

2005-777-CD
D. Shipe, et al vs. N. Hetzler, Jr. MD, et al

Deanna Shipe et al v. Norman Hetzler et al
2005-777-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

MAY 27 2005

M 12:30/4

William A. Shaw
Prothonotary

4 cent w/ 4 writes to
SHERIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE,) CIVIL DIVISION
her husband,)
) NO.
Plaintiffs,)
)
vs.)
)
NORMAN A. HETZLER, JR., M.D.,)
RAJ CARDIOVASCULAR ASSOCIATION,)
S. SCOTT REESE, M.D., and)
DuBOIS REGIONAL MEDICAL CENTER,)
)
Defendants.)

PRAECIPE FOR WRIT OF SUMMONS
-IN CIVIL ACTION-

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Dear Sir:

Kindly issue writ of summons in Civil Action in the within-captioned action returnable
sec. leg. et sec. reg.

**Amount in controversy exceeds \$20,000.00
exclusive of interest and costs.**

A JURY TRIAL IS DEMANDED.

HARRINGTON SCHWEERS DATTILO &
McCLELLAND, P.C.
Firm #949
100 Ross Street
Pittsburgh, PA 15219
(412) 391-3477

BY: 

William S. Schweers, Jr., Esquire
PA I.D. #27625

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

SUMMONS

**Deanna J. Shipe and
Dan Shipe, her husband
Plaintiffs**

Vs.

NO.: 2005-00777-CD

**Norman A. Hetzler, Jr., M.D.
RAJ Cardiovascular Association
S. Scott Reese, M.D..
DuBois Regional Medical Center
Defendants**

**TO: NORMAN A. HETZLER, M.D. JR.
RAJ CARDIOVASCULAR ASSOCIATION
S. SCOTT REESE, M.D..
DUBOIS REGIONAL MEDICAL CENTER**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 5/27/2005

William A. Shaw
Prothonotary

Issuing Attorney:

William S. Schweers Jr.
Firm #949
Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100512
NO: 05-777-CD
SERVICE # 1 OF 4
PRACIPE & SUMMONS

PLAINTIFF: DEANNA J. SHIPE & DAN SHIPE
VS.
DEFENDANT: NORMAN A. HETZLER, JR., M.D. al

SHERIFF RETURN

NOW, June 03, 2005 AT 1:00 AM SERVED THE WITHIN PRACIPE & SUMMONS ON NORMAN A. HETZLER, JR., M.D. DEFENDANT AT RAJ CARDIOVASCULAR ASSOC., 145 HOSPITAL AVE., STE. 104, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHIRLEY PETRUCCI, OFFICE MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRACIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

FILED
12:39 PM
JUN 06 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100512
NO: 05-777-CD
SERVICE # 2 OF 4
PRACIPE & SUMMONS

PLAINTIFF: DEANNA J. SHIPE & DAN SHIPE
vs.
DEFENDANT: NORMAN A. HETZLER, JR., M.D. al

SHERIFF RETURN

NOW, June 03, 2005 AT 1:00 PM SERVED THE WITHIN PRACIPE & SUMMONS ON RAJ CARDIOVASCULAR ASSOC. DEFENDANT AT 145 HOSPITAL AVE., STE. 104, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHIRLEY PETRUCCI, OFFICE MGR. A TRUE AND ATTESTED COPY OF THE ORIGINAL PRACIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100512
NO: 05-777-CD
SERVICE # 3 OF 4
PRACIPE & SUMMONS

PLAINTIFF: DEANNA J. SHIPE & DAN SHIPE
VS.
DEFENDANT: NORMAN A. HETZLER, JR., M.D. al

SHERIFF RETURN

NOW, June 03, 2005 AT 1:00 PM SERVED THE WITHIN PRACIPE & SUMMONS ON S. SCOTT REESE, M.D. DEFENDANT AT MED. ARTS. BLDG., 145 Hospital Ave. Ste. 113, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PAULA DESANTIS, RECEPTIONIST A TRUE AND ATTESTED COPY OF THE ORIGINAL PRACIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100512
NO: 05-777-CD
SERVICE # 4 OF 4
PRACIPE & SUMMONS

PLAINTIFF: DEANNA J. SHIPE & DAN SHIPE
VS.
DEFENDANT: NORMAN A. HETZLER, JR., M.D. al

SHERIFF RETURN

NOW, June 03, 2005 AT 1:00 PM SERVED THE WITHIN PRACIPE & SUMMONS 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 PRACIPE & SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100512
NO: 05-777-CD
SERVICES 4
PRACIPE & SUMMONS

PLAINTIFF: DEANNA J. SHIPE & DAN SHIPE
vs.
DEFENDANT: NORMAN A. HETZLER, JR., M.D. al

SHERIFF RETURN

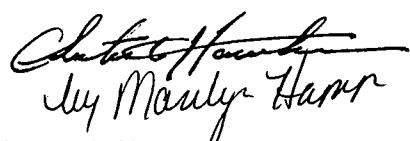
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HARRINGTON	32279	40.00
SHERIFF HAWKINS	HARRINGTON	32279	51.39

Sworn to Before Me This

____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

NO. 2005-777-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on Behalf of: DEFENDANT,
S. SCOTT REESE, M.D.

Counsel of Record for this Party:

PAULA A. KOCZAN, ESQ.
PA. I.D. No. 46932

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP
Firm #594

Two Gateway Center, Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

(412) 281-4541
(412) 281-4547

JURY TRIAL DEMANDED

FILED

JUN 13 2005

m/ 2:30/ c
William A. Shaw
Prothonotary

no c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

CIVIL DIVISION

No. 2005-777-CD

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants..

PRAECIPE FOR ENTRY OF APPEARANCE

TO: WILLIAM A. SHAW, SR., PROTHONOTARY:

KINDLY ENTER the appearance of PAULA A. KOCZAN, ESQUIRE, and the law firm
of WEBER GALLAGHER SIMPSON STAPLETON FIRES & NEWBY, LLP, on behalf of the
DEFENDANT, S. SCOTT REESE, M.D., in the above-captioned matter.

Respectfully submitted,

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP

By:



Paula A. Koczan, Esquire
Attorneys for Defendant,
S. Scott Reese, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via United States mail, first class, postage prepaid, this 10th day of June, 2005, addressed as follows:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219
(Plaintiffs' Counsel)


Paula A. Koczan, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

NO. 2005-777-CD

**PRAECLPICE FOR RULE TO FILE A
COMPLAINT**

Filed on Behalf of: DEFENDANT,
S. SCOTT REESE, M.D.

Counsel of Record for this Party:

PAULA A. KOCZAN, ESQ.
PA. I.D. No. 46932

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP
Firm #594

Two Gateway Center, Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

(412) 281-4541
(412) 281-4547

JURY TRIAL DEMANDED

FILED

JUN 13 2005

7/23/05
William A. Shaw
Prothonotary

NO CERT COPIES

RULE TO ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005-777-CD

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants..

PRAECIPE FOR RULE TO FILE A COMPLAINT

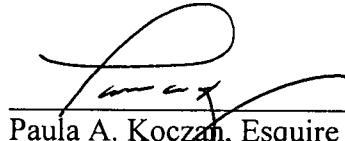
TO: WILLIAM A. SHAW, SR., PROTHONOTARY

KINDLY ISSUE a Rule upon Plaintiffs, DEANNA J. and DAN SHIPE, to file a
Complaint in the above entitled action within twenty (20) days from the date of service thereof or
suffer a *non pros sec reg se leg.*

Respectfully submitted,

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP

By:



Paula A. Koczan, Esquire
Attorneys for Defendant,
S. Scott Reese, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE FOR RULE TO FILE A COMPLAINT was served via United States mail, first class, postage prepaid, this 10th day of June, 2005, addressed as follows:

William A. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland, PC
100 Ross Street
Pittsburgh, PA 15219
(Plaintiffs' Counsel)


Paula A. Koczan, Esquire

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

Deanna J. Shipe
Dan Shipe

Vs.
Norman A. Hetzler Jr.
RAJ Cardiovascular Association
S. Scott Reese MD
DuBois Regional Medical Center

Case No. 2005-00777-CD

RULE TO FILE COMPLAINT

TO: Deanna J. Shipe and Dan Shipe

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: June 13, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION, S.
SCOTT REESE, M.D., and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

No. 2005-777-CD

Issue No.

PRAECIPE FOR APPEARANCE

Code: 007

Filed on behalf of DuBois Regional Medical
Center, one of the defendants.

Counsel of Record for This Party:

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

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

(412) 232-3400

FILED

JUN 14 2005

119:00/ma

William A. Shaw
Prothonotary

no 4c

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

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

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

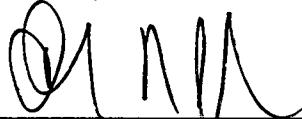
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR APPEARANCE has been served upon the following counsel of record and same placed in the U.S. Mails on this 10th day of June, 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo &
McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219

Paula Koczan, Esquire
Weber Gallagher Simpson Stapleton
Fires & Newby, LLP
Two Gateway Center - Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION, S.
SCOTT REESE, M.D., and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

No. 2005-777-CD

Issue No.

PRAECLYPE FOR RULE FOR COMPLAINT

Code: 007

Filed on behalf of DuBois Regional Medical
Center, one of the defendants.

Counsel of Record for This Party:

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

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

(412) 232-3400

FILED

JUN 14 2005
m/9:00a/c
FILED
William A. Shaw
Prothonotary
No 9C
ISSUED Rule to Party

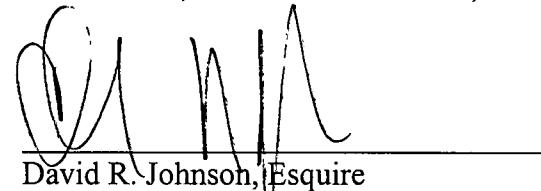
PRAECIPE FOR RULE FOR COMPLAINT

TO: PROTHONOTARY

Kindly issue a rule on plaintiffs to file their complaint within twenty days.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

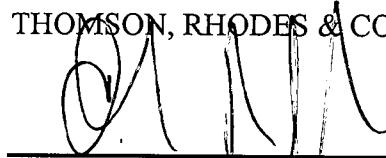
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR RULE
FOR COMPLAINT has been served upon the following counsel of record and same
placed in the U.S. Mails on this 10th day of June, 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo &
McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219

Paula Koczan, Esquire
Weber Gallagher Simpson Stapleton
Fires & Newby, LLP
Two Gateway Center - Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

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

Deanna J. Shipe
Dan Shipe

Vs. Case No. 2005-00777-CD
Norman A. Hetzler Jr.
RAJ Cardiovascular Association
S. Scott Reese MD
DuBois Regional Medical Center

RULE TO FILE COMPLAINT

TO: Deanna J. Shipe and Dan Shipe, her husband

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: June 14, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION, S.
SCOTT REESE, M.D., and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

No. 2005-777-CD

Issue No.

AFFIDAVIT OF SERVICE OF RULE FOR
COMPLAINT

Code: 007

Filed on behalf of DuBois Regional Medical
Center, one of the defendants.

Counsel of Record for This Party:

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

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

(412) 232-3400

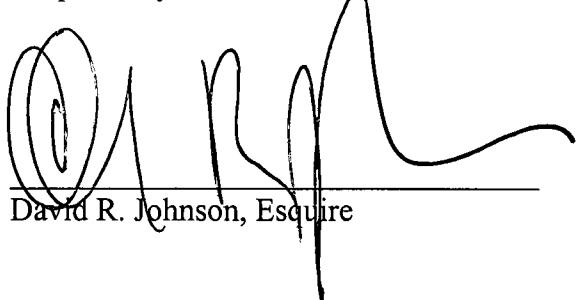
FILED NO
m/j: 3061 cc
JUN 27 2005 vb

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared David R. Johnson, Esquire, who, being duly sworn, deposes and says that a true and correct copy of the Rule to File a Complaint in the above-captioned case was served upon plaintiff's counsel, William S. Schweers, Jr., Esquire, Harrington, Schweers, Dattilo & McClelland, P.C., 100 Ross Street, Pittsburgh, PA 15219, by certified mail, return receipt requested, and that the same was received on his behalf on June 20, 2005 as shown by the return receipt attached hereto.

Respectfully submitted,



David R. Johnson, Esquire

Sworn to and subscribed before me

this 23rd day of June, 2005.

Patricia J. Nicpon
Notary Public

Notarial Seal
Patricia J. Nicpon, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Oct. 28, 2006

Member, Pennsylvania Association Of Notaries

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

Deanna J. Shipe
Dan Shipe

Vs. Case No. 2005-00777-CD
Norman A. Hetzler Jr.
RAJ Cardiovascular Association
S. Scott Reese MD
DuBois Regional Medical Center

RULE TO FILE COMPLAINT

TO: Deanna J. Shipe and Dan Shipe, her husband

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: June 14, 2005

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William S. Schweers, Jr.
100 Ross St. Esq.
Pittsburgh, PA
15219

2. Article Number

(Transfer from service label)

7002 3150 0000 8705 7289

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-P-4081

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

R. Yawcett Agent
 Addressee

B. Received by (Printed Name)

R. Yawcett C. Date of Delivery

D. Is delivery address different from item 1? Yes

if YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D..

4. Restricted Delivery? (Extra Fee)

Yes

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within AFFIDAVIT OF SERVICE OF RULE FOR COMPLAINT has been served upon the following counsel of record and same placed in the U.S. mails on this 23rd day of

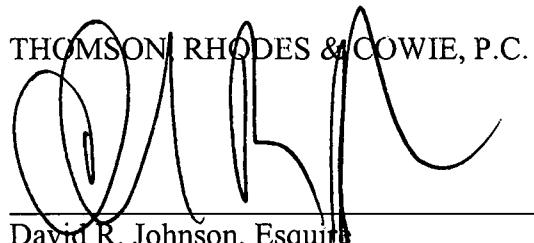
June, 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo &
McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219

Paula Koczan, Esquire
Weber Gallagher Simpson Stapleton
Fires & Newby, LLP
Two Gateway Center - Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire
Attorneys for DuBois Regional Medical
Center, one of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005 – 777 – CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and
DuBOIS REGIONAL MEDICAL CENTER,

TYPE OF PLEADING:

Defendants.

PRAECIPE FOR APPEARANCE

FILED ON BEHALF OF:

**NORMAN A. HETZLER, JR., M.D.
And
RAJ CARDIOVASCULAR
ASSOCIATION**

COUNSEL OF RECORD
FOR THESE PARTIES:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD & GRIMM, P.C.
Firm No. 788
Suite 700, One Gateway Center
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222
Telephone: 412-391-1114
Fax: 412-391-3017

FILED NO CC
m13-0084
JUL 11 2005 (6)

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005 – 777 – CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and
DuBOIS REGIONAL MEDICAL CENTER,

Defendants.

JURY TRIAL DEMANDED

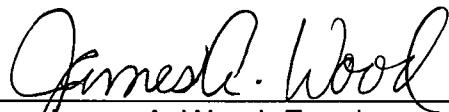
PRAECIPE FOR APPEARANCE

To: Prothonotary

Please enter our appearance on behalf of defendants **NORMAN A. HETZLER, JR., M.D., and RAJ CARDIOVASCULAR ASSOCIATION** in connection with the above-captioned matter.

ISRAEL, WOOD & GRIMM, P.C.

By:



James A. Wood, Esquire

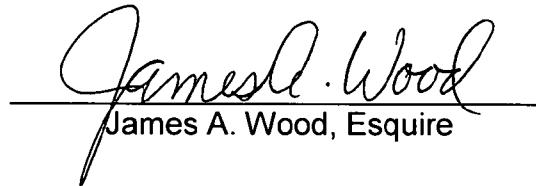
Counsel for Defendants

Norman A. Hetzler, M.D., and
Raj Cardiovascular Association

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within **Praecipe for Appearance** was forwarded to the following counsel of record, via first-class mail, on the 8th day of July, 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland
100 Ross Street
Pittsburgh, PA 15219
Counsel for Plaintiffs



James A. Wood, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005 – 777 – CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and
DuBOIS REGIONAL MEDICAL CENTER,

TYPE OF PLEADING:

Defendants.

**PRAECIPE FOR RULE
TO FILE COMPLAINT**

FILED ON BEHALF OF:

**NORMAN A. HETZLER, JR., M.D.
And
RAJ CARDIOVASCULAR
ASSOCIATION**

COUNSEL OF RECORD
FOR THESE PARTIES:

James A. Wood, Esquire
PA ID No. 20009
ISRAEL, WOOD & GRIMM, P.C.
Firm No. 788
Suite 700, One Gateway Center
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222
Telephone: 412-391-1114
Fax: 412-391-3017

FILED NO
m130064 cc
JUL 11 2005 2 Rules to
William A. Shaw Amy Wood
Clerk of Courts
6/1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005 – 777 – CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and
DuBOIS REGIONAL MEDICAL CENTER,

Defendants.

JURY TRIAL DEMANDED

PRAECIPE FOR RULE TO FILE COMPLAINT

To: Prothonotary

Please issue a Rule upon plaintiffs to file a Complaint in connection with the
above-captioned matter within twenty (20) days of service thereon, otherwise judgment
of non pros to be entered.

ISRAEL, WOOD & GRIMM, P.C.

By:



James A. Wood, Esquire

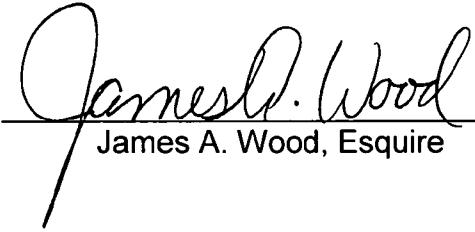
Counsel for Defendants

Norman A. Hetzler, M.D., and
Raj Cardiovascular Association

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within **Praecipe for Rule to File Complaint** was forwarded to the following counsel of record, via first-class mail, on the 8th day of July, 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland
100 Ross Street
Pittsburgh, PA 15219
Counsel for Plaintiffs



James A. Wood, Esquire

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

 COPY

Deanna J. Shipe and
Dan Shipe, her husband

Vs.

Case No. 2005-00777-CD

Norman A. Hetzler Jr., M.D.,
RAJ Cardiovascular Association,
S. Scott Reese M.D., and
DuBois Regional Medical Center

RULE TO FILE COMPLAINT

TO: Deanna J. Shipe and Dan Shipe, her husband

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.

William A. Shaw, Prothonotary

Dated: July 11, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

NO. 2005-777-CD

10 DAY NOTICE

Filed on Behalf of: DEFENDANT,
S. SCOTT REESE, M.D.

Counsel of Record for this Party:

PAULA A. KOCZAN, ESQ.
PA. I.D. No. 46932

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP
Firm #594

Two Gateway Center, Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

(412) 281-4541
(412) 281-4547

JURY TRIAL DEMANDED

FILED
M 11:52 AM
JUL 11 2005
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005-777-CD

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants..

IMPORTANT NOTICE

TO: Deanna J. Shipe and Dan Shipe
c/o William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219

DATE OF NOTICE: July 8, 2005

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x5982

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY LLP

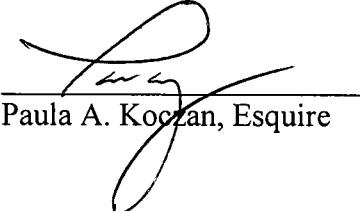
By: 

Paula A. Koezan, Esquire
Attorney for Defendant,
S. Scott Reese, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the 10 DAY NOTICE was served via United States mail, first class, postage prepaid, this 8th day of July, 2005, addressed as follows:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219


Paula A. Koczan, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED *11:48 AM* JUL 18 2005 *cc* NO^o

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE,)	CIVIL DIVISION
her husband,)	
)	NO. 2005-777-CD
Plaintiffs,)	
)	
vs.)	
)	
NORMAN A. HETZLER, JR., M.D.,)	
RAJ CARDIOVASCULAR ASSOCIATION,)	
S. SCOTT REESE, M.D., and)	
DuBOIS REGIONAL MEDICAL CENTER,)	
)	
Defendants.)	

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 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, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

**DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641, Ext, 5982**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE,)	CIVIL DIVISION
her husband,)	
)	NO. 2005-777-CD
Plaintiffs,)	
)	
vs.)	
)	
NORMAN A. HETZLER, JR., M.D.,)	
RAJ CARDIOVASCULAR ASSOCIATION,)	
S. SCOTT REESE, M.D., and)	
DUBOIS REGIONAL MEDICAL CENTER,)	
)	
Defendants.)	

PLAINTIFFS' COMPLAINT

AND NOW COME the Plaintiffs, by and through their Attorneys, WILLIAM S. SCHWEERS, JR., ESQUIRE and HARRINGTON SCHWEERS DATTILO & McCLELLAND, P.C., and file this Complaint upon a cause of action whereof the following is a statement:

1. Plaintiffs, Deanna J. Shipe and Dan Shipe, are individuals, husband and wife, and reside at 1663 Galusha Road, Brockway, Jefferson County, Pennsylvania 15824.
2. Defendant, Norman A. Hetzler, Jr., M.D. (hereinafter referred to as Defendant Hetzler), is a medical doctor licensed to practice medicine in the State of Pennsylvania. At all times material to Plaintiffs' cause of action, Defendant Hetzler held himself out to wife Plaintiff-Deanna Shipe and the public, in general, as a specialist in the field of cardiothoracic surgery. Defendant Hetzler maintains an office for the practice of his specialty located at 145 Hospital Avenue, Suite 104, DuBois, Clearfield County, Pennsylvania 15801.
3. Defendant, RAJ Cardiovascular Association (hereinafter referred to Defendant RAJ), at all times material to this Complaint was a corporation or other entity, chartered and existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business in DuBois,

Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, this Defendant owned, operated and controlled a certain general medical facility located at 145 Hospital Avenue, Suite 104, DuBois, Clearfield County, Pennsylvania 15801.

4. Defendant, S. Scott Reese, M.D. (hereinafter referred to as Defendant Reese), is a medical doctor licensed to practice medicine in the State of Pennsylvania. At all times material to Plaintiffs' cause of action, Defendant Reese held himself out to wife Plaintiff-Deanna Shipe and the public, in general, as a specialist in the field of cardiology. Defendant Reese maintains an office for the practice of his specialty located at the Medical Arts Building, 145 Hospital Avenue, Suite 113, DuBois, Clearfield County, Pennsylvania 15801.

5. Defendant, DuBois Regional Medical Center (hereinafter referred to as Defendant DRMC), at all times material to this Complaint was a corporation or other entity, chartered and existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business in DuBois, Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, this Defendant owned, operated and controlled a certain general hospital located at 100 Hospital Avenue, DuBois, Clearfield County, Pennsylvania 15801.

6. Plaintiffs aver that at all times material to this cause of action, Defendant Hetzler was an ostensible agent, servant, and/or employee of RAJ Cardiovascular Association and of DuBois Regional Medical Center.

7. Plaintiffs aver that at all times material to this cause of action, Defendant Reese was an ostensible agent, servant, and/or employee of DuBois Regional Medical Center.

8. Plaintiffs are asserting a professional liability claim against Defendants, Norman A. Hetzler, Jr., M.D.; RAJ Cardiovascular Association; S. Scott Reese, M.D.; and DuBois Regional Medical Center.

9. On June 30, 2003, wife Plaintiff-Deanna Shipe, was admitted to Defendant DRMC with complaints of dyspnea and fatigue. On the date of admission, she underwent a cardiac catheterization performed by Defendant Reese. During the course of the procedure, the left ventricle was perforated.

10. For this reason, wife Plaintiff-Deanna Shipe, was taken to the operating room, emergently, for aortic valve replacement and repair of the left ventricle perforation. During the course of the procedure, the anulus was debrided and sized to approximately 20 mm. Defendant Hetzler then performed an anular enlargement procedure and a 22 mm Medtronic Hall mechanical heart valve was placed.

11. Following discharge, wife Plaintiff-Deanna Shipe, was seen in follow-up by Defendant Reese on July 3rd and July 30th, 2003.

12. On January 5, 2004, wife Plaintiff-Deanna Shipe, experienced a cerebral vascular accident. Wife Plaintiff-Deanna Shipe continued to follow in the offices of Defendant Reese.

13. In July of 2004, possible prosthetic valve stenosis was diagnosed via echocardiogram. On July 31, 2004, a transthoracic echocardiogram confirmed prosthetic aortic valve dysfunction. For this reason, wife Plaintiff-Deanna Shipe, was admitted to UPMC Presbyterian Shadyside Hospital on August 9, 2004. Wife Plaintiff-Deanna Shipe underwent aortic valve replacement. Prosthetic patient mismatch was diagnosed, and a 19 mm tissue valve was placed. During this hospitalization, wife Plaintiff-Deanna Shipe, suffered complications of a left groin pseudoaneurysm and left groin wound dehiscence for which a plastic surgery procedure was required.

Count I
Deanna J. Shipe and Dan Shipe, her husband, Plaintiffs,
vs.
Norman A. Hetzler, Jr., M.D., Defendant.
(NEGLIGENCE)

14. Plaintiffs incorporate paragraphs 1 through 13 as if fully set forth herein.
15. The injuries and damages hereinafter set forth were caused solely by the negligence of Defendant Hetzler in the following respects:
 - A. In causing prosthesis patient mismatch;
 - B. In implanting a mechanical aortic valve which was too large;
 - C. In failing to account for and/or realize that a Medtronic 22 mm device is actually a 23 mm prosthesis;
 - D. In incorrectly assuming that a 19 or 20 mm prosthetic aortic valve was of insufficient size for the patient's body surface area;
 - E. In placing the patient at increased risk for thrombus;
 - F. In failing to choose the correct valve at the time of surgery;
 - G. In unnecessarily performing a Nick's procedure;
 - H. In failing to perform a Dacron patch closure of the aorta;
 - I. In failing to perform a projected indexed effective orifice area at the time of operation;
 - J. In failing to ensure an adequate ratio between the prosthetic valve effective orifice area and the patient's body surface area;
 - K. In implanting the incorrect type of prosthesis.
16. Directly as a result of the negligence of Defendant Hetzler as aforesaid, wife Plaintiff-Deanna Shipe, has sustained the following injuries and damages:
 - A. Cerebrovascular accident;

- B. Congestive heart failure;
- C. She was required to undergo a redo for aortic valve repair;
- D. As a result of undergoing a second aortic valve repair, she experienced severe complications from the development of a left groin pseudoaneurysm;
- E. She has experienced great pain, suffering, inconvenience, embarrassment, and mental anguish;
- F. She has been and will be required to expend large sums of money for medical and surgical attention;
- G. Her health, strength, and vitality have been impaired;
- H. She has been unable to perform her normal activities of daily living;
- I. She has been disfigured.

WHEREFORE, Plaintiffs bring this suit to recover an amount in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS.

A JURY TRIAL IS DEMANDED.

Count II
Deanna Shipe and Dan Shipe, her husband, Plaintiffs,
vs.
RAJ Cardiovascular Association, Defendant.
(NEGLIGENCE)

- 17. Plaintiffs incorporate paragraphs 1 through 16 as if fully set forth herein.
- 18. The injuries and damages hereinafter set forth were caused solely by the negligence of Defendant RAJ, by and through their agents, servants, and/or employees in the following respects:
 - A. In that its agents, servants, and/or employees caused prosthesis patient mismatch;

- B. In that its agents, servants, and/or employees implanted a mechanical aortic valve which was too large;
- C. In that its agents, servants, and/or employees failed to account for and/or realize that a Medtronic 22 mm device is actually a 23 mm prosthesis;
- D. In that its agents, servants, and/or employees incorrectly assumed that a 19 or 20 mm prosthetic aortic valve was of insufficient size for the patient's body surface area;
- E. In that its agents, servants, and/or employees placed the patient at increased risk for thrombus;
- F. In that its agents, servants, and/or employees failed to choose the correct valve at the time of surgery;
- G. In that its agents, servants, and/or employees unnecessarily performed a Nick's procedure;
- H. In that its agents, servants, and/or employees failed to perform a Dacron patch closure of the aorta;
- I. In that its agents, servants, and/or employees failed to perform a projected indexed effective orifice area at the time of operation;
- J. In that its agents, servants, and/or employees failed to ensure an adequate ratio between the prosthetic valve effective orifice area and the patient's body surface area;
- K. In that its agents, servants, and/or employees implanted the incorrect type of prosthesis.

19. Directly as a result of the negligence of Defendant RAJ, by and through its agents, servants, and/or employees as aforesaid, wife Plaintiff-Deanna Shipe, has sustained the following injuries and damages:

- A. Cerebrovascular accident;
- B. Congestive heart failure;
- C. She was required to undergo a redo for aortic valve repair;
- D. As a result of undergoing a second aortic valve repair, she experienced severe complications from the development of a left groin pseudoaneurysm;
- E. She has experienced great pain, suffering, inconvenience, embarrassment, and mental anguish;
- F. She has been and will be required to expend large sums of money for medical and surgical attention;
- G. Her health, strength, and vitality have been impaired;
- H. She has been unable to perform her normal activities of daily living;
- I. She has been disfigured.

WHEREFORE, Plaintiffs bring this suit to recover an amount in excess of TWENTY THOUSAND (\$205,000.00) DOLLARS.

A JURY TRIAL IS DEMANDED.

Count III
Deanna Shipe and Dan Shipe, her husband, Plaintiffs,
vs.
S. Scott Reese, M.D., Defendant.
(NEGLIGENCE)

- 20. Plaintiffs incorporate paragraphs 1 through 19 as if fully set forth herein.
- 21. The injuries and damages hereinafter set forth were caused solely by the negligence of Defendant Reese in the following respects:

- A. In causing a perforation of the left ventricle;
- B. In failing to adequately anticoagulate the patient subsequent to surgery;
- C. In failing to timely diagnose congestive heart failure and aortic valve dysfunction.

22. Directly as a result of the negligence of Defendant Reese as aforesaid, wife Plaintiff-Deanna Shipe, has sustained the following injuries and damages:

- A. Cerebrovascular accident;
- B. Congestive heart failure;
- C. She was required to undergo a redo for aortic valve repair;
- D. As a result of undergoing a second aortic valve repair, she experienced severe complications from the development of a left groin pseudoaneurysm;
- E. She has experienced great pain, suffering, inconvenience, embarrassment, and mental anguish;
- F. She has been and will be required to expend large sums of money for medical and surgical attention;
- G. Her health, strength, and vitality have been impaired;
- H. She has been unable to perform her normal activities of daily living;
- I. She has been disfigured.

WHEREFORE, Plaintiffs bring this suit to recover an amount in excess of TWENTY THOUSAND (\$205,000.00) DOLLARS.

A JURY TRIAL IS DEMANDED.

Count IV
Deanna Shipe and Dan Shipe, her husband, Plaintiffs,
vs.
DuBois Regional Medical Center, Defendant.
(NEGLIGENCE)

23. Plaintiffs incorporate paragraphs 1 through 22 as if fully set forth herein.

24. The injuries and damages hereinafter set forth were caused solely by the negligence of Defendant DRMC, by and through its agents, servants, and/or employees in the following respects:

- A. In that its agents, servants, and/or employees caused prosthesis patient mismatch;
- B. In that its agents, servants, and/or employees implanted a mechanical aortic valve which was too large;
- C. In that its agents, servants, and/or employees failed to account for and/or realize that a Medtronic 22 mm device is actually a 23 mm prosthesis;
- D. In that its agents, servants, and/or employees incorrectly assumed that a 19 or 20 mm prosthetic aortic valve was of insufficient size for the patient's body surface area;
- E. In that its agents, servants, and/or employees placed the patient at increased risk for thrombus;
- F. In that its agents, servants, and/or employees failed to choose the correct valve at the time of surgery;
- G. In that its agents, servants, and/or employees unnecessarily performed a Nick's procedure;
- H. In that its agents, servants, and/or employees failed to perform a Dacron patch closure of the aorta;

- I. In that its agents, servants, and/or employees failed to perform a projected indexed effective orifice area at the time of operation;
- J. In that its agents, servants, and/or employees failed to ensure an adequate ratio between the prosthetic valve effective orifice area and the patient's body surface area;
- K. In that its agents, servants, and/or employees implanted the incorrect type of prosthesis;
- L. In that its agents, servants, and/or employees caused a perforation of the left ventricle;
- M. In that its agents, servants, and/or employees failed to adequately anticoagulate the patient subsequent to surgery;
- N. In that its agents, servants, and/or employees failed to timely diagnose congestive heart failure and aortic valve dysfunction.

25. Directly as a result of the negligence of Defendant DRMC, by and through its agents, servants, and/or employees as aforesaid, wife Plaintiff-Deanna Shipe, has sustained the following injuries and damages:

- A. Cerebrovascular accident;
- B. Congestive heart failure;
- C. She was required to undergo a redo for aortic valve repair;
- D. As a result of undergoing a second aortic valve repair, she experienced severe complications from the development of a left groin pseudoaneurysm;
- E. She has experienced great pain, suffering, inconvenience, embarrassment, and mental anguish;

- F. She has been and will be required to expend large sums of money for medical and surgical attention;
- G. Her health, strength, and vitality have been impaired;
- H. She has been unable to perform her normal activities of daily living;
- I. She has been disfigured.

WHEREFORE, Plaintiffs bring this suit to recover an amount in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS.

A JURY TRIAL IS DEMANDED.

Count V
Dan Shipe, husband Plaintiff,
vs.
Norman J. Hetzler, Jr., M.D., RAJ Cardiovascular Association,
S. Scott Reese, M.D., and DuBois Regional Medical Center, Defendants.

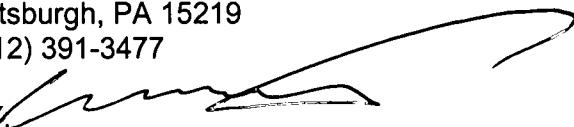
- 26. Plaintiffs incorporate paragraphs 1 through 25 as if fully set forth herein.
- 27. Husband Plaintiff-Dan Shipe has been deprived of the services and consortium of his spouse, Deanna J. Shipe.
- 28. Husband Plaintiff-Dan Shipe has been required to expend large sums of money for medical and surgical attention of his spouse, Deanna J. Shipe.

WHEREFORE, Plaintiffs bring this suit to recover an amount in excess of TWENTY THOUSAND (\$20,000.00) DOLLARS.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HARRINGTON SCHWEERS DATTILO &
McCLELLAND, P.C.
Firm #949
100 Ross Street
Pittsburgh, PA 15219
(412) 391-3477

BY 

William S. Schweers, Jr., Esquire
PA I.D. #27625

Attorney for Plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **PLAINTIFFS' COMPLAINT**, was served **via first-class U.S. Mail, postage prepaid**, this 14th day of July, 2005, on the following:

James A. Wood, Esquire
ISRAEL, WOOD & GRIMM, P.C.
One Gateway Center
420 Fort Duquesne Boulevard, Suite 700
Pittsburgh, PA 15222

Paula A. Koczan, Esquire
WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP
Two Gateway Center, Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

David R. Johnson, Esquire
THOMSON, RHODES & COWIE, P.C.
Two Chatham Center, Tenth Floor
Pittsburgh, PA 15219-3499

HARRINGTON SCHWEERS DATTILO &
McCLELLAND, P.C.

BY: 

William S. Schweers, Jr., Esquire
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY JEFFERSON) SS:
)

AFFIDAVIT

Before me, the undersigned authority, personally appeared **DEANNA J. SHIPE** and **DAN SHIPE, her husband**, Plaintiffs herein, who being first duly sworn according to law, depose and say that the averments contained in the foregoing **COMPLAINT**, are true and correct to the best of their information, knowledge and belief.

Deanna J. Shipe
Deanna J. Shipe
Dan Shipe
Dan Shipe

Sworn to and subscribed before me,

this 17th day of June, 2005.

Shannon R. Beinrole
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Shannon R. Heindl, Notary Public

Brookville Boro, Jefferson County

My Commission Expires May 20, 2008

Member, Pennsylvania Association Of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>DEANNA J. SHIPE and DAN SHIPE, her husband,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>NORMAN A. HETZLER, M.D., RAJ CARDIOVASCULAR ASSOCIATION; S. SCOTT REESE, M.D. and DUBOIS REGIONAL MEDICAL CENTER,</p> <p>Defendants.</p>	<p>CIVIL DIVISION</p> <p>NO. 2005-777-CD</p> <p>PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS</p> <p>Filed on Behalf of: DEFENDANT, S. SCOTT REESE, M.D.</p> <p>Counsel of Record for this Party:</p> <p>PAULA A. KOCZAN, ESQ. PA. I.D. No. 46932</p> <p>WEBER GALLAGHER SIMPSON STAPLETON FIRES & NEWBY, LLP Firm #594</p> <p>Two Gateway Center, Suite 1450 603 Stanwix Street Pittsburgh, PA 15222</p> <p>(412) 281-4541 (412) 281-4547</p> <p>JURY TRIAL DEMANDED</p>
--	--

FILED

SEP 19 2005

m/10:15/mws
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>DEANNA J. SHIPE and DAN SHIPE, her husband, Plaintiffs, vs. NORMAN A. HETZLER, M.D., RAJ CARDIOVASCULAR ASSOCIATION; S. SCOTT REESE, M.D. and DUBOIS REGIONAL MEDICAL CENTER, Defendants.</p>	<p>CIVIL DIVISION NO. 2005-777-CD</p>
--	--

PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter Judgment of Non Pros against the Plaintiffs, DEANNA J. SHIPE and DAN SHIPE, for their failure to file a Certificate of Merit against the Defendants in the above-captioned action.

Respectfully Submitted,

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY LLP

By: 

Paula A. Koczan, Esquire
Attorney for Defendant,
S. Scott Reese, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS was sent by first-class mail, postage prepaid on this 14th day of September, 2005 to the following counsel:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219
(Plaintiffs' Counsel)

David R. Johnson, Esquire
Thomson, Rhodes & Cowie, P.C.
Two Chatham Center, Tenth Floor
Pittsburgh, PA 15219
(Counsel for Dubois Regional Medical Center)

James A. Wood, Esquire
Israel, Wood & Grimm, P.C.
One Gateway Center
420 Fort Duquesne Boulevard, Suite 700
Pittsburgh, PA 15219
(Counsel for Norman A. Hetzler, M.D. and RAJ Cardiovascular Association)


Paula A. Koczan, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>DEANNA J. SHIPE and DAN SHIPE, her husband, Plaintiffs, vs. NORMAN A. HETZLER, M.D., RAJ CARDIOVASCULAR ASSOCIATION; S. SCOTT REESE, M.D. and DUBOIS REGIONAL MEDICAL CENTER, Defendants.</p>	<p>CIVIL DIVISION NO. 2005-777-CD</p>
--	--

Plaintiff NOTICE OF ORDER, JUDGMENT OR DECREE

Defendant You are hereby notified that the following Order, Judgment, or Decree has been entered against you on the _____ day of _____, 200__ in the above case.

Judgment in the amount of _____ Plus Costs.

Decree in Divorce

Decree Nisi in Equity

Final Decree in Equity

Justice of the Peace Transcript of Judgment in Trespass in the amount of _____ Plus costs.

If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation, Bureau of Traffic Safety, Harrisburg, Pa.

Entry of Judgment of Court Order
 Non Pros
 Default
 Verdict (Jury)
 Arbitration Award

Justice of the Peace Transcript in Assumpsit in the amount of _____ Plus Costs.

WILLIAM A. SHAW, PROTHONOTARY

Deputy

(Applicable brackets have been checked)

THIS NOTICE IS NOT A DEMAND FOR PAYMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her) CIVIL DIVISION
husband,)
Plaintiffs,)) No. 2005-777-CD
vs.)
NORMAN A. HETZLER, JR., M.D., RAJ)
CARDIOVASCULAR ASSOCIATION, S.)
SCOTT REESE, M.D., and DUBOIS)
REGIONAL MEDICAL CENTER,)
Defendants.)

PRAECIPE FOR JUDGMENT OF NON PROS

TO THE PROTHONOTARY:

Kindly enter a judgment of non pros against the plaintiffs and in favor of DuBois Regional Medical Center, one of the defendants, pursuant to Pennsylvania Rule of Civil Procedure 1042.6 for failure to file a Certificate of Merit in this action.

I, the undersigned, certify that the plaintiffs named above have asserted a professional liability claim against the defendant named above, DuBois Regional Medical Center, which is a hospital, that no certificate of merit has been filed within the time required by Pa.R.C.P. 1042.3 and that there is no motion to extend the time for filing the certificate pending before the court.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

Date: 9/16/05

David R. Johnson, Esquire
Attorneys for DuBois Regional Medical Center, one of
the defendants.

FILED *Encl*
Atty pd. 20.00
m/11/15 3:01
Notice to
SEP 19 2005 Atty's:
William A. Shaw
Prothonotary/Clerk of Courts
Schweers
Koezan
J. Wood

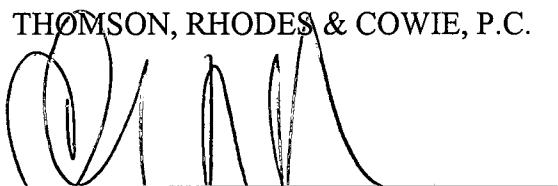
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR JUDGMENT
OF NON PROS has been served upon the following counsel of record and same placed in the
U.S. Mails on this 16th day of Sept., 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo &
McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219

Paula Koczan, Esquire
Weber Gallagher Simpson Stapleton
Fires & Newby, LLP
Two Gateway Center - Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

James A. Wood, Esquire
Israel, Wood & Grimm, P.C.
One Gateway Center, Suite 700
420 Fort Duquesne Boulevard
Pittsburgh, PA 15222

THOMSON, RHODES & COWIE, P.C.

David R. Johnson, Esquire
Attorneys for DuBois Regional Medical Center, one
of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her) CIVIL DIVISION
husband,)
Plaintiffs,)) No. 2005-777-CD
vs.)
NORMAN A. HETZLER, JR., M.D., RAJ)
CARDIOVASCULAR ASSOCIATION, S.)
SCOTT REESE, M.D., and DUBOIS)
REGIONAL MEDICAL CENTER,)
Defendants.)

 COPY

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: Plaintiff Defendant Garnishee Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered
against you on 9/9/05.

Decree Nisi in Equity.

Final Decree in Equity.

Judgment of Confession Verdict
 Default Non-Suit
 Non-Pros Arbitration Award

Judgment is in the amount of \$ _____ PLUS COSTS.

District Justice Transcript of Judgment in (Assumpsit/Trespass) in the amount of
\$ _____ PLUS COSTS.

If not satisfied within sixty (60) days, your motor vehicle operator's license will be
suspended by the Pennsylvania Department of Transportation.

PROTHONOTARY

By Walt Johnson
Deputy

If you have any questions concerning the above, please contact:

David R. Johnson, Esquire
Thomson, Rhodes & Cowie, P.C.
1010 Two Chatham Center
Pittsburgh, PA 15219

PHONE: (412) 232-3400

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, M.D., RAJ
CARDIOVASCULAR ASSOCIATION; S.
SCOTT REESE, M.D. and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION

NO. 2005-777-CD

**PRAECIPE FOR ENTRY OF
JUDGMENT OF NON PROS**

Filed on Behalf of: DEFENDANT,
S. SCOTT REESE, M.D.

Counsel of Record for this Party:

PAULA A. KOCZAN, ESQ.
PA. I.D. No. 46932

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP
Firm #594

Two Gateway Center, Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222

(412) 281-4541
(412) 281-4547

JURY TRIAL DEMANDED

FILED *Fay*

SEP 20 2005 P0200-1

m/12:05/w
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>DEANNA J. SHIPE and DAN SHIPE, her husband,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>NORMAN A. HETZLER, M.D., RAJ CARDIOVASCULAR ASSOCIATION; S. SCOTT REESE, M.D. and DUBOIS REGIONAL MEDICAL CENTER,</p> <p>Defendants.</p>	<p>CIVIL DIVISION</p> <p>NO. 2005-777-CD</p>
--	--

PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter Judgment of Non Pros against the Plaintiffs, DEANNA J. SHIPE and DAN SHIPE, for their failure to file a Certificate of Merit against the Defendant in the above-captioned action.

Respectfully Submitted,

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY LLP

By: 

Paula A. Koczan, Esquire
Attorney for Defendant,
S. Scott Reese, M.D.

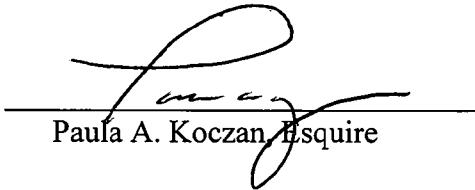
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS was sent by first-class mail, postage prepaid on this 14th day of September, 2005 to the following counsel:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland, P.C.
100 Ross Street
Pittsburgh, PA 15219
(Plaintiffs' Counsel)

David R. Johnson, Esquire
Thomson, Rhodes & Cowie, P.C.
Two Chatham Center, Tenth Floor
Pittsburgh, PA 15219
(Counsel for Dubois Regional Medical Center)

James A. Wood, Esquire
Israel, Wood & Grimm, P.C.
One Gateway Center
420 Fort Duquesne Boulevard, Suite 700
Pittsburgh, PA 15219
(Counsel for Norman A. Hetzler, M.D. and RAJ Cardiovascular Association)


Paula A. Koczan, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>DEANNA J. SHIPE and DAN SHIPE, her husband, Plaintiffs, vs. NORMAN A. HETZLER, M.D., RAJ CARDIOVASCULAR ASSOCIATION; S. SCOTT REESE, M.D. and DUBOIS REGIONAL MEDICAL CENTER, Defendants.</p>	<p>CIVIL DIVISION NO. 2005-777-CD</p>
--	--

(X) Plaintiff NOTICE OF ORDER, JUDGMENT OR DECREE

() Defendant You are hereby notified that the following Order, Judgment, or Decree has been entered against you on the _____ day of _____, 200 ___ in the above case.

() Judgment in the amount of _____ Plus Costs.

() Decree in Divorce

() Decree Nisi in Equity

() Final Decree in Equity

() Justice of the Peace Transcript of Judgment in Trespass in the amount of _____ Plus costs.

() If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation, Bureau of Traffic Safety, Harrisburg, Pa.

(X) Entry of Judgment of () Court Order

 (X) Non Pros

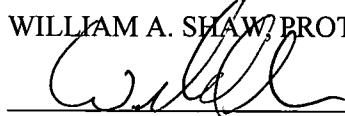
 () Default

 () Verdict (Jury)

 () Arbitration Award

() Justice of the Peace Transcript in Assumpsit in the amount of _____ Plus Costs.

WILLIAM A. SHAW, PROTHONOTARY



Deputy 9-20-05

Date: 9/20/2005
Time: 12:13 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1908579
Page 1 of 1

Received of: Koczan, Paula A. (attorney for Reese, S. \$ 20.00

Twenty and 00/100 Dollars

Case:	Defendant:	Amount
2005-00777-CD	Deanna J. Shipe, et al. vs. Nor	
Judgment		20.00
Total:		20.00

Check: 10486

Payment Method:	Check	William A. Shaw, Prothonotary/Clerk of Cou
Amount Tendered:	20.00	
Change Returned:	0.00	By: _____
Clerk:	BILLSHAW	Deputy Clerk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>DEANNA J. SHIPE and DAN SHIPE, her husband, Plaintiffs, vs. NORMAN A. HETZLER, M.D., RAJ CARDIOVASCULAR ASSOCIATION; S. SCOTT REESE, M.D. and DUBOIS REGIONAL MEDICAL CENTER, Defendants.</p>	<p>CIVIL DIVISION NO. 2005-777-CD PRAECIPE FOR ENTRY OF JUDGMENT OF NON PROS Filed on Behalf of: DEFENDANT, S. SCOTT REESE, M.D. Counsel of Record for this Party: PAULA A. KOCZAN, ESQ. PA. I.D. No. 46932 WEBER GALLAGHER SIMPSON STAPLETON FIRES & NEWBY, LLP Firm #594 Two Gateway Center, Suite 1450 603 Stanwix Street Pittsburgh, PA 15222 (412) 281-4541 (412) 281-4547 JURY TRIAL DEMANDED</p>
--	--

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

Plaintiffs,

CIVIL DIVISION

No. 2005 - 777 - CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and DuBOIS
REGIONAL MEDICAL CENTER,

Defendants.

TYPE OF PLEADING:

**PRAECIPE TO ENTER JUDGMENT
OF NON PROS PURSUANT TO
P.A.R.C.P. 1042.6**

FILED ON BEHALF OF:

**NORMAN A. HETZLER, JR., M.D.
And RAJ CARDIOVASCULAR
ASSOCIATION**

COUNSEL OF RECORD
FOR THESE PARTIES:

James A. Wood, Esquire
PA ID No. 20009
GACA MATIS BAUM & RIZZA
Suite 300, Four Gateway Center
444 Liberty Avenue
Pittsburgh, PA 15222
Telephone: 412-338-4750
Facsimile: 412-338-4742

FILED No CC
m/1:58 AM Atty Wood pd. 20.00
OCT 17 2005 Notice to Attns: Koczan
Johnson
Schweers

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her
husband,

CIVIL DIVISION

Plaintiffs,

No. 2005 - 777 - CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and DuBOIS
REGIONAL MEDICAL CENTER,

Defendants.

JURY TRIAL DEMANDED

PRAECIPE TO ENTER JUDGMENT OF NON PROS
PURSUANT TO PA.R.C.P. 1042.6

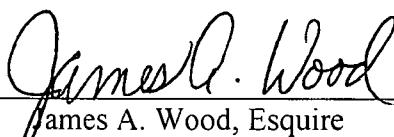
To: William Shaw, Prothonotary

Please enter Judgment of Non Pros against the plaintiffs, **DEANNA J. AND DAN SHIPE**, in the professional liability claim against defendants **NORMAN A. HETZLER, M.D., AND RAJ CARDIOVASCULAR ASSOCIATION**, in the above-captioned matter.

I, the undersigned, certify that the plaintiffs named above have asserted professional liability claims against the defendants named above, who are licensed medical professionals, that no Certificate of Merit has been filed within the time required by Pa.R.C.P. 1042.3, and that there is no Motion to extend the time for filing the Certificate pending before the Court.

GACA MATIS BAUM & RIZZA

By:


James A. Wood, Esquire
Counsel for Defendants
Norman A. Hetzler, M.D., and
Raj Cardiovascular Association

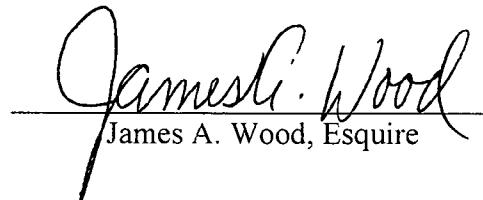
CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the within **Praecipe to Enter Judgment of Non Pros Pursuant to Pa.R.C.P. 1042.6** was forwarded to the following counsel of record, via first-class mail, on the 12th day of October, 2005:

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland
100 Ross Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

Paula A. Koczan, Esquire
Weber Gallagher Simpson Stapleton
Fires & Newby, LLP
Two Gateway Center, Suite 1450
603 Stanwix Street
Pittsburgh, PA 15222
Counsel for S. Scott Reese, M.D.

David R. Johnson, Esquire
Thomson, Rhodes & Cowie, P.C.
Two Chatham Center, Tenth Floor
Pittsburgh, PA 15219-3499
Counsel for DuBois Regional Medical Center



James A. Wood, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE, her husband, CIVIL DIVISION

Plaintiffs,

No. 2005 - 777 - CD

vs.

NORMAN A. HETZLER, JR., M.D., RAJ
CARDIOVASCULAR ASSOCIATION,
S. SCOTT REESE, M.D., and DuBOIS REGIONAL
MEDICAL CENTER,

Defendants.

NOTICE OF ENTRY OF JUDGMENT

PLAINTIFFS DEFENDANT GARNISHEE

You are hereby notified that the following Judgment has been entered against you
on October 17, 2005.

Assumpsit Judgment in the amount of \$ _____ plus costs
 Trespass Judgment in the amount of \$ _____ plus costs
 If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Department of Transportation, Bureau of Traffic Safety, Harrisburg, Pennsylvania

Entry of Judgment of Court Order Verdict
 Non-Pros Non-Suit
 Default Arbitration Award

WILLIAM SHAW, PROTHONOTARY

BY: William Shaw, Deputy

If you have any questions concerning the above, please contact:

James A. Wood, Esquire
Gaca Matis Baum & Rizza
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222
Telephone: 412-338-4750 Fax: 412-338-4742
Attorneys for Defendants Norman Hetzler, M.D.,
and Raj Cardiovascular Association

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DEANNA J. SHIPE and DAN SHIPE,
her husband,

Plaintiffs,

vs.

NORMAN A. HETZLER, JR., M.D.,
RAJ CARDIOVASCULAR
ASSOCIATION, SC. SCOTT REESE,
M.D. and DUBOIS REGIONAL
MEDICAL CENTER,

Defendants.

CIVIL DIVISION

No. 2005-777-CD

Code:

Issue No:

**PRAECIPE TO SUBSTITUTE
APPEARANCE**

Filed on behalf of Norman A. Hetzler,
Jr. and RAJ Cardiovascular Association,
Defendants

Counsel of Record for This Party:

James A. Wood, Esquire
PA I.D. 20009

GACA MATIS BAUM & RIZZA
Firm #983
Four Gateway Center
444 Liberty Avenue, Suite 300
Pittsburgh, PA 15222

(412) 338-4750

JURY TRIAL DEMANDED

FILED NO CC
M 13 47301
NOV 21 2005 60

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

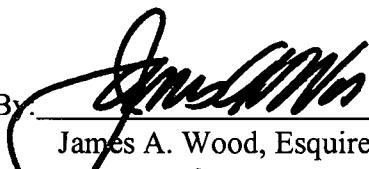
DEANNA J. SHIPE and DAN SHIPE, her husband,)	CIVIL DIVISION
)	No. 2005-777-CD
Plaintiffs,)	
)	
vs.)	
)	
NORMAN A. HETZLER, JR., M.D.,)	
RAJ CARDIOVASCULAR)	
ASSOCIATION, SC. SCOTT REESE,)	
M.D. and DUBOIS REGIONAL)	
MEDICAL CENTER,)	
)	
Defendants.)	

PRAECIPE TO SUBSTITUTE APPEARANCE

TO: PROTHONOTARY

Kindly substitute the appearance of James A. Wood, Esquire, and the law firm GACA
MATIS BAUM & RIZZA in place of James A. Wood, Esquire and the law firm ISRAEL,
WOOD & GRIMM, P.C. in the above captioned action for defendants Norman A. Hetzler, Jr.
and RAJ Cardiovascular Association.

GACA MATIS BAUM & RIZZA

By: 

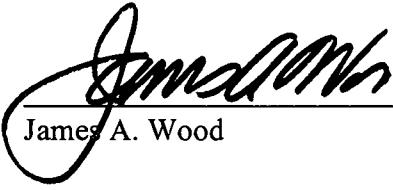
James A. Wood, Esquire
Attorneys for Norman A. Hetzler, Jr. and RAJ
Cardiovascular Association, Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing Praeclipe to Substitute Appearance upon all counsel of record by United States, First-class mail, postage prepaid, this 17th day of November, 2005.

William S. Schweers, Jr., Esquire
Harrington, Schweers, Dattilo & McClelland
100 Ross Street
Pittsburgh, PA 15219

GACA MATIS BAUM & RIZZA


James A. Wood