

05-840-CD

Anna Lubbert et al vs. K. Allison

Anna Lubbert et al v Allison Kurt
2005-840-CD

Date: 5/9/2007
Time: 10:24 AM
Page 1 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2005-00840-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman
Anna Mary Lubbert, Rae Ann Branson vs. Kurt Allison

Civil Other

Date	Judge
6/14/2005	New Case Filed.
	<input checked="" type="checkbox"/> Filing: Praeclipe for Writ of Summons Paid by: Mengine, Anthony C. (attorney for Lubbert, Anna Mary) Receipt number: 1902969 Dated: 06/14/2005 Amount: \$85.00 (Check) No CC Two Writs to Attorney
7/18/2005	<input checked="" type="checkbox"/> Proof of Service, Copy of Complaint served upon Kurt Allison. Filed by Anthony C. Mengine, Esq. No CC.
7/28/2005	<input checked="" type="checkbox"/> Praeclipe For Entry of Appearance, filed on behalf of Defendant. By s/ Katherine V. Oliver, Esquire. No CC
8/24/2005	<input checked="" type="checkbox"/> Praeclipe For Rule To File Complaint, Filed by Katherine V. Oliver, Esquire. No CC, 1 Rule to Atty.
9/12/2005	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of the Rule to File Complaint in the above-captioned matter was mailed to Anthony Charles Mengine Esq., on September 9, 2005, filed by s/ Katherine V. Oliver Esq. No CC.
9/19/2005	<input checked="" type="checkbox"/> Complaint in Civil Action filed by s/ Anthony C. Mengine Esq.
10/11/2005	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter to Anthony Charles Mengine Esq., on October 7, 2005, filed by s/ Katherine V. Oliver Esq. No CC.
	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiffs (set one) and Request for Production of Documents and Tangible Things Directed to Plaintiffs (set two) in the above-captioned matter to Anthony Charles Mengine Esq., on October 7, 2005, filed by s/ Katherine V. Oliver Esq. NO CC.
10/19/2005	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.
10/24/2005	<input checked="" type="checkbox"/> Answer with New Matter to Plaintiffs' Complaint filed by s/ Katherine V. Oliver Esq. No CC.
11/2/2005	<input checked="" type="checkbox"/> Reply to New Matter, filed by s/Colleen Hough Gianantonio, Esq. No CC
11/15/2005	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of the Defendant's Answers and Objections to Plaintiffs' Interrogatories and First Request for Production of Documents in the above-captioned matter was mailed on the 14th day of November 2005 on Anthony Charles Mengine Esq., filed by s/ Katherine V. Oliver Esq. No CC.
12/8/2005	<input checked="" type="checkbox"/> Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter to Anthony Charles Mengine Esq., filed by s/ Katherine V. Oliver Esq. No CC.
12/15/2005	<input checked="" type="checkbox"/> Notice of service, filed. Notice is hereby given that on the 13th day of December 2005 an original and one copy of Interrogatories and Request for Production of Documents were served upon Katherine V. Oliver Esq., filed by s/ Anthony C. Mengine Esq. No CC.
1/20/2006	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.

Date: 5/9/2007

Time: 10:24 AM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2005-00840-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Anna Mary Lubbert, Rae Ann Branson vs. Kurt Allison

Civil Other

Date	Judge
4/21/2006 ✓ X Certificate of Service, filed by Atty. Oliver Served copy o Defendant's notice of Intent to Serve Subpoenas for Production of Documents and Things mailed 4-19-06 to Atty. Mengine. no cert. copies.	No Judge
4/25/2006 ✓ X Certificate of Service, filed. That a true and correct copy of Defendant's Notices of Deposition and Request for Production of Documents in the above-captioned matter was mailed on the 24th day of April 2006 to Anthony C. Mengine Esq., filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
5/9/2006 ✓ X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
5/10/2006 ✓ X Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notices of Deposition and Request for Production of Documents in the above-captioned matter to Anthony C. Mengine Esq on the 9th day of May 2006, filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
6/5/2006 ✓ X Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Service Subpoenas for Production of Documents and Things in the above-referenced matter was mailed to Anthony Charles Mengine Esq., on the 2nd day od June 2006, filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
6/7/2006 ✓ X Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Intent to Serve Subpoena for Production of Documents and Things Directed to William Bader M.D. in the above-referenced matter on this 6th day of June 2006, filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
6/9/2006 ✓ X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esquire. No CC	No Judge
8/9/2006 ✓ X Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to SEIU Health & Welfare Fund-Acordia National in the above-referenced matter on Anthony Charles Mengine Esq., Gavin Robb Esq. on the 8th day of August 2006, filed by s/ Katherine V. Oliver Esq. NO CC.	No Judge
✓ X Certificate of Service, filed. That a true and correct copy of the Defendant's Third Request for Production of Documents Directed to Plaintiffs in the above-captioned matter was mailed on the 8th day of August 2006 to Anthony Charles Mengine Esq and Gavin Robb Esq., filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
8/18/2006 ✓ X Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC.	No Judge
4/9/2007 ✓ X Motion to Compel Discovery, filed by s/ Kathrine V. Oliver, Esquire. No CC	No Judge
4/11/2007 ✓ X Order, now, this 10th day of April, 2007, upon consideration of the Motion to Fredric Joseph Ammerman Compel Discovery, it is Ordered: a rule is issued upon the Plaintiffs. Argument shall be held on May 14, 2007, in Courtroom 1 @ 11:00 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC to Atty.	No Judge
4/13/2007 ✓ X Certificate of Service, filed. That a true and correct copy of the Court's Order dated April 10, 2007 Granting Defendant's Motion to Compel Plaintiffs' Response to Defendant's Third Request for Production of Documents in the above-captioned matter on this 12th day of April 2007 to Anthony Charles Mengine Esq. and Gavin Robb Esq., filed by s/ Katherine V. Oliver Esq. No CC.	Fredric Joseph Ammerman

5-15-07 Order, dated 5-14-2007,

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

CIVIL DIVISION

GD 05-840-CD

Plaintiff,

PRAECIPE FOR WRIT OF SUMMONS

v.

Filed on Behalf of:

Plaintiff's Anna Mary Lubbert and Rae
Ann Branson

KURT ALLISON,

Defendant.

Counsel of Record:

Anthony C. Mengine
PA ID No.: 63209

Chiurazzi and Mengine, LLC
Firm ID No.: 818
Allegheny Building, Suite 1616
429 Forbes Avenue
Pittsburgh, PA 15219

(412) 434-0773

FILED *No cc*

ml0:4701 2 wirts to Atty
JUN 14 2005 *Atty pd. 85.00*

Brad

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

CIVIL DIVISION
GD

Plaintiff,

v.

KURT ALLISON,

Defendant.

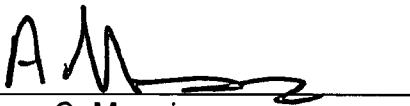
PRAECIPE FOR WRIT OF SUMMONS

TO: William A. Shaw
Clearfield County Prothonotary
P.O. Box 549
Clearfield, PA 16830-0549

Please issue a Writ of Summons against the Defendant, Kurt Allison, in
the above captioned case.

Respectfully submitted,

Chiurazzi and Mengine, LLC

By 
Anthony C. Mengine
Attorney for Plaintiff's, Anna Mary
Lubbert and Rae Ann Branson

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

 COPY

SUMMONS

**Anna Mary Lubbert, an individual,
and Rae Ann Branson, an individual**

Vs.

NO.: 2005-00840-CD

Kurt Allison

TO: KURT ALLISON

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: 06/14/2005

William A. Shaw
Prothonotary

Issuing Attorney:

Anthony C. Mengine
Chiurazzi and Mengine, LLC
Allegheny Building, Ste. 1616
429 Forbes Ave.
Pittsburgh, PA 15219
(412) 434-0773

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

Plaintiff,

v.

KURT ALLISON,

Defendant.

CIVIL DIVISION

05-840 CD

PROOF OF SERVICE

Filed on Behalf of:
Plaintiff's Anna Mary Lubbert and Rae
Ann Branson

Counsel of Record for this Party:
Anthony C. Mengine, Esquire
Pa. ID# 63209

Chiurazzi and Mengine, LLC
Firm ID# 818

Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

(412) 434-0773

cl FILED NOC
m18:4501
JUL 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

N THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

CIVIL DIVISION
05-840 CD

Plaintiff,

v.

KURT ALLISON,

Defendant.

PROOF OF SERVICE

To Prothonotary:

A copy of the Complaint for the above captioned docket was served via certified mail on Kurt Allison at 65 Gable Court, Matawan, NJ 07747 on July 9, 2005. A copy of the return receipt is attached hereto.

Respectfully Submitted,
Chiurazzi and Mengine, LLC



Anthony C. Mengine, Esquire
Counsel for Plaintiff

SENDER: COMPLETE THIS SECTION

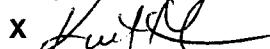
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kurt Allison
63 Gable Court
Matawan NJ 07747

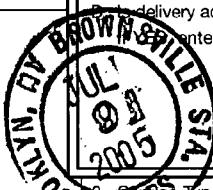
COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Is delivery address different from item 1? Yes
Enter delivery address below: No

3. Service type

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

4. Restricted Delivery? (Extra Fee)

 Yes

2. Article Number

(Transfer from service label)

7003 0500 0004 4025 3333

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
:
Plaintiffs, :
: TYPE OF PLEADING:
v. : **PRAECIPE FOR ENTRY OF**
: **APPEARANCE**
KURT ALLISON, :
: TYPE OF CASE: CIVIL
Defendant. :
: FILED ON BEHALF OF:
: **DEFENDANT**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED ^{GR}
M/11/2005
JUL 28 2005
NCC

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
:
Plaintiffs, :
:
v. :
:
KURT ALLISON, :
:
Defendant. :
:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, KURT ALLISON, in the above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: July 27, 2005

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
:
Plaintiffs, :
:
v. :
:
KURT ALLISON, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeclipe for Entry of Appearance on behalf of Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 27th day of July, 2005, to the attorneys/parties of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219
(412) 281-1970

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
:
Plaintiffs, : TYPE OF PLEADING:
v. : **PRAECIPE FOR RULE TO FILE
COMPLAINT**
:
KURT ALLISON, : TYPE OF CASE: CIVIL
:
Defendant. : FILED ON BEHALF OF:
: **DEFENDANT**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED No CC
M/J: 41301 Rule to Ally
AUG 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant



COPY

RULE

To: Anna Marie Lubbert
Rae Ann Branson
c/o Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

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 Shaw, Prothonotary
[SEAL]

Dated: August 24, 2005

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

Anna Mary Lubbert
Rae Ann Branson

Vs.
Kurt Allison

Case No. 2005-00840-CD

COPY!
2nd one issued

RULE TO FILE COMPLAINT

TO: Anna Marie Lubbert
Rae Ann Branson
c/o Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

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: August 24, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

Plaintiffs,

v.

KURT ALLISON,

Defendant.

: No. 2005-840-C.D.
: TYPE OF PLEADING:
CERTIFICATE OF SERVICE
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
DEFENDANT
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED NO CC
MHS/SEP 12 2005
SEP 12 2005
JUN

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Rule to File Complaint in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 9th day of September, 2005, to the attorney of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

Plaintiff,

v.

KURT ALLISON,

Defendant.

CIVIL DIVISION

No. 05-840-CD

COMPLAINT IN CIVIL ACTION

Filed on Behalf of:
Plaintiff's Anna Mary Lubbert and Rae
Ann Branson

Counsel of Record for this Party:

Anthony C. Mengine, Esquire
PA ID# 63209

Chiurazzi and Mengine, LLC
Firm ID# 818
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

(412) 434-0773

FILED
m 10:27 a
SEP 19 2006
cc
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

CIVIL DIVISION

No. 05-840-CD

Plaintiff,

COMPLAINT IN CIVIL ACTION

v.

Filed on Behalf of:
Plaintiff's Anna Mary Lubbert and Rae
Ann Branson

KURT ALLISON,

Defendant.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without 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 OR PHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
814-765-2641

NOTICE OF HEARING DATE

If you file the written response referred to in the Notice to Defend, above, a hearing on the Complaint and your defenses will take place in Room 523 of the Allegheny County Courthouse, 400 Grant Street, Pittsburgh, Pennsylvania, on the day of _____, 2005 at _____ A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. If you file the response but fail to appear at the hearing, an award for the amount claimed in the Complaint may be entered against you.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANNA MARY LUBBERT, an
individual, and RAE ANN
BRANSON, an individual,

CIVIL DIVISION

No. 05-840-CD

Plaintiff,

COMPLAINT IN CIVIL ACTION

v.

Filed on Behalf of:
Plaintiff's Anna Mary Lubbert and Rae
Ann Branson

KURT ALLISON,

Defendant.

COMPLAINT

AND NOW comes the Plaintiff, Anna Mary Lubbert and Rae Ann Branson, by and through her attorneys Chiurazzi and Mengine, LLC and Anthony C. Mengine, Esquire and file the following Complaint:

1. The Plaintiff, Anna Mary Lubbert, is an individual and resident of the Commonwealth of Pennsylvania and County of Allegheny residing at 1088 Thornwood Drive, Pittsburgh, Pennsylvania 15234.

2. The Plaintiff, Rae Ann Branson, is an individual and resident of the Commonwealth of Pennsylvania and County of Allegheny residing at 628 Carriage Circle, Pittsburgh, Pennsylvania 15205.

3. The Defendant, Kurt Allison, is an individual and resident of the Commonwealth of New Jersey residing at 65 Gable Court, Matawan, 07747.

4. On or about June 27, 2003, the Plaintiff, Rae Ann Branson's vehicle was stopped at a stop sign on an exit ramp off of Interstate 80 in Dubois, Pennsylvania, when it was rear ended by the Defendant. At the aforesaid time and place and at all times relevant hereto, Plaintiff, Anna Mary Lubbert, was a passenger in Plaintiff Rae

Ann Branson's vehicle.

5. The injuries and damages claimed herein are being sought on the basis of both Plaintiffs being eligible for the "full tort" option under the applicable provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

COUNT I

RAE ANN BRANSON v. KURT ALLISON

NEGLIGENCE

6. Plaintiff, Rae Ann Branson, incorporates the previous paragraphs as if the same were set forth at length herein.

7. At the above stated time and place, the Defendant operated his vehicle in such a negligent manner so as to cause the collision with the Plaintiffs.

8. The aforesaid accident was the sole, direct, legal, and proximate result of the negligence of the operator of the Defendant's vehicle in the following particulars:

- a. Failing to maintain proper and adequate control of his motor vehicle;
- b. Failing to make proper observation for other vehicles lawfully using the public highway;
- c. Failing to use due care for the rights and safety of others;
- d. In traveling at an unsafe speed;
- e. In continuing to operate his vehicle in a direction toward the Plaintiff's vehicle, when it's operator saw or in the exercise of reasonable care should have seen that further operation in the direction would result in a collision;
- f. In failing to operate the brakes in such a manner so that the vehicle could be stopped before colliding with the Plaintiff's vehicle;
- g. In failing to operate his vehicle in a reasonable and prudent manner under the conditions, and at a speed

greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead; and

- h. In violating various Statutes and Ordinances pertaining to the operation of motor vehicles upon public thoroughfares in the Commonwealth.

9. As the sole, direct, legal, and proximate result of the negligence of the Defendant as aforesaid, the Plaintiff, Rae Ann Branson has suffered the following injuries:

- a. Neck pain;
- b. Upper back pain;
- c. Cervical strain/sprain;
- d. Acute back stiffness and spasm;
- e. Other injuries the full extent at which this time remain unknown.

10. As a direct and proximate result of the Defendant's negligence, the Plaintiff, Rae Ann Branson, has and will be obligated to receive and undergo medical care and attention, and to expend various sums of money, and incur various expenses, which expenses have or may exceed the sums recoverable under 75 Pa. C.S.A. §1711 et seq., and may be obliged to continue to expend such sums or incur such expenditures for an indefinite time in the future.

11. As a direct and proximate result of the Defendant's negligence, the Plaintiff, Rae Ann Branson, were unable to perform all or substantially all of his usual and customary daily activities following the accident, and may in the future be prevented from attending to her usual and customary daily activities, to her great detriment and loss.

12. As a direct and proximate result of the Defendant's negligence, the

Plaintiff, Rae Ann Branson, has and may in the future incur other financial expenses or losses which exceed, or may exceed, amounts to which she may otherwise be entitled to recover.

13. As a direct and proximate result of the Defendant's negligence, the Plaintiff, Rae Ann Branson, has and may in the future suffer severe loss of earnings and an impairment of his earning power and capacity, which have or may exceed the sums recoverable under the limitations set forth in 75 Pa. C.S.A. §1711 et seq.

WHEREFORE, the Plaintiff, Rae Ann Branson, demands judgment in her favor against the Defendant, Kurt Allison , for an amount not in excess of \$25,000.00, exclusive of interest and costs.

COUNT II

ANNA MARY LUBBERT v. KURT ALLISON

NEGLIGENCE

14. Plaintiff, Anna Mary Lubbert, incorporates the previous paragraphs as if the same were set forth at length herein.

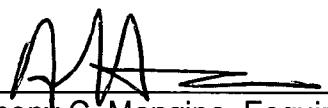
15. As the sole, direct, legal, and proximate result of the negligence of the Defendant as aforesaid, the Plaintiff, Anna Mary Lubbert, has suffered the following injuries:

- a. Neck pain;
- b. Upper back pain;
- c. Cervical strain/sprain;
- d. Acute back stiffness and spasm;
- e. Other injuries the full extent at which this time remain unknown.

16. As a direct and proximate result of the Defendant's negligence, the Plaintiffs, Anna Mary Lubbert, has sustained damages as set forth in paragraphs 10 through 13 of this Complaint.

WHEREFORE, the Plaintiffs, Anna Mary Lubbert and Rae Ann Branson, demand judgment in their favor against the Defendant, Kurt Allison , for an amount in excess of \$25,000.00, exclusive of interest and costs.

Respectfully Submitted,
Chiurazzi and Mengine, LLC



Anthony C. Mengine, Esquire
Counsel for Plaintiffs, Anna Mary
Lubbert and Rae Ann Branson

VERIFICATION

I, Rae Ann Branson, the undersigned, do hereby acknowledge and verify that the statements made in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 9/9/05

Rae Ann Branson
Rae Ann Branson

VERIFICATION

I, Anna Mary Lubbert, the undersigned, do hereby acknowledge and verify that the statements made in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 9-9-05

Anna Mary Lubbert
Anna Mary Lubbert

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
Plaintiffs, :
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
v.
KURT ALLISON, :
: TYPE OF CASE: CIVIL
Defendant. :
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED NO
3684
OCT 11 2005
2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 7th day of October, 2005, to the attorneys/parties of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
:
Plaintiffs, : TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
:
v.
:
KURT ALLISON, : TYPE OF CASE: CIVIL
:
Defendant. : FILED ON BEHALF OF:
: **DEFENDANT**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED NO
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

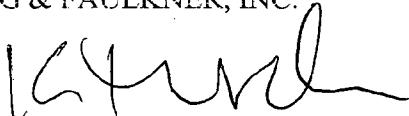
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiffs (Set One) and Request for Production of Documents and Tangible Things Directed to Plaintiffs (Set Two) in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 7th day of October, 2005 to the attorney(s) of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
Plaintiffs, :
: TYPE OF PLEADING:
: **CERTIFICATE PREREQUISITE**
v.
KURT ALLISON, :
: TYPE OF CASE: CIVIL
Defendant. :
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED
NOV 12 2005
OCT 19 2005
2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendants certify that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: October 18, 2005

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

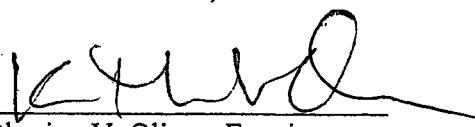
Defendant

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those attached to this notice to
SAFECO Property & Casualty Insurance Companies and Casey Phillips, D.C. You have twenty
(20) days from the date listed below in which to file of record and serve upon the undersigned
any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: October 7, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual, :
No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *SAFECO Property & Casualty Insurance Companies*
Attention: Records Custodian
P.O. Box 461
St. Louis, MO 63166

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all workers' compensation documents in your possession pertaining to Anna Marie Lubbert, Claim # 761905212015, and Rae Ann Branson, Claim #536705212015, Insured: Elderly Housing Development & Operations Corporation, Date of Loss: 6/27/03.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

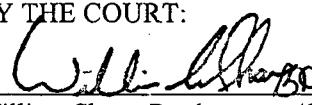
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division
[Seal of the Court]

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 8/24/05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Casey Phillips, D.C.*
Discover Chiropractic Life Center
2971 South Park Road
Bethel Park, PA 15102

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 8/24/05

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Rae Ann Branson, (DOB: 7/12/46), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Rae Ann Branson's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

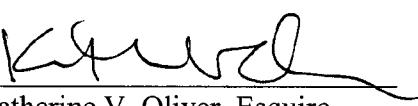
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to SAFECO Property & Casualty Insurance Companies and Casey Phillips, D.C. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 18th day of October, 2005, to the attorney of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

: TYPE OF PLEADING:

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

v.

KURT ALLISON,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:

DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX# (814) 238-9624

FILED NO cc
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

NOTICE TO PLEAD

TO: Anna Mary Lubbert
Rae Ann Branson
c/o Anthony C. Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

YOU ARE HEREBY notified to file a written response to the enclosed Answer
with New Matter to Plaintiffs' Complaint within twenty (20) days from the date of service hereof
or a judgment may be entered against you.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: October 21, 2005

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

ANSWER WITH NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, comes Defendant, Kurt Allison, by and through his attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., and files the following Answer with New Matter to Plaintiffs' Complaint:

1. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 1. The same are therefore denied and strict proof thereof demanded.
2. Denied. After reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of the averments of paragraph 2. The same are therefore denied and strict proof thereof demanded.
3. Denied. Defendant Kurt Allison is an individual with a residence address of 773 Saratoga Avenue, Brooklyn, New York, 11212.
4. Admitted in part and denied in part. It is admitted that there was an impact between the front of Defendant's vehicle and the rear of Plaintiff Rae Ann Branson's vehicle on June 27, 2003 at the DuBois exit ramp of Interstate 80 in DuBois, Pennsylvania. By way of further response, Defendant observed Plaintiffs' vehicle stop at the stop sign, and then proceed

forward into traffic. As Defendant also proceeded forward, Plaintiff's vehicle stopped again. Defendant was unable to stop in time to avoid impact. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the balance of the averments in paragraph 4. The same are therefore denied and strict proof thereof demanded.

5. Denied. The averments of paragraph 5 constitute a legal conclusion to which no response is required. To the extent that a response might be deemed required, the averments are denied and strict proof thereof demanded.

COUNT I
RAE ANN BRANSON v. KURT ALLISON
NEGLIGENCE

6. Defendant incorporates by reference paragraphs 1 through 5 of this Answer with New Matter as though set forth in full.

7. Denied. All allegations of negligence are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

8. Denied. All allegations of negligence are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e).

9-13. Denied. All allegations of negligence are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). With respect to the allegations of injury and damages, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Kurt Allison respectfully requests that Plaintiffs' Complaint be dismissed, and that judgment be entered in his favor.

COUNT II
ANNA MARY LUBBERT v. KURT ALLISON
NEGLIGENCE

14. Defendant incorporates by reference paragraphs 1 through 13 of this Answer with New Matter as though set forth in full.

15-16. Denied. All allegations of negligence are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e). With respect to the allegations of injury and damages, after reasonable investigation, Defendant is without sufficient knowledge or information to form a belief as to the truth of these allegations. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Kurt Allison respectfully requests that Plaintiffs' Complaint be dismissed and that judgment be entered in his favor.

NEW MATTER

17. Defendant incorporates by reference paragraphs 1 through 16 of this Answer with New Matter as though set forth in full.

18. Defendant hereby raises and asserts all those defenses and/or limitations on damages available by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

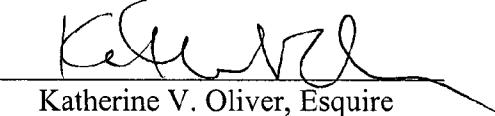
19. To the extent Plaintiffs' medical expenses, if any, have been paid or are payable under a policy of insurance, the same may not be plead, proven or recovered in the instant action.

20. To the extent Plaintiffs were insured under a policy of insurance carrying the limited tort option, Plaintiffs' claims are barred or reduced accordingly.

21. Plaintiffs' injuries and damages, if any, are unrelated to the motor vehicle incident at issue.

WHEREFORE, Defendant Kurt Allison respectfully requests that the Complaint filed against him be dismissed, with prejudice and costs of suit.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

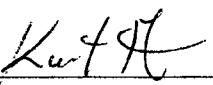
Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: October 21, 2005

VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf, and that the statements made in the foregoing Answer with New Matter are true and correct to the best of his knowledge, information and belief. The undersigned understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.



KURT ALLISON

Dated: 10-19-2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

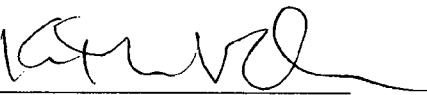
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Answer with New Matter to Plaintiffs' Complaint in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 21st day of October, 2005, to the attorney of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT, an individual,
RAE ANN BRANSON, an individual,

CIVIL DIVISION

Plaintiffs,

No. 2005-840-CD

v.

KURT ALLISON,

REPLY TO NEW MATTER

Defendant.

Filed on Behalf of:
Plaintiffs, Anna Mary Lubbert
and Rae Ann Branson

Counsel of Record for this Party:

Anthony C. Mengine, Esquire
PA ID No. 63209

Colleen Hough Gianantonio, Esquire
PA ID No. 92864

Chiurazzi & Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, Pennsylvania 15219
(412) 434-0773

*FILED NO
NOV 02 2005
William A. Shaw
Prothonotary/Clerk of Courts*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT, an individual,
RAE ANN BRANSON, an individual,

CIVIL DIVISION

Plaintiffs,

No. 2005-840-CD

v.

KURT ALLISON,

Defendant.

REPLY TO NEW MATTER

AND NOW, comes the Plaintiffs', Anna Mary Lubbert and Rae Ann Branson, by and through their attorneys Colleen Hough Gianantonio, Esquire and Chiurazzi & Mengine, LLC and files the within Reply to New Matter and in support thereof avers the following:

17. Plaintiffs' incorporates by reference paragraphs 1 through 16 of their Complaint as though fully set forth at length herein.

18. Paragraph 18 of Defendant's New Matter is a conclusion of law to which no response is required. However, if any statement of fact is averred, the same is denied generally pursuant to Pa.R.Civ.P. 1029 (e).

19. Paragraph 19 of Defendant's New Matter is a conclusion of law to which no response is required. However, if any statement of fact is averred, the same is denied generally pursuant to Pa.R.Civ.P. 1029 (e).

20. Paragraph 20 of Defendant's New Matter is a conclusion of law to which

no response is required. However, if any statement of fact is averred, the same is denied generally pursuant to Pa. R.Civ.P. 1029 (e).

21. After reasonable investigation, Plaintiffs' are without sufficient Knowledge or information to form a belief as to the truth or falsity of the averments in Paragraph 21 of Defendant's New Matter. The same are therefore denied and strict proof hereof is demanded.

WHEREFORE, Plaintiffs', Anna Marie Lubbert and Rae Ann Branson, respectfully requests that judgment be entered in its favor and against Defendant, Kurt Allison.

Respectfully submitted,

Chiurazzi & Mengine, LLC



Colleen Hough Granantonio
Attorney for Plaintiffs

VERIFICATION

THE UNDERSIGNED, Anna Marie Lubbert, avers that the statements of fact contained in the foregoing Reply to New Matter are true and correct to the best of her knowledge, information and belief, and are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Date: 10 - 26 - 05

Anna Marie Lubbert
Anna Marie Lubbert

VERIFICATION

THE UNDERSIGNED, Rae Ann Branson, avers that the statements of fact contained in the foregoing Reply to New Matter are true and correct to the best of her knowledge, information and belief, and are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Date: 10/26/05

Rae Ann Branson
Rae Ann Branson

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2005 a true and correct copy of the within Reply to New Matter was served *via US First Class Mail, postage prepaid* on the following counsel of record:

Katherine V. Oliver, Esquire
McQuaide, Blasko, Fleming & Faulkner, Inc
811 University Drive
State College, Pennsylvania 16801

Respectfully submitted,

Chiurazzi & Mengine, LLC


Colleen Hough Gianantonio
Attorney for Plaintiffs'

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

KURT ALLISON,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO,

: FLEMING & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

: FAX# (814) 238-9624

FILED

NOV 15 2005

W/15/05 (LJS)

William A. Shaw

Prothonotary/Clerk of Courts

NO C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

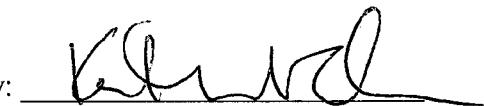
ANNA MARIE LUBBERT, an individual	:	
and RAE ANN BRANSON, an individual,	:	
	:	No. 2005-840-C.D.
Plaintiffs,	:	
	:	
V.	:	
	:	
KURT ALLISON,	:	
	:	
Defendant	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Answers and Objections to Plaintiffs' Interrogatories and First Request for Production of Documents in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 14th day of November, 2005, to the attorney of record:

Anthony Charles Mengine, Esquire
Swensen, Perer & Kontos
One Oxford Centre, Suite 2501
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

KURT ALLISON,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED *WEC*
10/4/2005
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

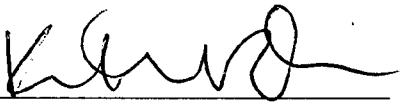
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 7th day of December, 2005, to the attorneys/parties of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT and
RAE ANN BRANSON,
Plaintiff,

Civil Division
No. 05-840 CD

v.

KURT ALLISON,

Defendant.

NOTICE OF SERVICE

Filed on Behalf of:

Anna Mary Lubbert and Rae Ann
Branson, Plaintiffs

Counsel of Record for this Party:

Anthony C. Mengine, Esquire
Pa. ID# 63209
Chiurazzi and Mengine, LLC
Firm ID# 818
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

(412) 434-0773

FILED NOCC
m/11/3/05
DEC 15 2005
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT and
RAE ANN BRANSON,

CIVIL DIVISION

Plaintiff,

No. 05-840 CD

vs.

KURT ALLISON,

Defendant.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

TO PROTHONOTARY:

Notice is hereby given that on the 13th day of December, 2005, an original and one copy of Interrogatories and Request for Production of Documents were served upon:

Katherine V. Oliver, Esquire
McQuaide, Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801

by mailing the same, postage pre-paid, and said Interrogatories contained a Notice to Defendant to answer the same within thirty (30) days.

Respectfully submitted,
Chiurazzi and Mengine, LLC



Anthony C. Mengine, Esquire
Attorney for Plaintiffs, Anna Mary
Lubbert and Rae Ann Branson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
:
Plaintiffs, :
:
v. : TYPE OF PLEADING:
KURT ALLISON, : **CERTIFICATE PREREQUISITE**
:
Defendant. : TYPE OF CASE: CIVIL
:
FILED ON BEHALF OF:
DEFENDANT
:
COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624
:

FILED ^{NO cc}
01/12/2006
JAN 20 2006
JAN

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendants certify that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate,
- 3) no objection to the subpoenas have been received; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: January 19, 2006

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve subpoenas identical to those attached to this notice to Physical Medicine & Rehabilitation Experts, Centers for Rehabilitation Services, Allegheny North Arthritis Center, St. Clair Memorial Hospital, Dr. Nabeela Z. Mian, Antonio M. Riccelli, M.D., Joseph Eshelman, D.O., Carol L. Neish, M.D. and Casey Phillips, D.O. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: December 7, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Casey Phillips, D.C.*
Discover Chiropractic Life Center
Attention: Medical Records Custodian
2971 South Park Road
Bethel Park, PA 15102

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division

[Seal of the Court] **WILLIAM A. SHAW**
Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/8/05

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Anna Lubbert, (DOB: 8/28/1952, S.S. No. 191-44-9025), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Allegheny North Arthritis Center, PC*
Attention: Medical Records Custodian
150 Lake Drive, Suite 109
Wexford, PA 15090-8405

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/18/05

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Anna Lubbert, (DOB: 8/28/1952, S.S. No. 191-44-9025), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, :
: No. 2005-840-C.D.
v. :
: KURT ALLISON, :
: Defendant :
:

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Centers for Rehabilitation Services*
Attention: Medical Records Custodian
9365 McKnight Road, Suite 103
Pittsburgh, PA 15237-5949

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

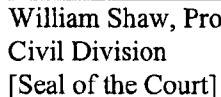
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court] 
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/18/05

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Rae Ann Branson, (DOB: 7/12/46), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Rae Ann Branson's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Physical Medicine & Rehabilitation Experts
Judith H. Esman, M.D.
Attention: Medical Records Custodian
2774 Beechwood Blvd.
Pittsburgh, PA 15217*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: 12/18/05

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Rae Ann Branson, (DOB: 7/12/46), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Rae Ann Branson's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Carol L. Neish, M.D.*
Attention: Medical Records Custodian
161 Waterdam Road, #160
McMurray, PA 15317

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

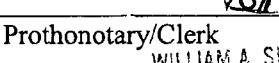
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court] 
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/18/05

DOCUMENTS TO BE PRODUCED

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Antonio M. Riccelli, M.D.*
Attention: Medical Records Custodian
250 Mount Lebanon Blvd., Suite 306
Pittsburgh, PA 15234

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/18/05

DOCUMENTS TO BE PRODUCED

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *St. Clair Memorial Hospital*
Attention: Medical Records Custodian
1000 Bower Hill Road
Pittsburgh, PA 15243-1873

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/8/05

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Anna Lubbert, (DOB: 8/28/1952, S.S. No. 191-44-9025), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
: No. 2005-840-C.D.
Plaintiffs, :
: v.
: :
KURT ALLISON, :
: :
Defendant :
:

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Joseph Eshelman, D.O.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

Dated: 12/18/05

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Anna Lubbert, (DOB: 8/28/1952, S.S. No. 191-44-9025), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, :
: No. 2005-840-C.D.
v. :
: KURT ALLISON, :
: Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Dr. Nabeela Z. Mian*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

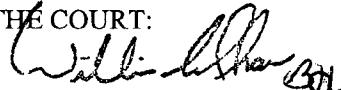
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk

Civil Division

[Seal of the Court]

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2006

Clearfield Co., Clearfield, PA

Dated: 12/18/05

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Anna Lubbert, (DOB: 8/28/1952, S.S. No. 191-44-9025), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Physical Rehabilitation and Medical Experts, Centers for Rehabilitation Services, Allegheny North Arthritis Center, St. Clair Memorial Hospital, Dr. Nabeela Z. Mian, Antonio M. Riccelli, M.D., Dr. Joseph Eshelman, D.O., Carol L. Neish, M.D. and Casey Phillips, D.O. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 19th day of January, 2006, to the attorney of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

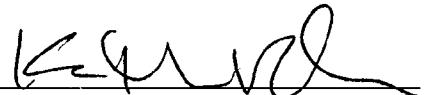
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve
Subpoenas for Production of Documents and Things in the above-referenced matter was mailed
by U.S. First Class Mail, postage paid, this 19th day of April, 2006, to the attorneys/parties of
record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED
EM

APR 21 2006
M/10:25/06
William A. Shaw
Prothonotary/Clerk of Courts
EM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

: Type of Case: Civil

: Filed on Behalf of:

: **Defendant Kurt Allison**

: COUNSEL OF RECORD

: FOR THIS PARTY:

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO, FLEMING

: & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

FILED

APR 25 2005

11:12:05 AM

William A. Shaw

Prothonotary/Clerk of Courts

120 9/1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notices of Deposition and Request for Production of Documents in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 24th day of April, 2006, to the attorney(s) of record:

Anthony C. Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual, : : No. 2005-840-C.D.
Plaintiffs, : : TYPE OF PLEADING:
v. : : **CERTIFICATE PREREQUISITE**
KURT ALLISON, : : TYPE OF CASE: CIVIL
Defendant. : : FILED ON BEHALF OF:
: : **DEFENDANT**
: : COUNSEL OF RECORD FOR
: : FOR THIS PARTY:
: : KATHERINE V. OLIVER, ESQ.
: : I.D. NO. 77069
: : JAMES M. HORNE, ESQ.
: : I.D. NO. 26908
: : McQUAIDE, BLASKO,
: : FLEMING & FAULKNER, INC.
: : 811 University Drive
: : State College, PA 16801
: : PH# (814) 238-4926

FILED
MAY 09 2006
WM/21341 NO CC
JM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, L.P.C.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: May 4, 2006

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
.

NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Defendant intends to serve subpoenas identical to those attached to this notice to Mercy Hospital and Antonio M. Riccelli, M.D. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: April 19, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Antonio M. Riccelli, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: See attached.

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

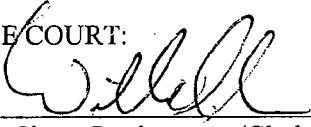
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: APRIL 21, 2006

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

Anna Marie Lubbert & Rae Ann Branson v. Kurt Allison

DOCUMENTS TO BE PRODUCED

Any and all records pertaining to treatment of Anna Lubbert (DOB: 8/28/1952, S.S. No. 191-44-9025) by Joseph Eshelman, D.O., including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: *Mercy Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: April 21, 2006

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Anna Lubbert, (DOB: 8/28/1952, S.S. No. 191-44-9025), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Lubbert's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.

v.

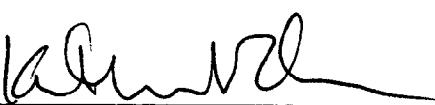
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Mercy Hospital and Antonio M. Riccelli, M.D. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 4th day of May, 2006, to the attorney of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

: Type of Case: Civil

: Filed on Behalf of:

: **Defendant Kurt Allison**

: COUNSEL OF RECORD

: FOR THIS PARTY:

: KATHERINE V. OLIVER, ESQ.

: I.D. NO. 77069

: JAMES M. HORNE, ESQ.

: I.D. NO. 26908

: McQUAIDE, BLASKO, FLEMING

: & FAULKNER, INC.

: 811 University Drive

: State College, PA 16801

: PH# (814) 238-4926

FILED
MAY 10 2006
NO. 2005-840-C.D.
W.M. SHAW
CLERK OF COURT

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

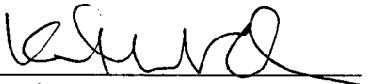
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Amended Notices of Deposition and
Request for Production of Documents in the above-captioned matter was mailed by regular mail, postage
prepaid, at the Post Office, State College, Pennsylvania, on this 9th day of May, 2006, to the attorney(s)
of record:

Anthony C. Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

KURT ALLISON,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED NO CC
M 11:38 AM
JUN 05 2006
SF

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

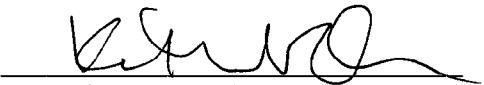
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 2nd day of June, 2006, to the attorneys/parties of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

KURT ALLISON,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED NO CC
JUN 07 2005
2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

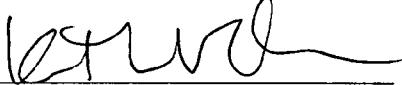
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Amended Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to William Bader, M.D. in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 6th day of June, 2006, to the attorneys/parties of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
Plaintiffs, :
: TYPE OF PLEADING:
: **CERTIFICATE PREREQUISITE**
v. :
: TYPE OF CASE: CIVIL
KURT ALLISON, :
Defendant. : FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED

JUN 09 2007

6/10/07

William A. Shaw

Prothonotary/Clerk of Courts

NO C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

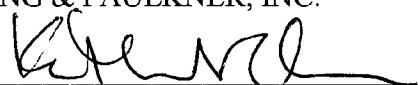
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) an amended notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the amended notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the amended notice of intent to serve the subpoena.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

Dated: June 8, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**AMENDED NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that attached to this notice to William Bader, M.D. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: June 6, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *William Bader, M.D.*
Preferred Primary Care Physicians
Attention: Medical Records Custodian
102 Broadway Street
Carnegie, PA 15106

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

Dated: 6/5/06

Anna Marie Lubbert & Rae Ann Branson v. Kurt Allison

DOCUMENTS TO BE PRODUCED

Any and all records for as long as you retain same and regardless of treating physician on Rae Ann Branson, (DOB: 7/12/46), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Anna Rae Ann Branson's health status (regardless of source), etc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to William Bader, M.D. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 8th day of June, 2006, to the attorney of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
Plaintiffs, :
v. : TYPE OF PLEADING:
KURT ALLISON, : **CERTIFICATE OF SERVICE**
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX# (814) 238-9624

FILED *no cc*
M 11/5/04
AUG 09 2006
WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things Directed to SEIU Health & Welfare Fund-Acordia National in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 8th day of August, 2006, to the attorneys/parties of record:

Anthony Charles Mengine, Esquire
Gavin Robb, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77059
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

: TYPE OF PLEADING:
CERTIFICATE OF SERVICE

v.

KURT ALLISON,

: TYPE OF CASE: CIVIL

Defendant.

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX# (814) 238-9624

*FILED NO
AUG 11 2005
2005*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
.

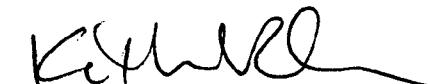
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Third Request for Production of Documents Directed to Plaintiffs in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 8th day of August, 2006, to the attorney of record:

Anthony Charles Mengine, Esquire
Gavin Robb, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
Plaintiffs, :
v. : TYPE OF PLEADING:
KURT ALLISON, : **CERTIFICATE PREREQUISITE**
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED *no cc*
M 11/18/06
AUG 18 2006
COURT

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
.

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) an amended notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the amended notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Plaintiffs' attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the amended notice of intent to serve the subpoena.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Defendant

Dated: August 17, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

: No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to that attached to this notice to SEIU Health & Welfare Fund-Acordia National. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: August 8, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: SEIU Health & Welfare Fund-Acordia National
Attention: Records Custodian
PO Box 3262
Charleston WV 25332

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

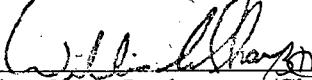
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

Dated: 6/15/06

Anna Marie Lubbert & Rae Ann Branson v. Kurt Allison

DOCUMENTS TO BE PRODUCED

A true and correct copy of any and all records in your possession pertaining to Rae Ann Branson, Date of Birth 7/12/46, included, but not limited to, any and all contracts, plans, or policies providing coverage to Rae Ann Branson, and all payout logs and medical records pertaining to Rae Ann Branson.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

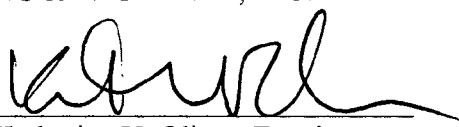
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to SEIU Health & Welfare Fund-Acordia National in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 17th day of August, 2006, to the attorney of record:

Anthony Charles Mengine, Esquire
Gavin Robb, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

ORDER

AND NOW, this 10 day of April, 2007, upon consideration of the
foregoing Motion to Compel Discovery, it is hereby ORDERED that:

1. a rule is issued upon the Plaintiffs to show cause why the Defendant is not entitled to the relief requested;
2. the Plaintiffs shall file an answer to the motion within _____ days of this date;
3. the motion shall be decided under Pa.R.C.P. No. 206.7;
4. argument shall be held on May 14, 2007, in Courtroom No. 1
of the Clearfield County Courthouse; and
① 11:00 A.M.
5. notice of the entry of this Order shall be provided to all parties by moving party. ,

BY THE COURT:


J.

FILED

APR 10 2007

010:40 AM
William A. Shaw
Prothonotary/Clerk of Courts

1 CENT - 10 AM

DATE: 4-11-07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Plaintiff(s) Defendant(s) Attorney

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED
APR 1 2007
William A. Shew
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION- LAW

ANNA MARIE LUBBERT, an individual : No. 2005-840-C.D.
and RAE ANN BRANSON, an individual, :
Plaintiffs, : TYPE OF CASE:
: Civil
v. :
: TYPE OF PLEADING:
KURT ALLISON, : Motion to Compel Discovery
:
Defendant : FILED ON BEHALF OF:
: Defendant
:
: COUNSEL OF RECORD
: FOR THIS PARTY:
: Katherine V. Oliver, Esquire
: Supreme Court I.D. No. 77069
: James M. Horne, Esquire
: Supreme Court I.D. No. 26908
: Dominick J. Muracco, Esquire
: Supreme Court I.D. No. 91381
: 811 University Drive
: State College, PA 16801
: Phone: (814) 238-4926

FILED

APR 09 2007

4/8/07
William A. Shaw

Prothonotary/Clerk of Courts

No C/C (60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**DEFENDANT KURT ALLISON'S MOTION TO COMPEL PLAINTIFFS' RESPONSE
TO DEFENDANT'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

AND NOW, comes Defendant, Kurt Allison, by and through his attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., to respectfully move this Honorable Court pursuant to Pa.R.C.P. 4019 to issue an appropriate Order compelling Plaintiffs, Anna Marie Lubbert and Rae Ann Branson, to fully and completely answer Defendant's Third Request for Production of Documents and Tangible Things. In support thereof, Defendant avers the following:

1. Plaintiffs commenced this automobile negligence action via Writ of Summons issued on June 14, 2005.
2. Pursuant to Defendant's Praeclipe for Rule to File Complaint of August 23, 2005, Plaintiffs filed a Complaint on September 28, 2005.
3. Defendant filed an Answer with New Matter in response to Plaintiffs' Complaint on October 21, 2005.
4. Plaintiffs seek damages for ongoing injuries allegedly sustained in a very minor motor vehicle accident that occurred with Defendant on June 27, 2003 at or near the exit ramp off of Interstate 80 in Dubois, Pennsylvania.

5. Both Plaintiffs were in the scope of their employment at the time of the accident, and both Plaintiffs have ongoing workers' compensation claims stemming from the accident.

6. Information uncovered in discovery to date demonstrates that Plaintiffs' workers' compensation claims have been contested on issues including the status and cause of Plaintiffs' alleged injuries/conditions, and that documents concerning these issues exist.

7. Although partial documents from the workers' compensation forum have been produced, it is clear that additional documents exist that are potentially relevant to Plaintiffs' claims in this lawsuit.

8. On August 8, 2006, Defendant served Plaintiffs with Defendant's Third Request for Production of Documents and Tangible Things, seeking any and all documents pertaining to Plaintiffs' workers' compensation claims. (See Third Request for Production of Documents and Tangible Things, attached hereto as Exhibit A).

9. In accordance with Pennsylvania Rule of Civil Procedure 4009.12, the Request for Production of Documents and Tangible Things directed Plaintiffs to provide relevant documents and/or tangible things on or before September 8, 2006. (See Exhibit A).

10. More than six months have passed since Plaintiffs' discovery responses were due, and Plaintiffs have failed to serve responses to Defendant's Requests for Production.

11. On September 29, 2006, defense counsel inquired about the status of the outstanding discovery requests by written correspondence and requested a prompt response. (See correspondence attached hereto as Exhibit B).

12. Defense counsel thereafter sent several additional letters to Plaintiffs' attorney requesting responses to the outstanding discovery.

WHEREFORE, Defendant, Kurt Allison, respectfully requests that an Order be issued compelling Plaintiffs, Anna Marie Lubbert and Rae Ann Branson, to fully and completely answer Defendant's Third Request for Production of Documents and Tangible Things within 20 days or suffer appropriate sanctions.

Respectfully submitted,

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
Dominick J. Muracco, Esquire
I.D. No. 91381
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: April 6, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual, :
Plaintiffs, :
No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

**DEFENDANT'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS
AND TANGIBLE THINGS DIRECTED TO PLAINTIFF**

TO: Anna Marie Lubbert
c/o Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

AND NOW COMES, Defendant, by and through her counsel, McQuaide, Blasko, Fleming & Faulkner, Inc., and hereby requests Plaintiff to produce the documents and tangible things described below, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure for inspection and/or photocopying by Defendant, her attorneys and agents. The documents and tangible things shall be produced at the offices of McQuaide, Blasko, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, on or before September 8, 2006 at 5:00 p.m., or at such other time and place that the parties may mutually agree. In responding to this request, you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

INSTRUCTIONS

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including but not limited to, all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Rule 4007.4 of the Pennsylvania Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) The date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

DEFINITIONS

1. "You" and "Your" shall mean Plaintiff as well as his/her/their agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with him/her/them or purporting to act on his behalf with respect to the matter in question.
2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).
3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or", and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

REQUEST

1. Please produce any and all documents available to you, your attorneys, or any other agent, relating or pertaining in any manner to your workers' compensation claim arising from the automobile accident of June 27, 2003, including, but not limited to, petitions and other pleadings, opinions and orders, correspondence, statements, lien information, medical information, and transcripts of testimony. Please do not produce documents previously provided to your lawyers by Defendant Allison in this litigation.

ANSWER:

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: August 8, 2006

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

**DEFENDANT'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS
AND TANGIBLE THINGS DIRECTED TO PLAINTIFF**

TO: Rae Ann Branson
c/o Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

AND NOW COMES, Defendant, by and through her counsel, McQuaide, Blasko, Fleming & Faulkner, Inc., and hereby requests Plaintiff to produce the documents and tangible things described below, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure for inspection and/or photocopying by Defendant, her attorneys and agents. The documents and tangible things shall be produced at the offices of McQuaide, Blasko, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, on or before September 8, 2006 at 5:00 p.m., or at such other time and place that the parties may mutually agree. In responding to this request, you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

INSTRUCTIONS

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including but not limited to, all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Rule 4007.4 of the Pennsylvania Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) The date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

DEFINITIONS

1. "You" and "Your" shall mean Plaintiff as well as his/her/their agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with him/her/them or purporting to act on his behalf with respect to the matter in question.
2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).
3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or", and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

REQUEST

1. Please produce any and all documents available to you, your attorneys, or any other agent, relating or pertaining in any manner to your workers' compensation claim arising from the automobile accident of June 27, 2003, including, but not limited to, petitions and other pleadings, opinions and orders, correspondence, statements, lien information, medical information, and transcripts of testimony. Please do not produce documents previously provided to your lawyers by Defendant Allison in this litigation.

ANSWER:

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: August 8, 2006

Attorneys for Defendant

EXHIBIT B



MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

September 29, 2006

Gavin Robb, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

Re: Lubbert and Branson v. Allison, No. 05-840-C.D.

Dear Mr. Robb:

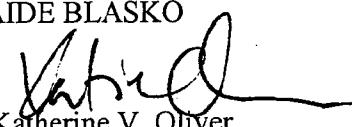
I have not yet received a response to the Supplemental Request for Production of Documents forwarded to you on August 8, 2006. Would you kindly provide me with full and complete responses on your receipt of this letter? If you anticipate any further delay in providing the materials requested, please contact me so that we can discuss the same.

Additionally, when we last discussed this case, I understood that you would be forwarding a demand for each of your clients. Are you in the position to do so at this point?

Very truly yours,

McQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/nlc

cc: Cindy Belski (Claim No.: 30-V659-705)

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon Dominick J. Muracco

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Rouich

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)





MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 15, 2007

Gavin Robb, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

Re: Lubbert and Branson v. Allison, No. 05-840-C.D.

Dear Mr. Robb:

Thank you for your recent correspondence regarding the status of the above-referenced matter. I look forward to receipt of Plaintiffs' demands so that we can assess whether these cases might be amicably resolved.

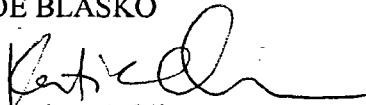
In the meantime, please provide me with responses to Defendant's Third Requests for Production of Documents that were served on your clients on August 6, 2006. I have not pressed about this outstanding discovery given the intent to explore settlement of these matters. However, in light of the many months that have passed and the continuing nature of both Plaintiffs' workers' compensation claims, it is evident that we will need this information in any event. I intend to diary my file for three weeks from today's date, after which I will move forward with a motion to compel if full and complete responses have not been received.

Thank you for your time and attention to this matter.

Very truly yours,

McQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/nlc

cc: Cindy Belski (Claim No.: 30-V659-705)

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Pamela A. Ruest Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Frederick R. Battaglia Anthony A. Simon Dominick J. Muracco

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

John G. Love (1893-1966) Roy Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1997)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Motion to Compel in the above-captioned matter was mailed by regular mail, postage pre-paid, at the Post Office, State College, Pennsylvania, on this 6th day of April, 2007 to the attorney of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
Dominick J. Muracco, Esquire
I.D. No. 91381
811 University Drive
State College, PA 16801
(814) 238-4926

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION- LAW

ANNA MARIE LUBBERT, an individual : No. 2005-840-C.D.
and RAE ANN BRANSON, an individual, :
:
Plaintiffs, : TYPE OF CASE:
:
v. : **Civil**
:
KURT ALLISON, : TYPE OF PLEADING:
:
Defendant : **CERTIFICATE OF SERVICE**
:
:
COUNSEL OF RECORD
FOR THIS PARTY:
:
: Katherine V. Oliver, Esquire
: Supreme Court I.D. No. 77069
: James M. Horne, Esquire
: Supreme Court I.D. No. 26908
: 811 University Drive
: State College, PA 16801
: Phone: (814) 238-4926

FILED *3/11/2007* NOCC
APR 13 2007
W.A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court's Order dated April 10, 2007
Granting Defendant's Motion to Compel Plaintiffs' Response to Defendant's Third Request for
Production of Documents in the above-captioned matter was mailed by regular mail, postage pre-
paid, at the Post Office, State College, Pennsylvania, on this 12th day of April, 2007 to the
attorney of record:

Anthony Charles Mengine, Esquire
Gavin Robb, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

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

ANNA MARY LUBBERT, an individual,
and RAE ANN BRANSON, an individual,
Plaintiffs
vs.
KURT ALLISON,
Defendant

ORDER

NOW, this 14th day of May, 2007, the date being set for argument on the Defendant's Motion to Compel Discovery; it is the ORDER of this Court that said Motion be and is hereby DISMISSED, due to the failure of the moving party to appear for argument.

BY THE COURT,

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED
01/27/07
MAY 15 2007
1cc Attns:
Mengino
Oliver

William A. Shaw
Prothonotary/Clerk of Courts

DATE 5/15/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

MAY 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED 3cc
07/28/07 AMY
MAY 22 2007 Oliver
CK

ANNA MARIE LUBBERT, an individual and
RAE ANN BRANSON, an individual,
Plaintiffs
vs.
KURT ALLISON,
Defendant

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*
*
*

William A. Shaw
Prothonotary/Clerk of Courts
CK

No. 05-840-CD

ORDER

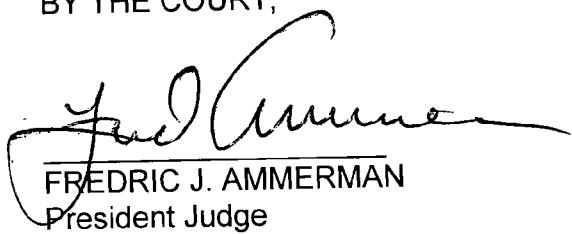
NOW, this 22nd day of May, 2007, the Court notes as follows:

1. The Defendant filed a Motion to Compel Discovery on April 9, 2007. The Court issued an Order dated April 10, 2007 scheduling argument on the same for May 14, 2007 at 11:00 a.m.
2. The Prothonotary's Office erroneously certified a proposed order provided by the Defense granting the Motion to Compel and provided the said certified copy to counsel for the Defendant.
3. As a result of the Prothonotary's error, the Defendant not only was of the mistaken belief that the Motion to Compel was granted but also was never provided with the Court's scheduling Order of April 10, 2007.
4. As a result of the Defendant's failure to appear on May 14, 2007, the Court issued an Order of the same date dismissing the Motion to Compel Discovery. Thereafter, the mistake as described above was discovered.
5. Accordingly, it is the ORDER of this Court that this Court's Order of May 14, 2007 be and is hereby vacated. Argument on the Motion to

Compel Discovery is hereby re-scheduled for the 18th day of
June, 2007 at 10:30 A.M. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania 16830.

6. Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT,



Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

FILED

MAY 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/22/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION- LAW

ANNA MARIE LUBBERT, an individual : No. 2005-840-C.D.
and RAE ANN BRANSON, an individual, :
:
Plaintiffs, : TYPE OF CASE:
: Civil
:
v. : TYPE OF PLEADING:
: CERTIFICATE OF SERVICE
:
KURT ALLISON, : FILED ON BEHALF OF:
: Defendant : Defendant
:
: COUNSEL OF RECORD
: FOR THIS PARTY:
:
: Katherine V. Oliver, Esquire
: Supreme Court I.D. No. 77069
: James M. Horne, Esquire
: Supreme Court I.D. No. 26908
: 811 University Drive
: State College, PA 16801
: Phone: (814) 238-4926

FILED NOCC
MAY 24 2005
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

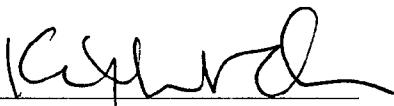
ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court's Order dated May 22, 2007 in
the above-captioned matter was mailed by regular mail, postage pre-paid, at the Post Office,
State College, Pennsylvania, on this 23rd day of May, 2007 to the attorney of record:

Anthony Charles Mengine, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT and
RAE ANN BRANSON
Plaintiffs,

CIVIL DIVISION

No. 05-840 CD

v.

**PRAECIPE TO DISCONTINUE
AS TO FEWER THAN ALL
PARTIES**

KURT ALLISON,

Defendant.

Counsel for Plaintiffs:

Anthony C. Mengine, Esquire
PA ID# 63209

Chiurazzi and Mengine, LLC
Firm No. 818
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

(412) 434-0773

FILED NOCC
M 10:30 AM
APR 16 2008
GP

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT and,
RAE ANN BRANSON

CIVIL DIVISION

Plaintiffs,

v.

No. 05-840 CD

KURT ALLISON,

Defendant.

PRAECIPE TO DISCONTINUE AS TO FEWER THAN ALL PARTIES

To: THE PROTHONOTARY

Please mark Plaintiff, Anna Marie Lubbert's claims in the above
referenced matter as ENDED AND DISCONTINUED with prejudice.

Respectfully submitted,
Chiurazzi and Mengine, LLC



Anthony C. Mengine, Esquire
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe to Discontinue as to Fewer than all Parties has been served upon the individual(s) listed below, via first class mail, postage prepaid, on April 14, 2008.

Katherine V. Oliver
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699



Anthony C. Mengine, Esquire
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, : No. 2005-840-C.D.
Plaintiffs, :
: TYPE OF PLEADING:
: **CERTIFICATE OF SERVICE**
v. :
: TYPE OF CASE: CIVIL
KURT ALLISON, :
Defendant. : FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED NOCC.

5/12/52
MAY 15 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena for Production of Documents and Things directed to Casey Phillips, D.O. in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 14th day of May, 2009, to the attorney of record:

Katie A. Killion, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

Plaintiffs,

v.

KURT ALLISON,

Defendant.

: No. 2005-840-C.D.

: TYPE OF PLEADING:
CERTIFICATE PREREQUISITE

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:
DEFENDANT

: COUNSEL OF RECORD FOR
FOR THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926

FILED
m/11/2009
NO CC
MAY 29 2009
GW

S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,
Plaintiffs, : No. 2005-840-C.D.

v.

KURT ALLISON,

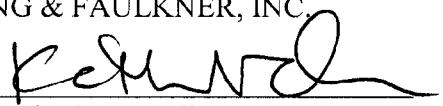
Defendant :

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty days prior to the date on which the subpoena is sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- 3) Plaintiffs' attorney has waived 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: May 28, 2009

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

Defendant intends to serve a subpoena identical to that attached to this notice to Casey Phillips, D.O. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: May 14, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual
and RAE ANN BRANSON, an individual,

No. 2005-840-C.D.

Plaintiffs,

v.

KURT ALLISON,

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: *Casey Phillips, D.C.*
Phillips Family Chiropractic
Attention: Medical Records Custodian
940 Western Avenue
Pittsburgh, PA 15233

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *See attached.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

Dated: May 15, 2009

Anna Marie Lubbert & Rae Ann Branson v. Kurt Allison

DOCUMENTS TO BE PRODUCED

Any and all records from October of 2005 to Present regardless of treating physician on Rae Ann Branson, (DOB: 7/12/46), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Rae Ann Branson's health status (regardless of source), etc. **We reserve the right to obtain copies of radiology films using this subpoena after we have had an opportunity to review any records or radiology reports that are received in response to this request.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ANNA MARIE LUBBERT, an individual :
and RAE ANN BRANSON, an individual, :
Plaintiffs, : No. 2005-840-C.D.
v. :
KURT ALLISON, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to Casey Phillips, D.O. in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 28th day of May, 2009, to the attorney of record:

Katie A. Killion, Esquire
Chiurazzi and Mengine, LLC
Allegheny Building, Suite 1000
429 Forbes Avenue
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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I.D. No. 77069
James M. Horne, Esquire
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811 University Drive
State College, PA 16801
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Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT and
RAE ANN BRANSON
Plaintiffs,

CIVIL DIVISION

No. 05-840 CD

v.

KURT ALLISON,

Defendant.

Counsel for Plaintiffs:

Anthony C. Mengine, Esquire
PA ID# 63209

Chiurazzi and Mengine, LLC
Firm No. 818
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(412) 434-0773

FILED *cert of disc*
10/12/00 am issued to
OCT 28 2009 *Atty Mengine*
S William A. Shaw
Prothonotary/Clerk of Courts *copy to CIA*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANNA MARY LUBBERT and,
RAE ANN BRANSON

CIVIL DIVISION

Plaintiffs,

v.

No. 05-840 CD

KURT ALLISON,

Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

To: THE PROTHONOTARY

KINDLY mark the docket in the above-captioned matter Settled and Discontinued.

Respectfully submitted,
Chiurazzi and Mengine, LLC

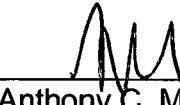


Anthony C. Mengine, Esquire
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeclipe to Settle and Discontinue has been served upon the individual(s) listed below, via first class mail, postage prepaid, on October 26, 2009.

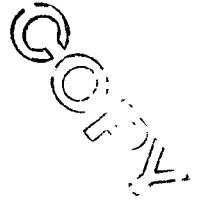
Katherine V. Oliver
McQuaide, Blasko
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Anthony C. Mengine, Esquire
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



Anna Mary Lubbert
Rae Ann Branson

Vs.
Kurt Allison

No. 2005-00840-CD

CERTIFICATE OF DISCONTINUATION

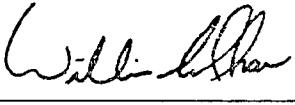
Commonwealth of PA
County of Clearfield

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 October 28, 2009, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Anthony C. Mengine Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of October A.D. 2009.



William A. Shaw, Prothonotary