETZLER,	)	
M.D., DUBOIS REGIONAL MEDICAL	)	
CENTER and FRED G. WENGER,	)	
JR., D.O.,	)	

Defendants.

**STIPULATION TO DISCONTINUE ACTION WITH PREJUDICE AS TO  
SUNG JIN PARK, M.D., AND STIPULATION TO AMEND CAPTION**

AND NOW come three of the defendants, RAJ Cardiovascular Association, incorrectly identified as RAJ Cardiovascular Associates, Inc., Sung Jin Park, M.D., and Norman A. Hetzler, M.D., by and through their attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and file the following Stipulation:

It is hereby stipulated and agreed by and among counsel for all parties, each having the authority of their respective clients and consequently the capacity to bind each, that the defendant, **SUNG JIN PARK, M.D.**, is dismissed as a party-defendant from this action with prejudice and that the action as to **SUNG JIN PARK, M.D.**, is discontinued with prejudice.

The parties fully acknowledge that the applicable statute of limitations has expired and that this dismissal includes any potential crossclaims or claims for indemnity and/or contribution.

Although this Stipulation has been executed in counterparts, it is to be construed as a whole.

It is further stipulated and agreed to that the caption of the case shall be amended accordingly to reflect the dismissal of **SUNG JIN PARK, M.D.**

DICKIE, MCCAMEY & CHILCOTE, P.C.

Dated: 9/13/02

By



John C. Conti  
Lisa D. Dauer

Attorneys for Defendants,  
RAJ Cardiovascular Association,  
incorrectly identified as RAJ  
Cardiovascular Associates, Inc., Sung Jin  
Park, M.D., and Norman A. Hetzler, M.D.

STIPULATED AND AGREED TO BY:

GISMONDI & ASSOCIATES

Dated: 8/24/06

By

  
John P. Gismondi

Attorneys for Plaintiffs,  
Randy L. Kirkwood and Sharon Kirkwood

STIPULATED AND AGREED TO BY:

MCINTYRE, DUGAS, HARTYE &  
SCHMITT

Dated: 8-28-06

By

  
John L. McIntyre

Attorneys for Defendant,  
DuBois Regional Medical Center

STIPULATED AND AGREED TO BY:

Dated: 9/8/06

MCCORMICK LAW FIRM

By

  
David R. Bahl

David R. Bahl

Attorneys for Defendant,  
Fred G. Wenger, Jr., D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON ) CIVIL DIVISION  
KIRKWOOD, his wife, )  
Plaintiffs, ) No. 05-275-C.D.  
v. )  
RAJ CARDIOVASCULAR )  
ASSOCIATES, INC., SUNG JIN PARK, )  
M.D., NORMAN A. HETZLER, M.D., )  
DUBOIS REGIONAL MEDICAL )  
CENTER and FRED G. WENGER, JR., )  
D.O., )  
Defendants. )

FILED <sup>SCC</sup>  
013:37/64 Atty  
SEP 27 2006 Dover  
(GK)

William A. Shaw  
Prothonotary/Clerk of Courts

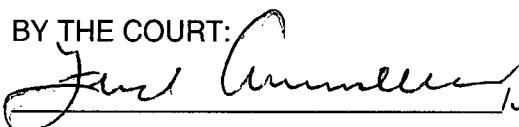
ORDER OF COURT

AND NOW, to wit, this 27 day of September, 2006, upon presentation of the  
within **STIPULATION FOR DISCONTINUANCE OF ACTION WITH PREJUDICE AS TO SUNG JIN  
PARK, M.D., AND STIPULATION TO AMEND CAPTION**, it is hereby ORDERED, ADJUDGED and  
DECREED that **SUNG JIN PARK, M.D.**, is hereby dismissed with prejudice as a party-defendant  
from this action and that the action is discontinued with prejudice as to **SUNG JIN PARK, M.D.**, and  
that the caption shall be amended to read as follows:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDY L. KIRKWOOD and SHARON ) CIVIL DIVISION  
KIRKWOOD, his wife, )  
Plaintiffs, ) No. 05-275-C.D.  
v. )  
RAJ CARDIOVASCULAR )  
ASSOCIATES, INC., NORMAN A. )  
HETZLER, M.D., DUBOIS )  
REGIONAL MEDICAL CENTER and )  
FRED G. WENGER, JR., D.O., )  
Defendants. )

BY THE COURT:



UA

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife,

No. 05-275-CD

**ISSUE:**

Stipulation

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

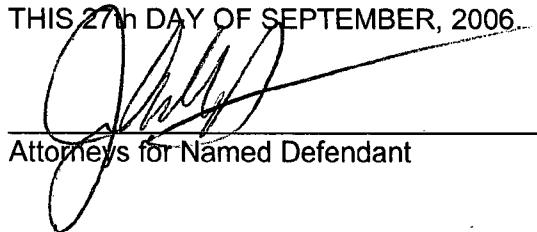
Filed on behalf of Defendant,  
DUBOIS REGIONAL MEDICAL  
CENTER

Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 27th DAY OF SEPTEMBER, 2006.

  
\_\_\_\_\_  
Atorneys for Named Defendant

**FILED**  
09/25/06 4CC  
OCT 03 2006 Amy McIntyre  
*(Signature)*

William A. Shaw  
Prothonotary/Clerk of Courts

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife, : No. 05-275-CD

Plaintiffs

vs.

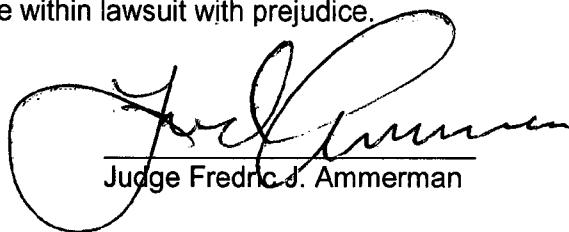
RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants : JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, the 29<sup>th</sup> of September, 2006, pursuant to the

Stipulation of counsel, this Court hereby orders and decrees that DuBois Regional  
Medical Center is dismissed from the within lawsuit with prejudice.



Judge Fredric J. Ammerman

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife, : No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

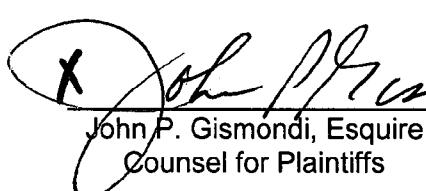
Defendants

JURY TRIAL DEMANDED

**STIPULATION**

AND NOW, this 26<sup>th</sup> day of September, 2006, it is agreed by and  
amongst all of the parties and their counsel, that the DuBois Regional Medical Center is  
to be Dismissed with Prejudice from the within lawsuit.

  
John L. McIntyre, Esquire  
Attorney for DuBois Regional  
Medical Center

  
John P. Gismondi, Esquire  
Counsel for Plaintiffs

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

RANDY L. KIRKWOOD and SHARON  
KIRKWOOD, his wife, : No. 05-275-CD

Plaintiffs

vs.

RAJ CARDIOVASCULAR ASSOCIATES,  
INC., SUNG JIN PARK, M.D., NORMAN  
A. HETZLER, M.D., DUBOIS REGIONAL  
MEDICAL CENTER and FRED G.  
WENGER, JR., D.O.,

Defendants

JURY TRIAL DEMANDED

**STIPULATION**

AND NOW, this 26th day of September, 2006, it is agreed by and  
amongst all of the parties and their counsel, that the DuBois Regional Medical Center is  
to be Dismissed with Prejudice from the within lawsuit.



John L. McIntyre, Esquire  
Attorney for DuBois Regional  
Medical Center



Lisa D. Dauer, Esquire  
Counsel for RAJ Cardiovascular  
Associates, Dr. Park and Dr. Hetzler

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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Medical Center

  
David R. Bahl, Esquire  
Counsel for Dr. Wenger