

Pamela Songer et al v. DRMC  
2005-543-CD

05-543-CD  
P. Songer et al vs. DuBois Regional

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD  
Plaintiffs, :  
: v. :  
: Dubois Regional Medical Center, and :  
Ralph Hamby, CRNA, :  
: Defendants. : TRIAL BY JURY DEMANDED

**NOTICE TO DEFEND**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF  
YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO  
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THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A  
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(814) 765-2641 Ext. 50-51

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*m/j: 40871* *APR 18 2005* *2cc Shff*

William A. Shaw  
Prothonotary/Clerk of Courts

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Ralph Hamby, CRNA, :  
: :  
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**COMPLAINT IN CIVIL ACTION**

Plaintiffs, Pamela Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, by and through their attorneys, SCHENCK & LONG, per William J. Schenck and Sheryle L. Long, file this Complaint in Civil Action:

1. Plaintiff Pamela Songer is an individual residing at 212 Arch Street, New Bethlehem, Clarion County, Pennsylvania 16242. Plaintiff Pamela Songer is the wife of Martin D. Songer, Sr., deceased.
2. Plaintiff Pamela Songer is the qualified and appointed personal representative of the Estate of her now deceased husband, Martin D. Songer, Sr., as evidenced by a certificate of the Register of Wills of Clarion County, Pennsylvania recorded at File No. 16-05-00065.
3. Defendant Dubois Regional Medical Center is a hospital registered to do business in Pennsylvania and is engaged in the business of providing healthcare and services to the general public, with an address of 100 Hospital

Avenue, Dubois, Clearfield County, Pennsylvania 15801. Plaintiffs are asserting a professional liability claim against this Defendant.

4. Defendant Ralph Hamby, CRNA, is a Certified Registered Nurse Anesthetist, whose professional address is 100 Hospital Avenue, Dubois, Clearfield County, Pennsylvania 15801. Plaintiffs are asserting a professional liability claim against this Defendant.
5. Defendant Ralph Hamby, CRNA, at all times relevant, was providing medical care to Martin D. Songer, Sr., deceased, in his capacity as a Certified Registered Nurse Anesthetist in the critical care unit of Defendant Dubois Regional Medical Center. Upon information and belief, Defendant Ralph Hamby, CRNA, was an agent, servant, or employee, or an apparent agent, servant, or employee, of Defendant Dubois Regional Medical Center.
6. On March 9, 2004, fifty-six year old Plaintiff Martin D. Songer, Sr., presented to the emergency department of Clarion Hospital with complaints of mid-sternal chest discomfort.
7. On March 9, 2004, after initial treatment and evaluation at Clarion Hospital, Martin D. Songer, Sr., was transferred to Defendant Dubois Regional Medical Center for further diagnosis and care, including cardiac catheterization.
8. Upon arrival at Defendant Dubois Regional Medical Center, Martin D. Songer, Sr., was evaluated as having an acute coronary problem.
9. Upon arrival at Defendant Dubois Regional Medical Center, Martin D. Songer, Sr., was awake, alert, oriented and denied discomfort.

10. On March 9, 2004, Martin D. Songer, Sr., underwent a cardiac catheterization. Martin D. Songer, Sr., tolerated the procedure well without complications.
11. Following the cardiac catheterization, coronary artery bypass surgery was recommended.
12. On March 9, 2004, following the cardiac catheterization, Martin D. Songer, Sr., was taken to the operating room of Defendant Dubois Regional Medical Center for coronary artery bypass surgery. The operative procedure was performed by Norman Hetzler, M.D.
13. Martin D. Songer, Sr., was intubated endotracheally and placed under general anesthesia by S. M. Gharib, M.D., for the surgery.
14. The anesthesia record for Martin D. Songer, Sr., records that RSI with cricoid pressure was atraumatic, not difficult and only one attempt was needed.
15. Following the coronary artery bypass surgery, Martin D. Songer, Sr., was transferred to the Cardiovascular Intensive Care Unit (hereinafter called CVU) of Defendant Dubois Regional Medical Center, while intubated.
16. On March 10, 2004, while still intubated, at 1:50 p.m., Martin D. Songer, Sr.'s, arterial blood gas values revealed an adequate arterial oxygen concentration and adequate ventilation.
17. On March 10, 2004, Martin D. Songer, Sr., was extubated at 2:10 p.m.
18. The anesthesia orders for CVOR, which includes the initiation of post-operative CABG/Valve ventilator support orders, in Martin D. Songer, Sr.'s, medical chart from Defendant Dubois Regional Medical Center, are unsigned

and provide for ventilator settings upon arrival to the CVU and also for weaning and extubation.

19. The Clinical Pathway for CABG/Valve/ASD Repair in Martin D. Songer, Sr.'s, medical chart from Defendant Dubois Regional Medical Center provides for "vent management per orders" and to "follow fast track extubation orders unless otherwise ordered".
20. At 3:00 p.m., on March 10, 2004, following extubation, Martin D. Songer, Sr., failed BIPAP.
21. Martin D. Songer, Sr., became anxious and tachypneic.
22. Martin D. Songer, Sr., began to desaturate with oxygen saturations decreasing to between 84 to 86%. The anesthesia department was called to the CVU to electively reintubate Martin D. Songer, Sr.
23. At 3:35 p.m., on March 10, 2004, Defendant Ralph Hamby, CRNA, was present in the CVU of Defendant Dubois Regional Medical Center to endotracheally intubate Martin D. Songer, Sr.
24. At 3:35 p.m., on March 10, 2004, Defendant Ralph Hamby, CRNA, medicated Martin D. Songer, Sr., for endotracheal intubation with Diprivan 50mg. IV followed by two more doses of 50mg each, for a total of 150mg. In addition, Defendant Ralph Hamby, CRNA, administered 100 mg Anectine to Martin D. Songer, Sr.
25. Defendant Ralph Hamby, CRNA, through laryngoscopy, visualized the vocal cords and noted Martin D. Songer, Sr.'s airway was edematous. He tried to intubate Martin D. Songer, Sr., but was not successful.

26. Following the unsuccessful endotracheal intubation, Defendant Ralph Hamby, CRNA, lost the ability and was unable to successfully ventilate Martin D. Songer, Sr., causing his oxygen saturations to drop and his heart to develop an idioventricular rhythm.
27. At 3:39 p.m., on March 10, 2004, Defendant Ralph Hamby, CRNA, attempted intubation a second time on Martin D. Songer, Sr. Endotracheal intubation was again unsuccessful.
28. Following the second unsuccessful intubation, Defendant Ralph Hamby, CRNA, continued to be unable to ventilate Martin D. Songer, Sr. The medical chart indicates Martin D. Songer, Sr.'s, abdomen was very distended and firm and that his heart was in an idioventricular rhythm. A temporary pacer was connected to epicardial wires and epinephrine was given. The emergency department was contacted for assistance.
29. During the attempts to endotracheally intubate Martin D. Songer, Sr., Defendant Ralph Hamby, CRNA, and employees and agents of Defendant Dubois Regional Medical Center, lost control of the airway and the ability to ventilate Martin D. Songer, Sr.
30. At 3:40 p.m., on March 10, 2004, Defendant Ralph Hamby, CRNA, attempted for the third time to perform endotracheal intubation on Martin D. Songer, Sr. The third endotracheal intubation was unsuccessful and Martin D. Songer, Sr., was unable to be ventilated.
31. At 3:40 p.m., on March 10, 2004, the anesthesiologist was paged to come to the hospital.

32. Following the third unsuccessful intubation, the medical chart indicates there was a loss of pacer capture. Chest compressions were initiated and epinephrine was given.
33. At 3:45 p.m., on March 10, 2004, endotracheal intubation was unsuccessfully attempted by the emergency department physician.
34. At 3:50 p.m., on March 10, 2004, the emergency department physician, using a 6.5 endotracheal tube, successfully performed endotracheal intubation on Martin D. Songer, Sr.
35. At 3:55 p.m., on March 10, 2004, in the CVU, Dr. Hetzler opened Martin D. Songer, Sr.'s, chest to internally massage the heart. Dr. Hetzler looked into Martin D. Songer, Sr.'s, chest and saw no sign of pericardial tamponade and also noted the bypass grafts performed the previous day were patent, thus ruling out pericardial tamponade and occlusion of the grafts as contributing factors for Martin D. Songer, Sr.'s, bradydysrhythmia, cardiac arrest and death.
36. Resuscitation efforts continued including open cardiac massage, injection of intracardiac epinephrine, and defibrillation with internal paddles.
37. At 4:05 p.m., on March 10, 2004, the resuscitative procedures resulted in a supraventricular rhythm and CPR was stopped.
38. During the period of time that Defendants lost control of the airway of Martin D. Songer, Sr., he experienced an extended period of hypoxia and hypoxemia.
39. As a direct result of the incidents set forth above, Martin D. Songer, Sr.'s, condition deteriorated.

40. On March 12, 2004, it was determined that Martin D. Songer, Sr., had irreversible and profound brain injury due to hypoxia and cerebral edema. EEG findings revealed virtually no brain activity.

41. The family of Martin D. Songer, Sr., was faced with the decision to withdraw or not to withdraw life support from Martin D. Songer, Sr. Based on the medical opinions that Martin D. Songer, Sr., had sustained an irreversible and profound brain injury and that he had virtually no brain activity, the family, with sound medical guidance, made the decision to withdraw life support.

42. On March 13, 2004, Martin D. Songer, Sr., died as a result of anoxic brain injury and respiratory insufficiency.

43. As a direct and proximate result of the conduct of the negligence of the Defendants, jointly and severally, as set forth, Martin D. Songer, Sr., suffered the following harm:

- a. Loss of ability to be ventilated;
- b. Life threatening cardiac dysrhythmias;
- c. Cardiac arrest;
- d. Respiratory arrest;
- e. Hypoxia, hypoxemia;
- f. Required emergent medical procedures, including cardiopulmonary resuscitation, open chest massage and resuscitation;
- g. Severe neurological deficits;
- h. Great pain of body and anguish of mind;
- i. Loss of enjoyment of life;
- j. Great emotional distress;
- k. Humiliation and embarrassment;
- l. The administration of various medications;
- m. Hospital, nursing and medical expenses;
- n. Loss of income, past, present and future; and
- o. Death.

## **COUNT I**

### **Pamela D. Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, vs. Dubois Regional Medical Center**

44. Paragraphs 1 through 43 are incorporated herein by reference as though fully set forth.
45. Martin D. Songer, Sr., did not choose or look specifically to Defendant Ralph Hamby, CRNA, for his care and treatment, but rather looked generally to Defendant Dubois Regional Medical Center to provide a competent certified registered nurse anesthetist and competent healthcare professionals to provide anesthesia, airway, and ventilatory care.
46. Defendant Dubois Regional Medical Center has a duty and responsibility to its patients and to the public to furnish appropriate and competent medical/health care.
47. As a part of its duties and responsibilities, Defendant Dubois Regional Medical Center has an obligation to establish policies and procedures that address the anesthesia care, weaning parameters, airway management, extubation policy and elective reintubation, and have competent medical/healthcare professionals who will ensure the appropriate quality of medical/health care is conducted within the institution.
48. Acting through its administrators, various boards, committees, and individuals, Defendant Dubois Regional Medical Center is responsible for overseeing the standard of professional practice by members of its staff in the matter set forth.

49. Defendant Dubois Regional Medical Center has an obligation to establish protocols for and oversee the proper treatment for individuals having problems such as those encountered by Martin D. Songer, Sr.
50. The medical chart of Martin D. Songer, Sr., as provided by Defendant Dubois Regional Medical Center, contains Anesthesia Orders-CVOR (Cardiovascular Operating Room). The Anesthesia Orders are on a preprinted form of Defendant Dubois Regional Medical Center. Plaintiffs believe and therefore aver that the Anesthesia Orders are standing orders.
51. The Anesthesia Orders-CVOR have a space for a nurse's signature and a space for a physician's signature. The Anesthesia Orders-CVOR contain no signatures or notations that identify if the orders were to be instituted, what physician placed the orders, or who transcribed and/or initiated the orders to be carried out.
52. The Anesthesia Orders-CVOR have a space to enter "Date/Time" for each of the specific orders. The Anesthesia Orders-CVOR contain no information concerning the date and time the orders were given, or transcribed, or carried out.
53. Defendant Dubois Regional Medical Center, by approving and using the Anesthesia Orders-CVOR, is directly responsible for the said Orders.
54. The Anesthesia Orders-CVOR relative to extubation and the extubation of Martin D. Songer, Sr., were below the standard of care required in the following respects:
  - a. Failure to provide physician signed medical orders for ventilatory support;

- b. Failure to provide physician signed medical orders for weaning parameters;
- c. Failure to provide physician signed medical orders for airway management;
- d. Failure to provide physician signed medical orders for extubation;
- e. The weaning parameters in the unsigned Anesthesia Orders-CVOR were insufficient weaning parameters to determine whether Martin D. Songer, Sr., was medically stable to be extubated;
- f. The weaning parameters, as written in the unsigned Anesthesia Orders-CVOR, were not satisfied prior to Martin D. Songer, Sr.'s, extubation;
- g. The extubation criteria in the unsigned Anesthesia Orders-CVOR were insufficient extubation criteria to determine whether Martin D. Songer, Sr., was medically stable to be extubated;
- h. Failure to observe and assess Martin D. Songer, Sr.'s, respiratory/ventilatory status with the intubation tube remaining in place while oxygen was allowed to "blow by" the tube;
- i. Failure to consider and take into account that Martin D. Songer, Sr., may have been too weak and too narcotized following the surgical procedure of March 9, 2004, to be extubated on March 10, 2004;
- j. Failure to establish and/or enforce proper protocols to insure the care, treatment and safety of individuals such as Martin D. Songer, Sr.;

- k. Failure to establish and/or enforce proper policies, procedures, and protocols concerning a safe plan of anesthesia/airway/ventilation care for Martin D. Songer, Sr.;
- l. Failure to have available an anesthesiologist or other qualified anesthesia/medical personnel in attendance for the elective reintubation procedure of Martin D. Songer, Sr.;
- m. Failure to establish and/or enforce proper policies, procedures, and protocols to require an anesthesiologist or other qualified anesthesia/medical personnel to be in attendance for elective reintubation procedures such as the elective reintubation of Martin D. Songer, Sr.;
- n. Failure to establish and/or enforce proper policies, procedures, and protocols to require an anesthesiologist or other qualified anesthesia/medical personnel to be immediately available for elective reintubation procedures such as the elective reintubation of Martin D. Songer, Sr.;
- o. Failing to meet Martin D. Songer, Sr.'s, ventilatory support/weaning/extubation and reintubation needs;
- p. By having in its employ, individuals inadequate to deal with appropriate ventilatory support/weaning/extubation and reintubation procedures and to act upon them in a manner calculated to preserve the health and safety of Martin D. Songer, Sr.;
- q. Failure to establish and/or enforce proper protocols to insure the immediate availability of alternate means to secure/control the airway

prior to giving paralyzing drugs and beginning elective reintubation of patients such as Martin D. Songer, Sr.;

- r. Failure to establish and/or enforce proper protocols to insure the immediate availability of appropriate equipment to effectuate ventilation and intubation of patients, such as Martin D. Songer, Sr., prior to giving paralyzing drugs and beginning elective reintubation procedures;
- s. Failure to establish and/or enforce proper protocols to insure the attending anesthesiologist is involved in the formulation of the plan and approach for elective reintubation of patients such as Martin D. Songer, Sr.; and
- t. Failure to establish and/or enforce proper protocols to insure sufficient airway equipment is immediately available to rescue airways of patients, such as Martin D. Songer, Sr., prior to the administration of paralyzing drugs and attempting elective reintubations.

- 55. Defendant Dubois Regional Medical Center failed to exercise the judgment of a reasonable health-care provider by holding out expertise, which induced Martin D. Songer, Sr., and his wife, Pamela Songer, to believe that adequate and proper care would be provided when, in fact, adequate, proper, and reasonable care was not provided.
- 56. As a direct and proximate result of the conduct set forth, Plaintiffs have suffered damages as set forth herein.

WHEREFORE, Plaintiffs request damages from Defendants, jointly and severally, in excess of the limits of arbitration, plus interest and costs of prosecution.

**COUNT II**

**Pamela D. Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, vs. Dubois Regional Medical Center**

57. Paragraphs 1 through 56 are incorporated herein by reference as though fully set forth.
58. Defendant Ralph Hamby, CRNA, and others who acted for or on behalf of Defendant Dubois Regional Medical Center are agents, servants, or employees, or apparent agents, servants, or employees, of Defendant Dubois Regional Medical Center and are held out as such.
59. At all times relevant hereto, Defendant Ralph Hamby, CRNA, and others were acting within the scope of their employment as agents, servants, or employees, or apparent agents, servants, or employees of Defendant Dubois Regional Medical Center.
60. Defendant Dubois Regional Medical Center is vicariously liable for the acts or omissions of Defendant Ralph Hamby, CRNA, and others fully as though Defendant Dubois Regional Medical Center performed the acts or omissions itself.
61. Alternatively, Defendant Ralph Hamby, CRNA, was the ostensible and/or corporate agent of Defendant Dubois Regional Medical Center. There was a holding-out to the public that Defendant Ralph Hamby, CRNA, was affiliated with Defendant Dubois Regional Medical Center, either as an agent, servant, or employee.
62. As a direct and proximate result of the conduct set forth, Plaintiffs have suffered damages as set forth herein.

WHEREFORE, Plaintiffs request damages from Defendants, jointly and severally, in excess of the limits of arbitration, plus interest and costs of prosecution.

**COUNT III**

**Pamela D. Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, vs. Ralph Hamby, CRNA**

63. Paragraphs 1 through 62 are incorporated herein by reference as though fully set forth.
64. Defendant Ralph Hamby, CRNA, failed to provide reasonable care to Martin D. Songer, Sr., was negligent, and caused injury and increased the risk of harm as follows:
  - a. Failure to establish a safe plan of anesthesia/airway/ventilation care for Martin D. Songer, Sr., before attempting the elective reintubation on March 10, 2004;
  - b. Failure to properly assess the condition and status of Martin D. Songer, Sr., including the failure to observe airway edema, prior to attempting the elective reintubation procedure;
  - c. Failure to have another qualified professional in attendance for the elective reintubation procedure prior to administering paralyzing and sedating drugs;
  - d. Failure to have another qualified professional immediately available for the elective reintubation procedure prior to administering paralyzing and sedating drugs;

- e. Failure to consider and/or adequately prepare for the consequences of administering 150mg. of Diprivan to Martin D. Songer, Sr., post his open heart surgery when he was experiencing hypotension and was demonstrating signs of respiratory inadequacy;
- f. Failure to examine and assess Martin D. Songer, Sr.'s, airway prior to administering paralyzing drugs;
- g. Failure to provide cricoid pressure to Martin D. Songer, Sr., at the time of the elective reintubation, given Mr. Songer's weight, his history of hiatal hernia, and GERD;
- h. Failure to use the lowest possible dose of the drug Anectine on Martin D. Songer, Sr., at the time of the attempted elective reintubation procedure, given his inability to breathe adequately;
- i. Failure to call for immediate help after the first failed reintubation of Martin D. Songer, Sr.;
- j. Failure to use a smaller endotracheal tube on the second and third attempts at intubation in the presence of airway edema;
- k. Failure to have immediately available alternate means to secure/control the airway, including smaller endotracheal tubes, prior to giving paralyzing drugs and beginning the elective reintubation of Martin D. Songer, Sr.;
- l. Failure to use an endotracheal tube stylet to help direct the placement of the endotracheal tube during the several attempts to electively reintubate Martin D. Songer, Sr.;

- m. Failure to have readily available an endotracheal tube stylet prior to giving paralyzing drugs and beginning the elective reintubation of Martin D. Songer, Sr.;
- n. Failure to have an adequate back up plan in the event of the inability to secure Martin D. Songer, Sr.'s, airway with an endotracheal tube;
- o. Failure to notify the attending anesthesiologist of the intent to perform the elective reintubation of Martin D. Songer, Sr.;
- p. Failure to request the assistance of the attending anesthesiologist prior to the start of the elective reintubation of Martin D. Songer, Sr.;
- q. Failure to discuss and formulate an anesthetic/care plan and approach with the attending anesthesiologist for the elective reintubation of Martin D. Songer, Sr.;
- r. Failure to perform an adequate physical examination of Martin D. Songer, Sr., prior to administering paralyzing drugs and attempting elective reintubation, to determine if Martin D. Songer, Sr., had a swollen airway;
- s. Failure to perform an adequate airway examination of Martin D. Songer, Sr., prior to the administration of paralyzing drugs and attempting elective reintubation, to determine if Martin D. Songer, Sr., had stridor;
- t. Failure to have sufficient airway equipment immediately available to rescue the airway of Martin D. Songer, Sr., prior to the administration of paralyzing drugs and attempting elective reintubation;
- u. Failure to consider changes in Martin D. Songer, Sr.'s, airway caused by the prior intubation that would likely make the establishment of an airway

in Martin D. Songer, Sr., more difficult, requiring a comprehensive plan, including qualified anesthesia personnel for back up, extensive airway equipment immediately available and an appropriate setting to perform elective reintubation;

v. Failure to establish whether Martin D. Songer, Sr., could be ventilated prior to attempting the elective reintubation;

w. Failure to establish how Martin D. Songer, Sr., would be ventilated prior to attempting elective reintubation;

x. Failure to adequately ventilate Martin D. Songer, Sr.; and

y. Failure to provide an airway for Martin D. Songer, Sr.

65. As a direct and proximate result of the negligence of Defendant Ralph Hamby, CRNA, as set forth above, Martin D. Songer, Sr., suffered severe hypoxic encephalopathy that led to the damages set forth herein, including his death.

WHEREFORE, Plaintiffs request damages from Defendants, jointly and severally, in excess of the limits of arbitration, plus interest and costs of prosecution.

#### COUNT IV

**Pamela D. Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, vs. Dubois Regional Medical Center, and Ralph Hamby, CRNA  
WRONGFUL DEATH**

66. Paragraphs 1 through 65 are incorporated herein by reference as though fully set forth.

67. Due to the conduct or failure to act on the part of Defendants as aforesaid, Martin D. Songer, Sr., died and has left the following individuals entitled to recover for his death:

- a. His wife, Pamela Songer;
- b. His son, Martin D. Songer, Jr.;
- c. His son, Rickey J. Songer; and
- d. His son, Douglas S. Songer.

There are no other heirs of Martin D. Songer, Sr. This cause of action is brought on behalf of the Estate of Martin D. Songer, Sr., and the above named heirs of Martin D. Songer, Sr.

68. Said individuals, by reason of the death of Martin D. Songer, Sr., have suffered losses including funeral expenses, financial losses, hospital, nursing and medical expenses, and other expenses of the administration of the estate.

69. The surviving spouse has suffered loss of her husband's society, comfort and consortium.

70. The surviving children have suffered the loss of their father's companionship, comfort, society, guidance, love, affection, tutelage, services and other damages as are recoverable under the Wrongful Death Statutes.

71. Martin D. Songer, Sr., did not bring any action for personal injury during his lifetime, which was ever terminated, and no other action for death of Martin D. Songer, Sr., has been commenced against these Defendants. The Plaintiffs, therefore, bring this action under and by virtue of the Wrongful Death Statutes.

72. Plaintiffs are entitled to recover, in addition to other damages, amounts for reasonable hospital, nursing, medical, and funeral expenses, and expenses of administration necessitated by Defendants' negligence, as set forth herein.

WHEREFORE, Plaintiffs request damages from Defendants, jointly and severally, in excess of the limits of arbitration, plus interest and costs of prosecution.

#### **COUNT V**

**Pamela D. Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, vs. Dubois Regional Medical Center, and Ralph Hamby, CRNA**  
**SURVIVAL ACTION**

73. Paragraphs 1 through 72 are incorporated herein by reference as though fully set forth.

74. Plaintiffs bring this action on behalf of the Estate of Martin D. Songer, Sr., under and by virtue of the Act of the Survival Statutes of Pennsylvania.

75. Plaintiffs claim on behalf of said Estate damages suffered by the reason of the death of Martin D. Songer, Sr., including but not limited to pain and suffering of Decedent prior to her death and such other damages as are recoverable in a survival action.

WHEREFORE, Plaintiffs request damages from Defendants, jointly and severally, in excess of the limits of arbitration, plus interest and costs of prosecution.

**COUNT VI**

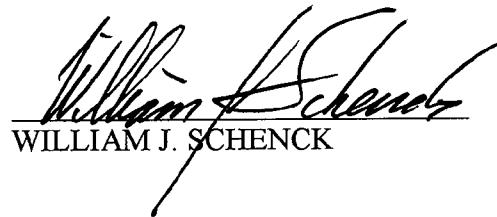
**Pamela D. Songer, Personal Representative of the Estate of Martin D. Songer, Sr.,  
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Ralph Hamby, CRNA**

76. Paragraphs 1 through 75 are incorporated herein by reference as though fully set forth.
77. Plaintiff Pamela Songer is entitled to and demands such damages as are allowable as a result of loss of consortium in society as permitted by Pennsylvania law for the period of time between the negligent conduct or omissions of the Defendants and the time of her husband's death.
78. All other claims for loss of consortium and society are contained within the appropriate counts.

WHEREFORE, Plaintiff requests damages from Defendants, jointly and severally, in excess of the limits of arbitration, plus interest and costs of prosecution.

Respectively Submitted,

SCHENCK & LONG



William J. Schenck  
WILLIAM J. SCHENCK

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SHERYLE L. LONG,

610 North Main Street  
Butler, PA 16001  
(724) 283-7359

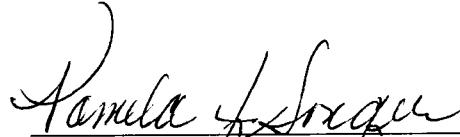
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VERIFICATION

I, Pamela Songer, verify that the attached Complaint in Civil Action is based upon information, which has been gathered by counsel in the preparation of this lawsuit. The language of the Complaint is that of counsel and not mine. I have read the Complaint and it is true and correct to the best of my knowledge, information and belief. To the extent the contents of the Complaint are that of counsel, I have relied upon counsel in making this verification.

I understand that I am subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities for any false statements that I have made in the foregoing Complaint.



PAMELA SONGER, individually, and as  
Personal Representative of the Estate of  
Martin D. Songer, Sr.

DATED: 4/14/05

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COMMONWEALTH OF PENNSYLVANIA

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**FILED**  
cc  
m 11:40 AM  
APR 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

TRIAL BY JURY DEMANDED

**Certificate of Merit as to Dubois Regional Medical Center**

I, William J. Schenck, 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.

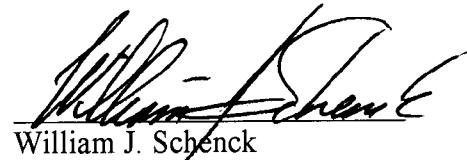
and

the claim that this defendant deviated from an acceptable professional standard is based  
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

Date:

April 14, 2005



William J. Schenck  
PA I.D. 42156  
610 North Main Street  
Butler, PA 16001  
(724) 283-7359

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD  
Plaintiffs, :  
v. :  
Dubois Regional Medical Center, and :  
Ralph Hamby, CRNA, :  
Defendants. : TRIAL BY JURY DEMANDED

FILED <sup>1cc</sup>  
m/14/05 Sht  
APR 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

**Certificate of Merit as to Ralph Hamby, CRNA**

I, William J. Schenck, 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.

Date: April 14, 2005

  
William J. Schenck  
PA I.D. 42156  
610 North Main Street  
Butler, PA 16001  
(724) 283-7359

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100412  
NO: 05-543-CD  
SERVICE # 1 OF 2  
COMPLAINT & CERTIFICATE OF MERIT

PLAINTIFF: PAMELA SONGER, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer in her own right

vs.

DEFENDANT: DUBOIS REGIONAL MEDICAL CENTER and RALPH HAMBY, CRNA

**SHERIFF RETURN**

---

NOW, April 22, 2005 AT 11:10 AM SERVED THE WITHIN COMPLAINT & CERTIFICATE OF MERIT ON DUBOIS REGIONAL 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 COMPLAINT & CERTIFICATE OF MERIT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

**FILED**  
03-26-05  
APR 29 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100412  
NO: 05-543-CD  
SERVICE # 2 OF 2  
COMPLAINT & CERTIFICATE OF MERIT

PLAINTIFF: PAMELA SONGER, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer in her own right

vs.

DEFENDANT: DUBOIS REGIONAL MEDICAL CENTER and RALPH HAMBY, CRNA

**SHERIFF RETURN**

---

NOW, April 22, 2005 AT 11:10 AM SERVED THE WITHIN COMPLAINT & CERTIFICATE OF MERIT ON RALPH HAMBY, CRNA 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 COMPLAINT & CERTIFICATE OF MERIT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100412  
NO: 05-543-CD  
SERVICES 2  
COMPLAINT & CERTIFICATE OF MERIT

PLAINTIFF: PAMELA SONGER, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer in her own right

vs.

DEFENDANT: DUBOIS REGIONAL MEDICAL CENTER and RALPH HAMBY, CRNA

**SHERIFF RETURN**

---

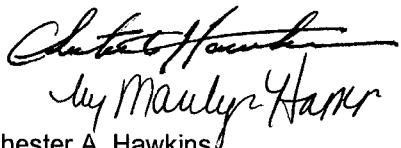
RETURN COSTS

| Description     | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE       | SCHENCK | 15082   | 20.00  |
| SHERIFF HAWKINS | SCHENCK | 15082   | 39.39  |

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

: No. 2005 – 543 – CD

: ISSUE:  
PRAECIPE FOR APPEARANCE

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

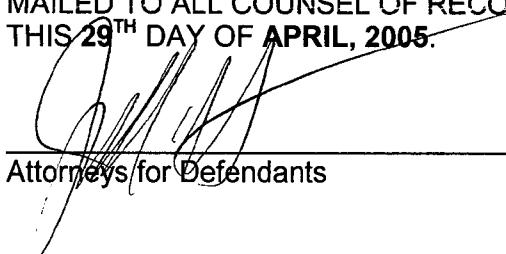
: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Defendants

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 29<sup>TH</sup> DAY OF APRIL, 2005.

  
\_\_\_\_\_  
Attorneys for Defendants

**FILED**

MAY 02 2005 (6)

11:00 AM

William A. Shaw  
Prothonotary

no 6/6

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
| Plaintiffs  | : |                     |
| vs.   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Enter my Appearance on behalf of Defendants, DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA.

Papers may be served at the address set forth below



---

Attorneys for Defendants

**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: April 29, 2005

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

: No. 2005 – 543 – CD

: ISSUE:

: ANSWER AND NEW MATTER TO  
: THE PLAINTIFFS' COMPLAINT

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

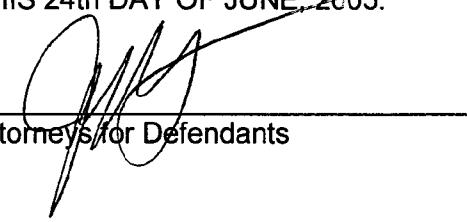
: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Defendants

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 24th DAY OF JUNE, 2005.

  
\_\_\_\_\_  
Attorneys for Defendants

FILED NO  
m 11:30 AM cc  
JUN 27 2005 CR

William A. Shaw  
Prothonotary/Clerk of Courts

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
| Plaintiffs  | : |                     |
| vs.   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

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

AND NOW, come the Defendants, DUBOIS REGIONAL MEDICAL CENTER and RALPH HAMBY, CRNA, and file the following Answer and New Matter to the plaintiffs' Complaint and in support set forth the following:

1-2. In response to paragraphs 1 and 2, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth of said averments and strict proof is demanded at trial.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9-16. In response to paragraphs 9 through 16 of the Complaint, said averments are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at trial.

17. Admitted.

18-42. In response to paragraphs 18 through 42 of the Complaint, said averments are denied in accordance with Pa. R.C.P. 1029(e). Further, said averments are denied insofar as the same are inconsistent with the medical records of DRMC for the admission of March 9, 2004. It is also believed that many of the averments constitute legal/medical conclusions and strict proof of all averments in paragraphs 18 through 42 of the plaintiffs' Complaint is demanded at trial.

43. In response to paragraph 43 of the Complaint, said averments constitute legal/medical conclusions to which no response is required. Insofar as a response is required, it is averred that all treatment was in accordance with the accepted standards of care. As to the injuries and damages claimed in paragraph 43, all allegations are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at trial.

#### COUNT I

44. In response to paragraph 44 of the Complaint, DRMC incorporates by reference its prior answers to paragraphs 1 through 43 as though the same were set forth at length.

45-53. In response to paragraphs 45 through 53 of the Complaint, said averments constitute legal/medical conclusions to which no response is required. Insofar as a response is required, all averments are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at trial. By way of further answer, at all times DRMC had appropriate policies and procedures regarding the anesthesia care, weaning parameters, airway management, extubation and elective reintubation. Further, all medical/health care professionals were competent and provided appropriate care in accordance with accepted standards at the time and under the circumstances which existed. Strict proof of all averments is demanded at trial.

54. In response to paragraph 54 and subparagraphs a. through t., said averments constitute legal conclusions to which no response is required. Insofar as a response is required, all averments are denied in accordance with Pa. R.C.P. 1029(e) and strict proof of all claims of deviations from the standard of care is demanded at trial. It is averred that the standard of care was met in all respects.

55-56. In response to paragraphs 55 and 56 of the Complaint, DRMC at all times exercised appropriate care and judgment and said averments are denied in accordance with Pa. R.C.P. 1029(e) and strict proof of plaintiffs' claims of a deviation and injuries and damages is demanded at trial.

WHEREFORE, the Defendant, DuBois Regional Medical Center, respectfully requests that Count I of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in its favor.

#### **COUNT II**

57. In response to paragraph 57 of the Complaint, DRMC incorporates by reference its prior answers to paragraphs 1 through 56 as though the same were set forth at length.

58-61. In response to paragraphs 58 through 61 of the Complaint, said allegations as to medical providers being agents, servants or employees of DRMC, constitute legal/medical conclusions to which no response is required. Further, DRMC is unable to admit or deny that other medical personnel were agents, servants or employees insofar as the same have not been identified. Strict proof of all individuals, other than Ralph Hamby, as being agents, servants or employees, or ostensible agents, is demanded at the time of trial.

62. In response to paragraph 62 of the Complaint, said allegations constitute legal conclusions to which no response is required. It is denied that any conduct of DRMC or its agents, servants or employees caused or contributed to any injuries or damages and strict proof of same is demanded at trial.

WHEREFORE, the Defendant, DuBois Regional Medical Center, respectfully requests that Count II of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in its favor.

**COUNT III**

63. In response to paragraph 63 of the Complaint, Ralph Hamby, CRNA, incorporates by reference the prior answers to paragraphs 1 through 62 as though the same were set forth at length.

64. In response to paragraph 64, all allegations that Ralph Hamby, CRNA, failed to provide care in accordance with the accepted standards of care or was negligent, constitute legal/medical conclusions to which no response is required. Insofar as a response is required, all averments are denied in accordance with Pa. R.C.P. 1029(e) and strict proof is demanded at the time of trial. Ralph Hamby, CRNA, at all times provided appropriate care and treatment to his patient under the facts and circumstances which existed therein.

65. In response to paragraph 65 of the Complaint, said allegations constitute legal conclusions to which no response is required. Insofar as a response is required, strict proof of all claims for injuries and damages and causal relationship to any acts of Ralph Hamby, CRNA, is demanded at the time of trial.

WHEREFORE, the Defendant, Ralph Hamby, CRNA, respectfully requests that Count III of the plaintiffs' Complaint be dismissed with prejudice and judgment entered in his favor.

**COUNT IV**

66. In response to paragraph 66 of the Complaint, DRMC and Ralph Hamby, CRNA, incorporate their prior answers to paragraphs 1 through 65 as though the same were set forth at length.

67-72. In response to paragraphs 67 through 72 of the Complaint, pertaining to a wrongful death claim, after reasonable investigation, these answering defendants do not have sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments and strict proof of all claims for damages under the Wrongful Death Act as set forth in paragraphs 67 through 72 of the plaintiffs' Complaint is demanded at the time of trial.

WHEREFORE, the Defendants, DuBois Regional Medical Center and Ralph Hamby, CRNA, respectfully request that Count IV of the plaintiffs' Complaint be dismissed with prejudice.

**COUNT V**

73. In response to paragraph 73 of the Complaint, DRMC and Ralph Hamby, CRNA, incorporate by reference their prior answers to paragraphs 1 through 72 as though the same were set forth at length.

74-75. In response to paragraphs 74 and 75 of the Complaint, after reasonable investigation, these defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of said averments and strict proof of all claims for damages under the Survival Act is demanded at the time of trial.

WHEREFORE, the Defendants, DuBois Regional Medical Center and Ralph Hamby, CRNA, respectfully request that Count V of the plaintiffs' Complaint be dismissed with prejudice.

**VI**

76. In response to paragraph 76 of the Complaint, DRMC and Ralph Hamby, CRNA, incorporate by reference their prior answers to paragraphs 1 through 75 as though the same were set forth at length.

77-78. In response to paragraphs 77 and 78 of the Complaint, after reasonable investigation, these answering defendants are without sufficient knowledge or information so as to form a belief as to the truth or falsity of plaintiffs' claims for loss of consortium and strict proof is demanded at the time of trial.

WHEREFORE, the Defendants, DuBois Regional Medical Center and Ralph Hamby, CRNA, respectfully request that Count VI of the plaintiffs' Complaint be dismissed with prejudice.

**NEW MATTER**

By way of further answer, DuBois Regional Medical Center and Ralph Hamby, CRNA, set forth the following New Matter:

79. Plaintiffs' claims are barred or limited as provided under the Health Care Services Malpractice Act, as amended, or the MCARE Act.

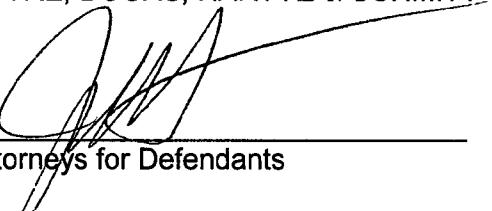
80. At all times, all medical care and treatment provided by the agents, servants or employees and/or ostensible agents, servants or employees of DuBois Regional Medical Center met or exceeded the applicable standard of care existing then and there under the circumstances.

81. At all times Ralph Hamby, CRNA provided medical care and treatment in accordance with the accepted standard of care then and there existing.

WHEREFORE, the Defendants, DuBois Regional Medical Center and Ralph Hamby, CRNA, respectfully request that the plaintiffs' Complaint be dismissed with prejudice and judgment entered in their favor.

Respectfully submitted,

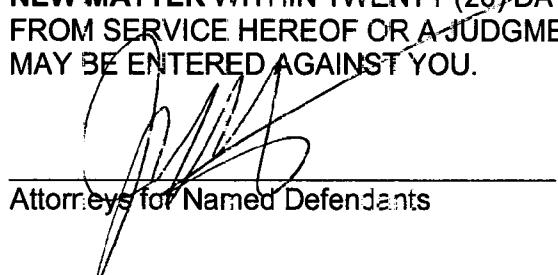
McINTYRE, DUGAS, HARTYE & SCHMITT

By   
Attorneys for Defendants

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.

  
Attorneys for Named Defendants

File #DRMC 001 MH

**VERIFICATION**

I, RALPH HAMBY, CRNA, do hereby verify that I have read the foregoing **ANSWER** **AND NEW MATTER TO PLAINTIFFS' 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.

  
Ralph E. Hamby, CRNA  
Ralph Hamby, CRNA

Date: 16 June 05

File #DRMC 001 MH

**VERIFICATION**

I, **GREGORY VOLPE**, Risk Manager, do hereby verify that I have read the foregoing **ANSWER AND NEW MATTER TO PLAINTIFFS' 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**  
\_\_\_\_\_  
Gregory Volpe, Risk ManagerDate: June 14, 2005

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

: No. 2005 - 543 - CD

: ISSUE:

: Notice of Service of Interrogatories  
and Request for Production of  
Documents Directed to  
Plaintiffs Dated 6/29/05

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

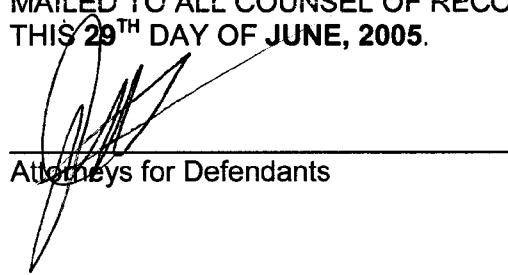
: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, DUGAS, HARTYE &  
SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Defendants

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 29<sup>TH</sup> DAY OF JUNE, 2005.

  
\_\_\_\_\_  
Attnorneys for Defendants

FILED

JUL 01 2005  
m/12:30 (6)  
William A. Shaw  
Prothonotary/Clerk of Courts  
no C/C

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
| Plaintiffs  |   | ⋮                   |
| vs.   |   | ⋮                   |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : | ⋮                   |
| Defendants  | : | JURY TRIAL DEMANDED |

**NOTICE OF SERVICE OF INTERROGATORIES AND**  
**REQUEST FOR PRODUCTION OF DOCUMENTS**  
**DIRECTED TO PLAINTIFFS DATED: 6/29/05**

TO: PROTHONOTARY

You are hereby notified that on the 29TH day of JUNE, 2005, Defendants,  
DUBOIS REGIONAL MEDICAL CENTER and RALPH HAMBY, CRNA, served  
Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated:  
6/29/05 by mailing the original of same via First Class U.S. Mail, postage prepaid,  
addressed to the following:

William J. Schenck, Esquire  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

  
McINTYRE, DUGAS, HARTYE & SCHMITT

\_\_\_\_\_  
Attorney for Defendants

JOHN L. MCINTYRE, ESQUIRE  
PA I.D. No. 28015  
P. O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

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

Pamela Songer, Personal Representative  
of the Estate of Martin D. Songer, Sr.,  
and Pamela Songer, in her own  
right, : Civil Action – Medical Professional  
Liability Action  
: No. 05-543-CD

Plaintiffs,

v.

Dubois Regional Medical Center, and  
Ralph Hamby, CRNA,

Defendants.

TRIAL BY JURY DEMANDED

TYPE OF PLEADING:  
Reply to New Matter

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD  
FOR THIS PARTY

William J. Schenck  
PA I.D. # 42156

Sheryle L. Long  
PA I.D. # 52030

Schenck & Long  
610 North Main Street  
Butler, PA 16001

(724) 283-7359

FILED

JUL 08 2005 (GW)  
m/2:00/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO ATT

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

|  |   |   |
|--|---|---|
| Pamela Songer, Personal Representative<br>of the Estate of Martin D. Songer, Sr.,<br>and Pamela Songer, in her own<br>right, | : | Civil Action – Medical Professional<br>Liability Action |
|  | : | No. 05-543-CD   |
| Plaintiffs,  | : |   |
|  | : |   |
| v.   | : |   |
| Dubois Regional Medical Center, and<br>Ralph Hamby, CRNA,  | : |   |
|  | : |   |
| Defendants.  | : | TRIAL BY JURY DEMANDED                                  |

**REPLY TO NEW MATTER**

And now, come the Plaintiffs, Pamela Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, by and through their attorneys, Schenck & Long, per William J. Schenck, and set forth the following  
Reply to New Matter:

79. Denied. This paragraph constitutes a conclusion to law to which no responsive pleading is required and the same is, therefore, deemed denied. This paragraph is impermissibly vague and is not sufficiently specific as it attempts to incorporate all possible defenses under the Health Care Services and Malpractice Act without specifically identifying the affirmative defenses being invoked. It is not Plaintiffs' burden to search through this Act to determine all conceivable, affirmative defenses in order to respond thereto. Plaintiffs deny all available affirmative defenses, which could be raised by Defendants under this act. Strict proof of these asserted affirmative defenses is demanded.

80. Denied. It is denied that Defendants, including Defendants' agents and employees, met or exceeded the applicable standard of care. Plaintiffs incorporate herein their Complaint in Civil Action, which sets forth the specific negligent acts of Defendants.
81. Denied. It is denied that Defendant Ralph Hamby, CRNA met or exceeded the applicable standard of care. Plaintiffs incorporate herein their Complaint in Civil Action, which sets forth the specific negligent acts of Defendant Ralph Hamby, CRNA.

WHEREFORE, Plaintiffs Pamela Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, demand judgment against the Defendants, Dubois Regional Medical Center and Ralph Hamby, CRNA, jointly and severally, in an amount in excess of arbitration limits exclusive of cost and interest.

Respectively Submitted,

SCHENCK & LONG



WILLIAM J. SCHENCK  
Attorney for Plaintiffs

610 N. Main Street  
Butler, PA 16001  
(724) 283-7359

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

|  |   |   |
|--|---|---|
| Pamela Songer, Personal Representative<br>of the Estate of Martin D. Songer, Sr.,<br>and Pamela Songer, in her own<br>right, | : | Civil Action – Medical Professional<br>Liability Action |
|  | : | No. 05-543-CD   |
| Plaintiffs,  | : |   |
|  | : |   |
| v.   | : |   |
| Dubois Regional Medical Center, and<br>Ralph Hamby, CRNA,  | : |   |
|  | : |   |
| Defendants.  | : | TRIAL BY JURY DEMANDED                                  |

**VERIFICATION**

William J. Schenck, of SCHENCK & LONG, being duly sworn according to law, deposes and says that he is the attorney for Plaintiffs Pamela Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, and is authorized to make this affidavit on behalf of the said Plaintiffs; that the facts set forth in the foregoing Reply To New Matter Asserted By Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, are true and correct, not of his own knowledge, but from information supplied to him by the Plaintiffs; that the purpose of this affidavit is to expedite the litigation and that an affidavit of the Plaintiffs will be supplied if demanded; and that this verification is made subject to the penalties of 18 PA C.S. 4904 relating to unsworn falsifications to authorities.

  
\_\_\_\_\_  
WILLIAM J. SCHENCK  
Attorney for Plaintiffs  
610 North Main Street  
Butler, PA 16001  
(724) 283-7359

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

|  |   |   |
|--|---|---|
| Pamela Songer, Personal Representative<br>of the Estate of Martin D. Songer, Sr.,<br>and Pamela Songer, in her own<br>right, | : | Civil Action – Medical Professional<br>Liability Action |
|  | : | No. 05-543-CD   |
| Plaintiffs,  | : |   |
|  | : |   |
| v.   | : |   |
| Dubois Regional Medical Center, and<br>Ralph Hamby, CRNA,  | : |   |
|  | : |   |
| Defendants.  | : | TRIAL BY JURY DEMANDED                                  |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Reply To New Matter Asserted By Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, was served, by and through postage prepaid U.S. Mail, on this 6<sup>th</sup> day of July 2005, upon the following individual(s):

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



Daniele Lee Hall  
Daniele Lee Hall, Paralegal

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

Pamela Songer, Personal Representative  
of the Estate of Martin D. Songer, Sr.,  
and Pamela Songer, in her own  
right,

Civil Action – Medical Professional  
Liability Action

No. 05-543-CD

Plaintiffs,

v.

Dubois Regional Medical Center, and  
Ralph Hamby, CRNA,

TRIAL BY JURY DEMANDED

Defendants.

TYPE OF PLEADING:  
Certificate of Service for  
Plaintiffs' Expert and Insurance  
Interrogatories  
Directed to Defendants

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD  
FOR THIS PARTY

William J. Schenck  
PA I.D. # 42156

Schenck & Long  
610 North Main Street  
Butler, PA 16001

(724) 283-7359

FILED NO CC  
MAY 2005  
JUL 20 2005  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD

Plaintiffs,

v.

Dubois Regional Medical Center, and :  
Ralph Hamby, CRNA,

TRIAL BY JURY DEMANDED

Defendants.

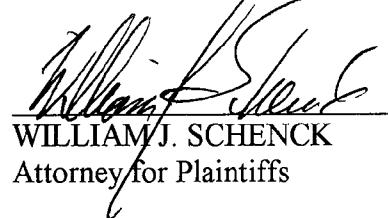
CERTIFICATE OF SERVICE

I, William J. Schenck, Esquire, hereby certify that a copy of the Expert Interrogatories  
Directed to Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, and the  
Insurance Interrogatories Directed to Defendants Dubois Regional Medical Center and Ralph  
Hamby, CRNA were served upon the following counsel for the Defendants via first class mail on  
the 18<sup>th</sup> day of July, 2005:

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

Respectively Submitted,

SCHENCK & LONG

  
WILLIAM J. SCHENCK  
Attorney for Plaintiffs

610 North Main Street  
Butler, PA 16001  
(724) 283-7359

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own : No. 05-543-CD  
right, :  
: Plaintiffs, :  
: v. :  
: Dubois Regional Medical Center, and :  
: Ralph Hamby, CRNA, :  
: Defendants. : TRIAL BY JURY DEMANDED  
: :  
: : TYPE OF PLEADING:  
: : Certificate of Service for Plaintiffs'  
: : Request for Admissions Directed to  
: : Defendants Dubois Regional  
: : Medical Center and Ralph  
: : Hamby, CRNA  
: :  
: : FILED ON BEHALF OF:  
: : Plaintiffs  
: :  
: : COUNSEL OF RECORD  
: : FOR THIS PARTY  
: :  
: : William J. Schenck  
: : PA I.D. # 42156  
: :  
: : Schenck & Long  
: : 610 North Main Street  
: : Butler, PA 16001  
: :  
: : (724) 283-7359

RECEIVED NO  
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DEC 23 2005 GK

James A. Schenck  
Prothonotary Clerk of Courts

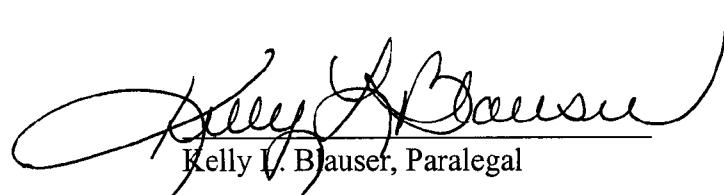
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
COMMONWEALTH OF PENNSYLVANIA

|   |   |                                     |
|---|---|-------------------------------------|
| Pamela Songer, Personal Representative  | : | Civil Action – Medical Professional |
| of the Estate of Martin D. Songer, Sr., | : | Liability Action                    |
| and Pamela Songer, in her own           | : |                                     |
| right,                                  | : | No. 05-543-CD                       |
| Plaintiffs,                             | : |                                     |
| v.                                      | : |                                     |
| Dubois Regional Medical Center, and     | : |                                     |
| Ralph Hamby, CRNA,                      | : |                                     |
| Defendants.                             | : | TRIAL BY JURY DEMANDED              |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Request for Admissions Directed to Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, was served, by and through postage prepaid U.S. Mail, on this 20th day of December 2005, upon the following individual(s):

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



Kelly L. Blauser, Paralegal

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own : No. 05-543-CD  
right, :  
Plaintiffs, :  
v. :  
Dubois Regional Medical Center, and :  
Ralph Hamby, CRNA, :  
Defendants. : TRIAL BY JURY DEMANDED  
: TYPE OF PLEADING:  
: Certificate of Service for Plaintiffs'  
: Interrogatories Directed to  
: Defendants Dubois Regional  
: Medical Center and Ralph  
: Hamby, CRNA  
: FILED ON BEHALF OF:  
: Plaintiffs  
: COUNSEL OF RECORD  
: FOR THIS PARTY  
: William J. Schenck  
: PA I.D. # 42156  
: Schenck & Long  
: 610 North Main Street  
: Butler, PA 16001  
: (724) 283-7359

110:5281 NO CC  
DEC 23 2005 Q

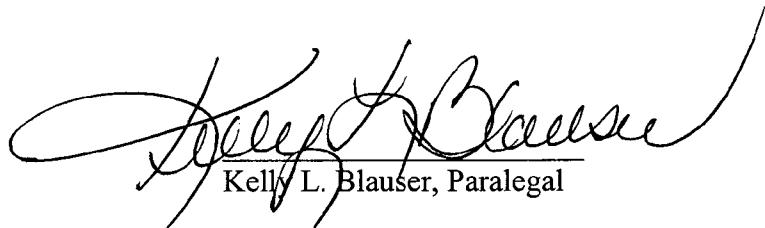
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
COMMONWEALTH OF PENNSYLVANIA

|  |   |   |
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| Pamela Songer, Personal Representative<br>of the Estate of Martin D. Songer, Sr.,<br>and Pamela Songer, in her own<br>right, | : | Civil Action – Medical Professional<br>Liability Action |
|  | : | No. 05-543-CD   |
| Plaintiffs,  | : |   |
|  | : |   |
| v.   | : |   |
|  | : |   |
| Dubois Regional Medical Center, and<br>Ralph Hamby, CRNA,  | : |   |
|  | : |   |
| Defendants.  | : | TRIAL BY JURY DEMANDED                                  |

**CERTIFICATE OF SERVICE**

A true and correct service copy of the within Plaintiffs' Interrogatories Directed to Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, was sent via First Class United States mail on this 20<sup>th</sup> day of December 2005, to the following individual(s):

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



Kelly L. Blauser, Paralegal

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

: No. 2005 – 543 – CD

: ISSUE:

: NOTICE OF SERVICE OF  
RESPONSES TO REQUEST FOR  
ADMISSIONS

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

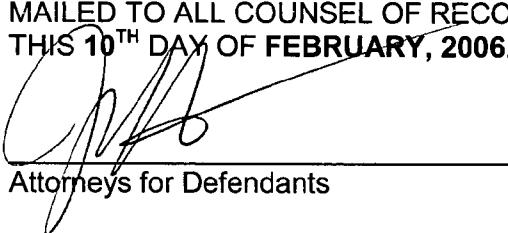
: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Defendants

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2006.

  
\_\_\_\_\_  
Attorneys for Defendants

FILED NO  
m 12.01.01 cc  
FEB 13 2006  
m

William A. Shaw  
Prothonotary/Clerk of Courts

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
| Plaintiffs  | : |                     |
| vs.   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

**NOTICE OF SERVICE OF RESPONSES TO REQUEST FOR ADMISSIONS**

**TO: PROTHONOTARY**

You are hereby notified that on the **10<sup>TH</sup>** day of **February, 2006**, Defendants served **Responses to Request for Admissions** on the Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

William J. Schenck, Esquire  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

McINTYRE, HARTYE & SCHMITT

By

\_\_\_\_\_  
Attorneys for Defendants

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

Defendants

: No. 2005 – 543 – CD

: ISSUE:

: NOTICE OF SERVICE OF ANSWERS  
: TO PLAINTIFFS' EXPERT  
: INTERROGATORIES and ANSWERS  
: TO PLAINTIFFS' INSURANCE  
: INTERROGATORIES DIRECTED TO  
: DUBOIS REGIONAL MEDICAL  
: CENTER

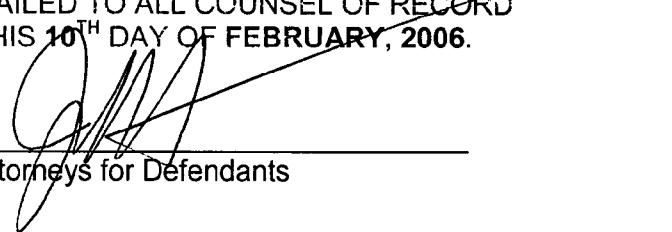
: Filed on behalf of Defendants,  
: DUBOIS REGIONAL MEDICAL  
: CENTER and RALPH HAMBY, CRNA

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

: McINTYRE, HARTYE & SCHMITT  
: P.O. Box 533  
: Hollidaysburg, PA 16648  
: (814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2006.

  
\_\_\_\_\_  
Attnorneys for Defendants

FILED NO. 2005-543-CD  
FEB 13 2006  
W.A. Shaw  
Prothonotary/Clerk of Courts

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
| Plaintiffs  | : |                     |
| vs.   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFFS'  
EXPERT INTERROGATORIES AND INSURANCE INTERROGATORIES  
DIRECTED TO DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER**

TO: PROTHONOTARY

You are hereby notified that on the 10<sup>TH</sup> day of **February, 2006**, Defendant,  
DuBois Regional Medical Center, served **Answers to Plaintiffs' Expert Interrogatories**  
and **Answers to Plaintiffs' Insurance Interrogatories** on the Plaintiffs by mailing the  
original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

William J. Schenck, Esquire  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

McINTYRE, HARTYE & SCHMITT

By   
\_\_\_\_\_  
Attorneys for Defendants

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

Defendants

: No. 2005 - 543 - CD

: ISSUE:

: NOTICE OF SERVICE OF ANSWERS  
: TO PLAINTIFFS' EXPERT  
: INTERROGATORIES and ANSWERS  
: TO PLAINTIFFS' INSURANCE  
: INTERROGATORIES DIRECTED TO  
: RALPH HAMBY, CRNA

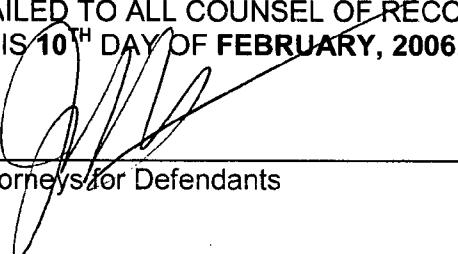
: Filed on behalf of Defendants,  
: DUBOIS REGIONAL MEDICAL  
: CENTER and RALPH HAMBY, CRNA

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

: McINTYRE, HARTYE & SCHMITT  
: P.O. Box 533  
: Hollidaysburg, PA 16648  
: (814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2006.

  
\_\_\_\_\_  
Attorneys for Defendants

FILED NO. CC.  
FEB 13 2006  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
|   | : |                     |
| Plaintiffs  | : |                     |
|   | : |                     |
| vs.   | : |                     |
|   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
|   | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFFS'  
EXPERT INTERROGATORIES AND INSURANCE INTERROGATORIES  
DIRECTED TO DEFENDANT, RALPH HAMBY, CRNA**

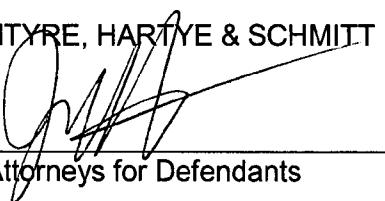
TO: **PROTHONOTARY**

You are hereby notified that on the **10<sup>TH</sup>** day of **February, 2006**, Defendant, Ralph Hamby, CRNA, served **Answers to Plaintiffs' Expert Interrogatories** and **Answers to Plaintiffs' Insurance Interrogatories** on the Plaintiffs by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

William J. Schenck, Esquire  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

McINTYRE, HARTYE & SCHMITT

By

  
Attorneys for Defendants

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

Defendants

: No. 2005 – 543 – CD

: **ISSUE:**

: **RESPONSES TO REQUEST FOR  
ADMISSIONS DIRECTED TO  
DEFENDANTS DUBOIS REGIONAL  
MEDICAL CENTER AND RALPH  
HAMBY, CRNA**

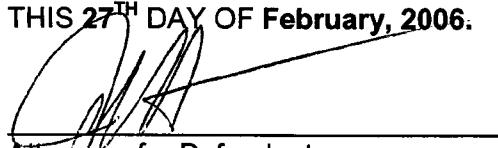
: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

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

: McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 27<sup>TH</sup> DAY OF February, 2006.

  
\_\_\_\_\_  
Attorneys for Defendants

**FILED**

**MAR 01 2006**

**W/11:35/WL**

William A. Shaw  
Prothonotary/Clerk of Courts

No 4/2 (R)

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

|  |   |   |
|--|---|---|
| Pamela Songer, Personal Representative<br>of the Estate of Martin D. Songer, Sr.,<br>and Pamela Songer, in her own<br>right, | : | Civil Action – Medical Professional<br>Liability Action |
|  | : | No. 05-543-CD   |
| Plaintiffs,  | : |   |
|  | : |   |
| v.   | : |   |
|  | : |   |
| Dubois Regional Medical Center, and<br>Ralph Hamby, CRNA,  | : |   |
|  | : |   |
| Defendants.  | : | TRIAL BY JURY DEMANDED                                  |

**RESPONSES TO**  
**REQUEST FOR ADMISSIONS DIRECTED TO DEFENDANTS DUBOIS**  
**REGIONAL MEDICAL CENTER AND RALPH HAMBY, CRNA**

AND NOW, this 2<sup>nd</sup> day of January, 2006, come the Plaintiffs, by and through their attorneys, Schenck & Long, and file the following Request for Admissions ("RFA") directed to Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, pursuant to Rules 4014, 4009.11 and 4005 of the Pennsylvania Rules of Civil Procedure. The responses along with any responsive documents shall be served within thirty (30) days of service, that is, thirty (30) days of January 2, 2006, at the offices of Schenck & Long, 610 North Main Street, Butler, Pennsylvania 16001.

## **INSTRUCTIONS**

1. These requests for admissions encompass all information, documents and records that are in the possession, control, or custody of defendants or any of their officers, employees, agents, servants, attorneys, and assigns.
2. If any objections are made to any request for admissions the reason therefore shall be stated.
3. If there is any claim of privilege relating to any request to admit, you shall set forth fully the basis for the claim of privilege, including the facts upon which you rely to support the claim of privilege in sufficient detail to permit the court to rule on the propriety of the privilege.
4. If your response to any request is not an unqualified admission, your answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter.
5. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you should specify so much of it as is true and qualify or deny the remainder.
6. You may not give lack of information or knowledge as a reason for failure to admit or deny, unless you state that you have made a reasonable inquiry and that the information known to you or readily obtainable by you is insufficient to enable you to admit or deny.
7. These requests for admission are continuous in nature and must be supplemented promptly if defendant obtains or learns further of different information between the date of the response and the time of trial by which defendant knows that a previous response was incorrect when made, or though correct when made, is then no longer true.
8. Unless otherwise indicated, the time period to which these requests for admissions are directed is from on or about March 10, 2004, through the present.

**REQUEST FOR ADMISSIONS**

1. On March 9, 2004, post CABG surgery, the weaning parameter orders that were imprinted with Martin D. Songer, Sr.'s name and in his hospital chart were never signed by a physician.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

2. Mr. Songer was extubated on March 10, 2004, by an employee of Dubois Regional Medical Center without a signed physician order to extubate.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

3. Dr. Hetzler was present on March 10, 2004, during the entire reintubation process and code concerning Martin D. Songer, Sr.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

**See deposition of Judy Graham, pages 44, 47, 55 and hospital chart.**

4. On March 10, 2004 when Ralph Hamby, CRNA attempted to intubate Martin D. Songer, Sr., he had been a certified CRNA for less than two months.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

5. On March 10, 2004, Ralph Hamby, a CRNA of less than two months, was the only anesthetist or anesthesiologist on duty in Dubois Regional Medical Center to perform the intubation on Martin D. Songer, Sr.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**There were two other anesthesiologists on duty. See page 17 of Hamby's deposition.**

6. On March 10, 2004, the nurse that coordinates operating room flow called the anesthesiologist on call, who was not in the hospital, for permission for Ralph Hamby, CRNA to respond to the request for intubation of Martin D. Songer, Sr.

Admit \_\_\_\_\_ X \_\_\_\_\_ Deny \_\_\_\_\_

7. One of the reasons Ralph Hamby, CRNA, had the on-call anesthesiologist called on March 10, 2004, concerning the request to intubate Martin D. Songer, Sr., was because when doing an intubation it is better to have two qualified persons available.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ X \_\_\_\_\_

**Admitted in part. It is admitted that Ralph Hamby testified that he believed it would be better to have two hands on board as opposed to one.**

8. On March 10, 2004, at the time Ralph Hamby, CRNA, was preparing to intubate Martin D. Songer, Sr., Ralph Hamby, CRNA, was aware there were no other anesthetists or anesthesiologists on the hospital campus of Dubois Regional Medical Center West.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ X \_\_\_\_\_

**This request cannot be admitted, insofar as after reasonable investigation, there is no information available as to whether any other anesthesiologist was or was not available on the hospital campus at the time in question.**

9. On March 10, 2004, Ralph Hamby, CRNA, took the following equipment to the CVICU to intubate Martin D. Songer, Sr.: laryngoscope, Macintosh and Miller

blades of various sizes, several sizes of endotracheal tubes, syringes and the medications Anectine and Propofol.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ **X**

**On the date in question, Ralph Hamby took with him a laryngoscope handle, laryngoscope blades, Mac blades and Miller blades of various sizes, several sizes of endotracheal tubes, Anectine, Propofol and syringes. (See page 23, Hamby deposition).**

10. On March 10, 2004, there was no policy or protocol at Dubois Regional Medical Center for anesthesia to maintain for use other than in the operating room, a box with equipment to perform endotracheal intubation and maintain an airway at a patient's bedside.

Admit \_\_\_\_\_ **X** Deny \_\_\_\_\_

11. On March 10, 2004, a cart known as a difficult airway cart was maintained in the operating room for use in obtaining a difficult airway. Equipment on the cart included: LMA, combitube, cricothyroidotomy bougies, stylets, Magill forceps.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ **X**

**Admitted and denied. A difficult airway cart was maintained in various parts of the hospital including the cardiovascular ICU. It is admitted that the equipment on the cart included but was not limited to an LMA, combitube, cricothyroidotomy kit, bougies, stylets, Magill forceps and different blades, handles and tubes.**

12. On March 10, 2004, Ralph Hamby, CRNA did not take equipment from the difficult airway cart with him to intubate Martin D. Songer, Sr.

Admit \_\_\_\_\_ **X** Deny \_\_\_\_\_

13. On March 10, 2004, Dubois Regional Medical Center did not have a policy to maintain and did not maintain a difficult airway box or cart for use by anesthesia when performing endotracheal intubations outside the operating room.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**This request is objected to in its present form insofar as it requests multiple responses. If the request is broken down, DRMC will attempt to provide responses if the questions are appropriate.**

14. On March 10, 2004, Dubois Regional Medical Center maintained a difficult airway cart in CVICU.

Admit \_\_\_\_\_ X Deny \_\_\_\_\_

15. Prior to attempting intubation on March 10, 2004, Ralph Hamby, CRNA reviewed Martin D. Songer, Sr.'s anesthesia records in the medical chart to ascertain, in part, whether there had been any difficulty intubating him. There was no record of difficulty in intubating Martin D. Songer, Sr.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**Admitted and denied. It is admitted that on March 10, 2004, Ralph Hamby, CRNA, reviewed the patient's medical chart to determine whether or not there would be difficulty in intubating him. The remainder of the request is denied, insofar as Ralph Hamby testified that based on the record, he did have a "little bit" of concern regarding intubation.**

16. On March 10, 2004, when Ralph Hamby, CRNA, was preparing to intubate Martin D. Songer, Sr., Martin Songer's airway structures were swollen and Martin Songer had edema around his airway and in his airway.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ X

17. On March 10, 2004, when examining Martin D. Songer, Sr. for intubation, Ralph Hamby, CRNA did not listen for the presence of stridor.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**It is admitted that Ralph Hamby did not listen for the presence of stridor and as expressed in his deposition at page 51, indicated the patient was uncooperative with any physical exam or assessment.**

18. On March 10, 2004, Ralph Hamby, CRNA, did not ask any other health care professional whether Martin D. Songer, Sr., had stridor.

Admit \_\_\_\_\_ X \_\_\_\_\_ Deny \_\_\_\_\_

19. On March 10, 2004, when examining Martin D. Songer, Sr. for intubation, Ralph Hamby, CRNA did not use a stethoscope to assess Mr. Songer.

Admit \_\_\_\_\_ X \_\_\_\_\_ Deny \_\_\_\_\_

20. On March 10, 2004, when examining Martin D. Songer, Sr. for intubation, Ralph Hamby, CRNA did not check Martin D. Songer, Sr. for dysphasia.

Admit \_\_\_\_\_ X \_\_\_\_\_ Deny \_\_\_\_\_

21. On March 10, 2004, when examining Martin D. Songer, Sr. for intubation, Ralph Hamby, CRNA did not know or make any inquiries as to whether Martin D. Songer, Sr. had experienced any voice changes

Admit \_\_\_\_\_ X \_\_\_\_\_ Deny \_\_\_\_\_

22. Prior to intubating, Martin D. Songer, Sr. on March 10, 2004, Ralph Hamby, CRNA gave Martin D. Songer, Sr., two medications; a sedating drug, Propofol, and a paralyzing drug, Anectine.

Admit                   X                   Deny                                   

**It is admitted that Martin Songer was given two medications including Propofol and Anectine. After the Propofol was given, the patient was checked to determine that he could be ventilated.**

23. On March 10, 2004, Ralph Hamby, CRNA did not assess Mr. Songer's airway for intubation by measuring the horizontal length of his mandible or his mouth opening.

Admit                   X                   Deny                                   

24. On March 10, 2004, Martin D. Songer, Sr., did not have any facial deformities that would have affected the ability to ventilate or intubate him.

Admit                                    Deny                                   

**Admitted in part and denied in part. Ralph Hamby did testify that because he was a large man with neck problems that can lead to some difficulty. (Page 91)**

25. On March 10, 2004, Ralph Hamby, CRNA did not observe any facial hair, facial dressings or facial burns on Martin D. Songer, Sr.

Admit                   X                   Deny                                   

26. On March 10, 2004, Ralph Hamby, CRNA formulated a backup plan of care if he encountered problems either ventilating or intubating Martin D. Songer, Sr.

Admit                   X                   Deny

27. On March 10, 2004, Ralph Hamby, CRNA's formulated back up plan was to try to ventilate Martin D. Songer, Sr., with an oral airway and a bag valve mask. If that did not work, then he would use an LMA or combitube, or perform a cricothyroidotomy or call for additional assistance from the emergency department.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**Admitted in part and denied in part. It is admitted that Ralph Hamby had a backup plan and that was if the intubation attempts failed, to try and ventilate him with just an oral airway and get him so he is awake and not paralyzed because the medication he gave was very short acting. He also testified that if he could not ventilate him, he could use an LMA or a cricothyroidotomy or a combitube or a surgical cric and/or called for additional help.**

28. On March 10, 2004, while attempting to intubate Martin D. Songer, Sr., there was no LMA immediately available to Ralph Hamby, CRNA in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ **X**

**It is admitted that Ralph Hamby was not aware of an LMA that was immediately available.**

29. On March 10, 2004, while attempting to intubate Martin D. Songer, Sr., there was no combitube immediately available to Ralph Hamby, CRNA in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ **X**

**It is admitted that Ralph Hamby believed that there was no combitube immediately available.**

30. On March 10, 2004, while attempting to intubate Martin D. Songer, Sr., there was no cricothyroidotomy kit immediately available to Ralph Hamby, CRNA in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**It is admitted Ralph Hamby believes that there was no cricothyroidotomy kit immediately available.**

31. In formulating his back up plan, Ralph Hamby, CRNA did not ascertain whether the equipment necessary to his backup plan was readily available to him in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**It is admitted that Ralph Hamby did not confirm that equipment for backup plan was immediately available.**

32. An LMA, combitube and cricothyroidotomy kit was available in the operating room which was on the fourth floor and the CVICU was on the fifth floor of Dubois Regional Medical Center.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

33. As of March 10, 2004, Ralph Hamby, CRNA, the only anesthesia personnel available to respond to Martin D. Songer, Sr.'s reintubation, had never used a combitube on a person but only on a mannequin.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**Admitted in part and denied in part. It is admitted that Ralph Hamby had never personally used a combitube on a person. It is denied that he was the only anesthesia personnel available and DRMC incorporates its prior responses, as though the same were set forth at length.**

34. As of March 10, 2004, Ralph Hamby, CRNA, had never performed a cricothyroidotomy on a person but only on a mannequin.

Admit         X         Deny                   

35. When Ralph Hamby, CRNA gave Martin D. Songer, Sr., the sedating drug, Propofol, Ralph Hamby, CRNA did not calculate the exact dosage of milligrams of medication to the weight per pound of Martin D. Songer, Sr.

Admit                    Deny         X        

**Ralph Hamby did consider the weight of Martin Songer and gave a dose watching for the patient's response.**

36. On March 10, 2004, after Ralph Hamby, CRNA, administered Propofol and before administering Anectine to Martin D. Songer, Sr., Ralph Hamby, CRNA, did not evaluate or attempt to evaluate Mr. Songer's airway, other than by ventilating him.

Admit                    Deny                   

37. On March 10, 2004, after Ralph Hamby, CRNA administered Propofol and before administering Anectine to Martin D. Songer, Sr., Ralph Hamby, CRNA, did not observe Mr. Songer's airway structures.

Admit         X         Deny                   

38. On March 10, 2004, after Ralph Hamby, CRNA, administered Propofol and before administering Anectine to Martin D. Songer, Sr., Ralph Hamby, CRNA, did not observe that Mr. Songer's airway structures were swollen, and did not observe that there was edema around the airway and in the airway.

Admit         X         Deny

39. On March 10, 2004, at the time Ralph Hamby, CRNA, was attempting to intubate Martin D. Songer, Sr., there were no other anesthetists or anesthesiologists on the hospital campus of Dubois Regional Medical Center West.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ X \_\_\_\_\_

**Requests Nos. 39-41 are not admitted. After a reasonable investigation, the defendants are unable to admit or deny whether there were any other anesthesia personnel in the hospital and/or on the hospital campus at the time Ralph Hamby, CRNA was attempting to intubate Martin Songer and carry out his other duties. Discovery is continuing and if necessary, these responses will be supplemented.**

40. On March 10, 2004, at the time Ralph Hamby, CRNA, was preparing to intubate Martin D. Songer, Sr., Ralph Hamby, CRNA, was aware there were no other anesthetists or anesthesiologists on the hospital campus of Dubois Regional Medical Center West.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ X \_\_\_\_\_

**See response to #39.**

41. Anectine, which paralyzes the muscles, causing Martin D. Songer, Sr., not to be able to breathe for himself, was administered to Martin D. Songer, Sr., by Ralph Hamby, CRNA, at a time when there were no other anesthesia personnel in the hospital to assist in obtaining the airway.

Admit \_\_\_\_\_ Deny \_\_\_\_\_ X \_\_\_\_\_

**See response to #39.**

42. Ralph Hamby, CRNA expected the Anectine he administered to Martin D. Songer, Sr., to paralyze him, making him unable to breathe on his own for three to five minutes.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**Ralph Hamby, CRNA expected the Anectine to paralyze Martin Songer for a matter of minutes, approximately 5 to 10, to allow him to more effectively intubate the patient. See correction sheet of Ralph Hamby.**

43. The end-tidal CO<sub>2</sub> detector was not immediately available during the first attempted intubation of Martin D. Songer, Sr., by Ralph Hamby, CRNA, on March 10, 2004.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

44. On Ralph Hamby, CRNA's first intubation attempt, he visualized the vocal cords and saw a lot of swelling around them.

Admit \_\_\_\_\_  Deny \_\_\_\_\_

45. Martin D. Songer, Sr.'s swelling around the vocal cords made it difficult for Ralph Hamby, CRNA to intubate and ventilate Martin D. Songer, Sr.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

**This request is denied as stated, as calling for a medical conclusion. Without waiving said objection, it is admitted that the swelling around the vocal cords, along with other items, was one of the factors that made it more difficult to intubate and ventilate Martin Songer.**

46. Ralph Hamby, CRNA paralyzed Martin D. Songer, Sr.'s breathing muscles before looking into his throat and observing the fact that Martin D. Songer, Sr.'s vocal cords were swollen and would be difficult to intubate.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X \_\_\_\_\_

**Ralph Hamby did administer Anectine before visualizing the vocal cords, however, he did not believe that it would be difficult to intubate Martin Songer.**

47. Ralph Hamby, CRNA used a size 8 endotracheal tube to try to intubate Martin D. Songer, Sr.

Admit \_\_\_\_\_  X Deny \_\_\_\_\_

48. CRNA Ralph Hamby's first attempt to intubate Martin D. Songer, Sr. was unsuccessful.

Admit \_\_\_\_\_  X Deny \_\_\_\_\_

49. On March 10, 2004, prior to the time Ralph Hamby, CRNA, administered drugs to Martin D. Songer, Sr., to prepare him for intubation, Ralph Hamby, CRNA, did not know that an LMA was neither in Martin Songer's room nor in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X \_\_\_\_\_

**In response to Request Nos. 49-51, this is objected to as stated. The request is unable to be responded to, insofar as the question is unintelligible as stated. If the question is rephrased, these defendants will attempt to answer the same. Without waiving said objection, plaintiffs have taken the deposition of Ralph Hamby, CRNA and his testimony is incorporated into this response, as though the same were set forth at length. It is believed that the LMA was available.**

50. On March 10, 2004, prior to the time Ralph Hamby, CRNA, administered drugs to Martin D. Songer, Sr., to prepare him for intubation, Ralph Hamby, CRNA, did not know that combitubes were neither in Martin Songer's room nor in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X

**See response to #49 and it is believed that the combitube was available.**

51. On March 10, 2004, prior to the time Ralph Hamby, CRNA, administered drugs to Martin D. Songer, Sr., to prepare him for intubation, Ralph Hamby, CRNA, did not know that a cricothyroidotomy kit was neither in Martin Songer's room nor in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X

**See response to #49, it is believed that the cricothyroidotomy kit was available.**

52. Ralph Hamby, CRNA's second attempt to intubate Martin D. Songer, Sr. was unsuccessful.

Admit \_\_\_\_\_  X Deny \_\_\_\_\_

53. After the second unsuccessful intubation attempt, Ralph Hamby, CRNA asked if there was emergency airway equipment available in the CVICU and was told there was none available.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X

**See correction sheet of Ralph Hamby where he indicates "I believed I asked for".**

54. At the time Ralph Hamby, CRNA, was attempting to intubate Martin D. Songer, Sr., on March 10, 2004, emergency airway equipment was neither in Martin D. Songer, Sr.'s room nor in the CVICU.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X

**See deposition of Judy Graham, page 55.**

55. Ralph Hamby, CRNA was not aware Dr. Hetzler was in Martin D. Songer, Sr.'s room during the intubation attempts.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X

**In response to Request #55, Ralph Hamby did not believe that Dr. Hetzler was in the room at all times. However, he does have some recall of Dr. Hetzler being in the room after the second intubation attempt and asking for some assistance. See correction page of Ralph Hamby, deposition of Judy Graham and the hospital chart.**

56. Martin D. Songer, Sr.'s condition was deteriorating following the second failed intubation attempt.

Admit \_\_\_\_\_  X Deny \_\_\_\_\_

57. After the second failed intubation attempt, ventilatory efforts were unsuccessful.

Admit \_\_\_\_\_ Deny \_\_\_\_\_  X

**This request is admitted in part and denied in part. It is admitted that the second intubation was unsuccessful. It is also admitted that after the second attempt, ventilation efforts were not as effective. In support of this, see the medical records which are incorporated herein.**

58. Ralph Hamby, CRNA's third attempt to intubate Martin D. Songer, Sr., was unsuccessful.

Admit       X       Deny                   

59. Dr. Elias, the emergency department physician, responded to CVICU and successfully intubated Martin D. Songer, Sr., with a size 6.5 intubation tube.

Admit       X       Deny                   

60. From 15:35 hours to 15:50 hours, a time period of 15 minutes, personnel of Dubois Regional Medical Center were unable to intubate and adequately ventilate Martin D. Songer, Sr.

Admit                    Deny       X      

**In response to request #60, it admitted that there was a period where efforts to reintubate and ventilate Martin Songer occurred. It is admitted that it was a period of approximately 15 minutes, and the precise time as contained in the medical record, is incorporated by reference, as though the same were set forth at length. During the 15 minutes, some ventilation did occur, and in support of this, these defendants incorporate the medical records and the information contained therein, as though the same were set forth at length.**

61. At all times that Ralph Hamby, CRNA, was preparing to intubate, administering medications, and attempting to intubate Martin D. Songer, Sr., on March 10, 2004, Ralph Hamby, CRNA, was acting as an employee of Dubois Regional Medical Center and was acting within the course and scope of his employment.

Admit       X       Deny

By: \_\_\_\_\_  
William J. Schenck

Counsel for Plaintiffs  
SCHENCK & LONG  
610 North Main Street  
Butler, PA 16001  
(724) 283-7359

**McINTYRE, HARTYE & SCHMITT**

By   
**Attorneys for Defendants,**  
**DUBOIS REGIONAL MEDICAL**  
**CENTER and RALPH HAMBY,**  
**CRNA**

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

VERIFICATION

I, RALPH HAMBY, CRNA, do hereby verify that I have read the foregoing  
**RESPONSES TO REQUEST FOR ADMISSIONS DIRECTED TO DEFENDANTS**  
**DUBOIS REGIONAL MEDICAL CENTER AND RALPH HAMBY, CRNA.** 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.

  
\_\_\_\_\_  
Ralph Hamby, CRNA

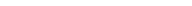
Date: 9 Feb 2006

## VERIFICATION

I, GREGORY VOLPE, Risk Manager, do hereby verify that I have read the foregoing  
**RESPONSES TO REQUEST FOR ADMISSIONS DIRECTED TO DEFENDANTS DUBOIS REGIONAL  
MEDICAL CENTER AND RALPH HAMBY, CRNA.** 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

  
Gregory Volpe, Risk Manager

Date: 2-9-06

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

: No. 2005 – 543 – CD

: ISSUE:  
NOTICE OF DEPOSITION

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

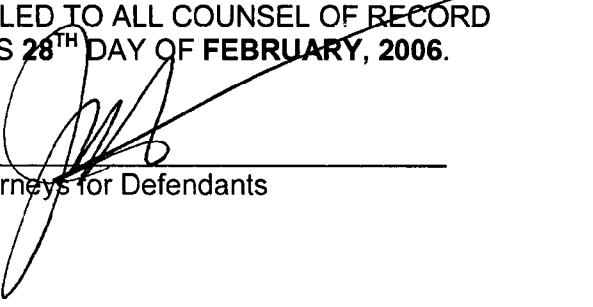
: Counsel of Record:  
John L. McIntyre, Esquire  
PA I.D. #28015

: McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Defendants

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2006.

  
Attnorneys for Defendants

FILED  
MAR 01 2006  
m/11:45 am  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

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

|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
|   | : |                     |
| Plaintiffs  | : |                     |
|   | : |                     |
| vs.   | : |                     |
|   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
|   | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

**NOTICE OF DEPOSITION**

TO: Plaintiff, Pamela Songer  
c/o William J. Schenck, Esquire  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

Please take notice that the deposition of **Plaintiff, PAMELA SONGER, Personal Representative of the Estate of Martin D. Songer, Sr. and PAMELA SONGER, in her own right**, shall be taken upon oral examination by an official Court Reporter at the offices of **DICKIE, McCAMEY & CHILCOTE, Two PPG Place, Suite 400, Pittsburgh, PA 15222** on the **6<sup>th</sup>** day of **MARCH, 2006**, commencing at **10:30 a.m..**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

McINTYRE, HARTYE & SCHMITT

\_\_\_\_\_  
Attorney for Defendants,  
RALPH HAMBY, CRNA and  
DUBOIS REGIONAL MEDICAL CENTER

John L. McIntyre, Esquire  
PA I.D. #28015  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

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

PAMELA SONGER, Personal  
Representative of the Estate of  
MARTIN D. SONGER, SR. and  
PAMELA SONGER, in her own right,

: No. 2005 – 543 – CD

: ISSUE:

: NOTICE OF SERVICE OF  
INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFFS -  
DATED: 3/20/06

Plaintiffs

vs.

DUBOIS REGIONAL MEDICAL CENTER  
and RALPH HAMBY, CRNA,

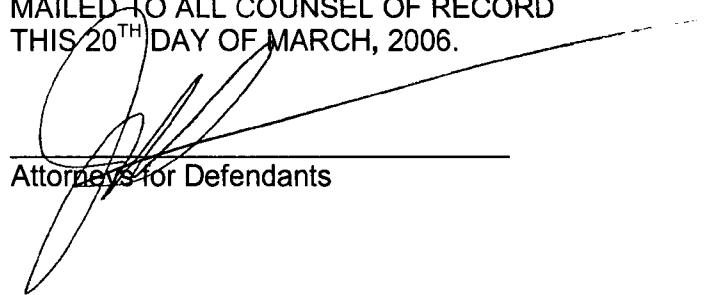
: Filed on behalf of Defendants,  
DUBOIS REGIONAL MEDICAL  
CENTER and RALPH HAMBY, CRNA

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

: McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 20<sup>TH</sup> DAY OF MARCH, 2006.

  
\_\_\_\_\_  
Attorneys for Defendants

**FILED**

MAR 21 2006  
u/11:00 AM (JM)  
William A. Shaw  
Prothonotary/Clerk of Courts  
no c/c

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

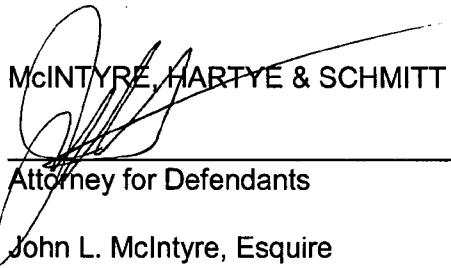
|   |   |                     |
|---|---|---------------------|
| PAMELA SONGER, Personal<br>Representative of the Estate of<br>MARTIN D. SONGER, SR. and<br>PAMELA SONGER, in her own right, | : | No. 2005 – 543 – CD |
| Plaintiffs  | : |                     |
| vs.   | : |                     |
| DUBOIS REGIONAL MEDICAL CENTER<br>and RALPH HAMBY, CRNA,  | : |                     |
| Defendants  | : | JURY TRIAL DEMANDED |

**NOTICE OF SERVICE OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFFS – DATED: 3/20/06**

TO: PROTHONOTARY

You are hereby notified that on the 20<sup>TH</sup> day of MARCH, 2006, Defendants,  
DUBOIS REGIONAL MEDICAL CENTER and RALPH HAMBY, CRNA, served  
Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated:  
3/20/06 by mailing the original of same via First Class U.S. Mail, postage prepaid,  
addressed to the following:

William J. Schenck, Esquire  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

  
MCINTYRE, HARTYE & SCHMITT

Attorney for Defendants

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

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD  
: Plaintiffs, :  
: v. :  
: Dubois Regional Medical Center, and :  
: Ralph Hamby, CRNA, :  
: : TRIAL BY JURY DEMANDED

**STIPULATION TO AMEND CAPTION AND COMPLAINT**

Plaintiffs, Pamela Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right, by and through their attorneys, Schenck & Long, by William J. Schenck and Sheryle L. Long, and Defendants Dubois Regional Medical Center and Ralph Hamby, CRNA, by and through their attorneys, McIntyre, Hartye & Schmitt, by John L. McIntyre, agree and stipulate as follows:

1. Ralph Hamby, CRNA, is dismissed as a named Defendant. The caption of the case is amended to read as follows:

Pamela Songer, Personal Representative  
of the Estate of Martin D. Songer, Sr.,  
and Pamela Songer, in her own right,

Plaintiffs,  
v.  
Dubois Regional Medical Center  
Defendant.

NO  
m12:02/07/06  
60

2. All references in the Complaint in Civil Action to "Defendant Ralph Hamby, CRNA" or "Ralph Hamby, CRNA", are amended to read "Ralph Hamby, CRNA, acting within the scope of his employment as an employee/agent of Defendant Dubois Regional Medical Center".

3. Dubois Regional Medical Center is not dismissed as a Defendant.

William J. Schenck  
William J. Schenck

Sheryle L. Long  
Sheryle L. Long  
Schenck & Long  
610 North Main Street  
Butler, PA 16001

Counsel for Plaintiffs

Date: March 14, 2006

John L. McIntyre  
McIntyre, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648-0533

Counsel for Dubois Regional  
Medical Center and Ralph Hamby,  
CRNA

Date: 3-14-06

6A

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD  
: *2CC A/Hy*  
Plaintiffs, : *012-52801 Schenck*  
: *MAR 23 2006 CR*  
v. :  
Dubois Regional Medical Center, and :  
Ralph Hamby, CRNA, :  
Defendants. : TRIAL BY JURY DEMANDED

William A. Shaw  
Prothonotary/Clerk of Court

**ORDER OF COURT**

AND NOW, this 23 day of March 2006, the parties in the above captioned  
matter having presented this Court with a Stipulation to Amend Caption and Complaint,  
it is hereby Ordered as follows:

1. Ralph Hamby, CRNA, is dismissed as a named Defendant, with prejudice.
2. The caption is amended to read as follows:

Pamela Songer, Personal Representative  
of the Estate of Martin D. Songer, Sr.,  
and Pamela Songer, in her own right,

Plaintiffs,

v.

Dubois Regional Medical Center,

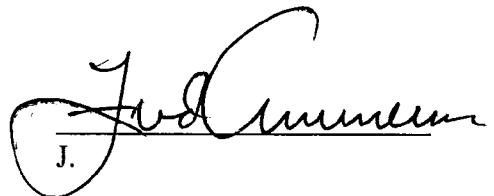
Defendant.

3. All references in the Complaint in Civil Action to, "Defendant Ralph Hamby, CRNA" or "Ralph Hamby, CRNA", are amended to read "Ralph Hamby, CRNA,

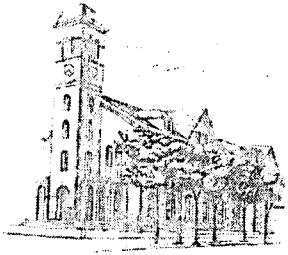
acting within the scope of his employment as an employee/agent of Defendant  
Dubois Regional Medical Center".

4. Dubois Regional Medical Center is not dismissed as a Defendant.

BY THE COURT:



Judge James C. Cunnigham



## 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: 3/23/06

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

Special Instructions:

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD  
Plaintiffs, :  
v. :  
Dubois Regional Medical Center, :  
Defendant. : TRIAL BY JURY DEMANDED  
: TYPE OF PLEADING:  
: Praecipe to Discontinue  
: :  
: FILED ON BEHALF OF:  
: Plaintiffs  
: :  
: COUNSEL OF RECORD  
: FOR THIS PARTY  
: :  
: William J. Schenck  
: PA I.D. # 42156  
: :  
: Schenck & Long  
: 610 North Main Street  
: Butler, PA 16001  
: :  
: (724) 283-7359

FILED 1cc & 1cert of  
M 12:05pm disc issued to  
SEP 05 2006 Atty Schenck  
Copy to c/A  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Pamela Songer, Personal Representative : Civil Action – Medical Professional  
of the Estate of Martin D. Songer, Sr., : Liability Action  
and Pamela Songer, in her own :  
right, : No. 05-543-CD  
Plaintiffs, :  
: v. :  
: Dubois Regional Medical Center, :  
: Defendant. : TRIAL BY JURY DEMANDED

**PRAECIPE TO SETTLE, DISCONTINUE AND SATISFY**

TO THE PROTHONOTARY:

Kindly Settle, Discontinue and Satisfy the above captioned case.



\_\_\_\_\_  
WILLIAM J. SCHENCK

SCHENCK & LONG  
610 North Main Street  
Butler, PA 16001

(724) 283-7359

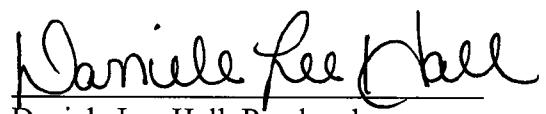
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
COMMONWEALTH OF PENNSYLVANIA

|  |   |   |
|--|---|---|
| Pamela Songer, Personal Representative<br>of the Estate of Martin D. Songer, Sr.,<br>and Pamela Songer, in her own<br>right, | : | Civil Action – Medical Professional<br>Liability Action |
|  | : | No. 05-543-CD   |
| Plaintiffs,  | : |   |
|  | : |   |
| v.   | : |   |
|  | : |   |
| Dubois Regional Medical Center,  | : |   |
|  | : |   |
| Defendant.   | : | TRIAL BY JURY DEMANDED                                  |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Praeclipe to  
Discontinue was served, by and through postage prepaid U.S. Mail, on this 31<sup>st</sup> day of  
August 2006 upon the following individual(s):

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

  
Daniele Lee Hall  
Daniele Lee Hall, Paralegal

**SCHENCK & LONG**  
**ATTORNEYS AT LAW**  
610 North Main Street  
Butler, PA 16001-5982

William J. Schenck  
Sheryle L. Long\*  
Frank Krizner (Of Counsel)

Butler 724-283-7359  
Toll Free 866-283-7359  
Facsimile 724-283-7515

\*Also admitted in Florida

August 30, 2006

Prothonotary  
Clearfield County Courthouse  
North 2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830

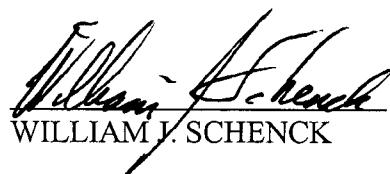
**Re: Pamela Songer, Personal Representative of the Estate of Martin D. Songer, Sr., and Pamela Songer, in her own right v. Dubois Regional Medical Center No. 05-543-CD**

Dear Prothonotary:

Enclosed, please find a Praecept of Discontinuance that we ask be filed in the above referenced matter. Please return the Certificate of Discontinuance in the enclosed self addressed stamped envelope.

Thank you for your consideration in this matter.

Sincerely,



WILLIAM J. SCHENCK

WJS/dlh  
enclosures  
cc: John L. McIntyre, Esquire (w/ enc)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**COPY**

**Pamela Songer  
Martin D. Songer Sr.**

**Vs.  
DuBois Regional Medical Center**

**No. 2005-00543-CD**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 5, 2006, marked:

Settled, Discontinued and Satisfied.

Record costs in the sum of \$85.00 have been paid in full by William J. Schenck Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of September A.D. 2006.

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