

05-1505-CD

Valerie J. Flegal vs Laurel Eye Clinic

Valerie Flegal vs Laurel Eye Clinic
2005-1505-CD

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

VALERIE J. FLEGAL,
Plaintiff,

v.

LAUREL EYE CLINIC,
Defendant.

*
*
*
* No. 05 - 1505 - CD
*

*

* Type of Pleading:

* **PRAECIPE FOR WRIT**

* Filed on behalf of:
* Plaintiff

* Counsel of Record for
* this party:

* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601

*

FILED Atypd.
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SEP 29 2005
1 Writ to
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

VALERIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - - CD
*
LAUREL EYE CLINIC, *
Defendant. *

PRAECIPE FOR WRIT

TO THE PROTHONOTARY:

Please issue a writ of summons against Laurel Eye Clinic, at its address of 235 East Market Street, Clearfield, Pennsylvania 16830.



James A. Naddeo
Attorney for Plaintiff

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

 COPY

SUMMONS

Valerie J. Flegal

Vs.

NO.: 2005-01505-CD

Laurel Eye Clinic

TO: LAUREL EYE CLINIC

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: 09/29/2005

William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505-CD

vs.

LAUREL EYE CLINIC,

Defendant.

Type of Pleading:

*Praecipe for Rule to File a
Complaint*

Filed on Behalf of Defendant:
Laurel Eye Clinic

Counsel of Record for This Party:
Allen P. Neely, Esquire
Pa. I.D. No. 65302

McQuaide, Blasko, Fleming &
Faulkner, Inc.
811 University Drive
State College, PA 16801
(814) 238-4926

Counsel for Adverse Party:
James A. Naddeo, Esquire

FILED NO CC
11:33 AM NOV 01 2005 Rule to Atty
NOV 01 2005
William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. : *Medical Professional
Action*
LAUREL EYE CLINIC, :
Defendant. :

PRAEICE FOR A RULE TO FILE A COMPLAINT

TO THE PROTHONOTARY:

Please issue a Rule on Plaintiff to file her Complaint within twenty (20) days from service thereof or suffer a judgment of non pros against her.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: October 31, 2005

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe for Rule to File Complaint, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 31st day of October, 2005, the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 592
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: ANP
ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALERIE J. FLEGAL,

Plaintiff,

No.: 2005 - 1505

vs.

LAUREL EYE CLINIC,

Defendant.

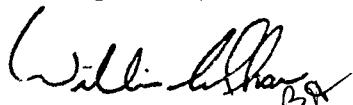
*Medical Professional Liability
Action*

 COPY

RULE

To: VALERIE J. FLEGAL
c/o James A. Naddeo, Esquire

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.



Prothonotary

Dated:

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

VALERIE J. FLEGAL,

: Plaintiff, : No.: 2005 - 1505

: vs. :

LAUREL EYE CLINIC,

: Defendant. :

: Type of Pleading:
Praecipe for Entry of Appearance

: Filed on Behalf of Defendant:
Laurel Eye Clinic

: Counsel of Record for This Party:
Allen P. Neely, Esquire
Pa. I.D. No. 65302

: McQuaide, Blasko, Fleming &
Faulkner, Inc.
811 University Drive
State College, PA 16801
(814) 238-4926

: Counsel for Adverse Party:
James A. Naddeo, Esquire

FILED NO
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NOV 01 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

VALERIE J. FLEGAL, :
: Plaintiff, : No.: 2005 - 1505
: :
: vs. : *Medical Professional Liability*
LAUREL EYE CLINIC, : *Action*
: :
: Defendant. :
: :

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, LAUREL EYE CLINIC, in the
above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: *October 31, 2005*

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

VALERIE J. FLEGAL, :
: Plaintiff, : No.: 2005 - 1505
: :
vs. : : *Medical Professional Liability*
LAUREL EYE CLINIC, : : *Action*
: :
Defendant. : :
: :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe for Entry of Appearance on Behalf of Defendant Laurel Eye Clinic, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 31st day of October, 2005, to the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 52
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505

vs.

LAUREL EYE CLINIC,

Defendant.

*Medical Professional Liability
Action*

Type of Pleading:
CERTIFICATE OF SERVICE AND
RULE TO FILE A COMPLAINT

Filed on Behalf of Defendant:
Laurel Eye Clinic

Counsel of Record for This Party:
ALLEN P. NEELY
Pa. I.D. No. 65302

McQuaide, Blasko, Fleming &
Faulkner, Inc.
811 University Drive
State College, PA 16801
(814) 238-4926

Counsel for Adverse Party:
James A. Naddeo, Esquire

FILED
M 11 2005
NOV 03 2005
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

CERTIFICATE OF SERVICE

I hereby certify that the original Rule to File a Complaint, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 2nd day of November, 2005, to the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 52
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *Amr. N.*
ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505

vs.

LAUREL EYE CLINIC,

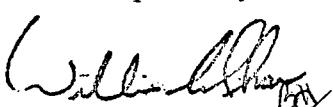
*Medical Professional Liability
Action*

Defendant.

RULE

To: VALERIE J. FLEGAL
c/o James A. Naddeo, Esquire

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.



Prothonotary

Dated: *November 1, 2005*

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

VALARIE J. FLEGAL,
Plaintiff,

v.

LAUREL EYE CLINIC,
Defendant.

*
*
*
* No. 05 - 1505 - CD
*

*
*
*

* Type of Pleading:

* **COMPLAINT**

* Filed on behalf of:
* Plaintiff

* Counsel of Record for
* this party:

* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED
10/5/2005 Atty
DEC 05 2005
CR

William A. Shaw
Prothonotary/Clerk of Courts

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

VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

COMPLAINT

NOW comes the Plaintiff, Valarie J. Flegal, and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Valarie J. Flegal, an adult individual, who resides at 24 Dairy Lane, Clearfield, Pennsylvania 16830.

2. That the Defendant is the Laurel Eye Clinic, LLP, a limited liability partnership that maintains a place of business at 235 East Market Street, Clearfield, Pennsylvania 16830, and in Brookville, Pennsylvania.

3. That at all times referred to herein, Defendant advertised and held itself out as a business with special expertise and knowledge in the performance of Lasik eye surgery.

4. That on or about September 8, 2003, Plaintiff consulted with the Defendant for the purpose of determining whether she was an eligible candidate for Lasik eye surgery.

5. That on or about the aforesaid date, an employee of the Defendant obtained a medical history from the Plaintiff.

6. That on or about the aforesaid date another employee of the Defendant conducted a pre-operative patient examination for refractive procedures.

7. That neither of Defendant's employees inquired as to whether Plaintiff had a pre-existing condition known in layman's terms as "dry eye".

8. That the pre-operative examination conducted by Defendant's employees did not include the administration of a Schirmer test which is intended to determine whether the patient has the condition commonly known as "dry eye".

9. That on or about the aforesaid date, Plaintiff had pre-existing "dry eye" which condition reflected itself in her inability to wear contact lenses.

10. That as a result of the history and pre-operative patient examination performed by Defendant Clinic, Plaintiff was informed that she was a fit candidate for Lasik eye surgery.

11. That Defendant Clinic scheduled Plaintiff for Lasik eye surgery on October 3, 2003 at its Brookville, Pennsylvania, office.

12. That Defendant Clinic performed Lasik eye surgery on the Plaintiff on October 3, 2003 at a total cost to Plaintiff of Three Thousand (\$3,000.00) Dollars.

13. That the day following surgery Plaintiff experienced a scratchy, dry sensation in her eyes but more egregious in the left eye.

14. That Plaintiff reported the sensation that she was experiencing to Defendant Clinic on October 4, 2003.

15. That Plaintiff was informed by Defendant Clinic that the sensations experienced by Plaintiff were normal.

16. That on November 11, 2003, Plaintiff reported to Defendant Clinic that the discomfort in the left eye was becoming worse.

17. That on November 11, 2003, Plaintiff also reported to Defendant Clinic that she was experiencing visual problems in the left eye consisting of inability to read, lack of night vision and generally blurriness.

18. That Plaintiff was instructed by Defendant Clinic that after a reasonable healing period the Clinic would perform an enhancement on the left eye which would correct her complaints.

19. That on March 5, 2004 Defendant Clinic performed an enhancement on Plaintiff's left eye at its facility located in Brookville, Pennsylvania.

20. That on March 6, 2004 Plaintiff reported to Defendant Clinic that she was continuing to experience a dry, scratchy sensation in her left eye and that the visual problems

which the enhancement was intended to correct continued to persist.

21. That after March 6, 2004, Plaintiff regularly consulted with Defendant Clinic because of the condition of her eyes as previously described.

22. That during the course of Plaintiff's post-operative treatment by Defendant Clinic, she was prescribed Doxycycline and on various occasions Defendant installed plugs in the Plaintiff's tear ducts.

23. That despite the care rendered to Plaintiff post-operatively by Defendant Clinic, the conditions of Plaintiff's left eye worsened particularly in the left eye to the extent that she began to experience severe pain in addition to the other symptoms previously described herein.

24. That Plaintiff on various occasions post-operatively also developed infections in the left eye.

25. That eventually Defendant Clinic recommended that Plaintiff have the tear ducts in both eyes cauterized or blocked.

26. That Plaintiff informed Defendant Clinic that she intended to obtain a second opinion before undergoing a cauterization or blocking of her tear ducts.

27. That the discomfort experienced by Plaintiff became so acute that she was unable to sleep or work causing her

to take medical leave from her employment with the County National Bank, Clearfield, Pennsylvania, from August 26, 2005 through September 12, 2005.

28. That Plaintiff was informed by her consulting physician that she was suffering from severe dry eye symptoms secondary to her Lasik refractive surgery.

29. That Plaintiff's severe dry eye occurred as a direct result of the Lasik refractive surgery performed by Defendant Clinic.

30. That Defendant Clinic was guilty of the following negligence, carelessness and recklessness which were the proximate cause of the severe dry eye condition of Plaintiff which condition is and probably will be permanent, as follows:

A. Defendant Clinic failed to review the Plaintiff's prior medical records prior to pronouncing her a fit candidate for Lasik refractive surgery.

B. Defendant Clinic failed to obtain a history of the existence of Plaintiff's pre-existing dry eye.

C. Defendant Clinic failed to determine by history of Plaintiff's inability to wear contact lenses because of her pre-existing dry eye.

D. Defendant Clinic failed to perform a Schirmer test to determine whether Plaintiff had pre-existing dry eye.

E. Defendant Clinic failed to treat Plaintiff for her pre-existing dry eye prior to performing Lasik refractive surgery.

F. Defendant Clinic failed to warn Plaintiff that she was not a good candidate for Lasik refractive surgery because of her pre-existing dry eye.

G. Defendant Clinic failed to warn Plaintiff that she had an increased likelihood of developing severe dry eye due to her pre-existing condition.

31. That as a direct result of the severe dry eye developed by Plaintiff incident to the Lasik refractive surgery performed by Defendant Clinic, Plaintiff has been placed on a constant course of eye treatment which includes daily application of Bacitracin ointment, daily application of warm compresses, a.m. and p.m., TheraTear Nutrition, TheraTear artificial tears and TheraTear gel.

32. That Plaintiff incurred medical expenses to date of approximately Four thousand Ten (\$4,010.00) Dollars for the treatment of her severe dry eye.

33. That Plaintiff will be required to incur ongoing medical expenses in the future.

34. That Plaintiff was unable to perform the duties of her employment with the County National Bank of Clearfield, Pennsylvania, as Senior Trust Assistant from August 26, 2005

through September 12, 2005 during which time she lost wages in the amount of \$1,230.78.

35. That Plaintiff's severe dry eye will result in lost wages in an indefinite amount in the future.

36. That Plaintiff's severe dry eye will result in a loss of earning power.

37. That Plaintiff claims a reasonable amount for the following:

A. Pain and suffering: past, present and future;

B. Privation and inconvenience: past, present and future;

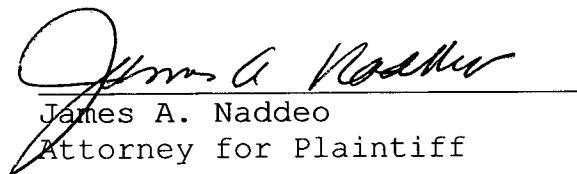
C. Future medical expenses;

D. Lost wages;

E. Impairment of earning power;

F. All other damages allowable by law.

WHEREFORE, Plaintiff claims damages from the Defendant Clinic in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.



James A. Naddeo
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared VALARIE J. FLEGAL, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Valarie J. Flegal
Valarie J. Flegal

SWORN and SUBSCRIBED before me this 30th day of November, 2005.

Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2007

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

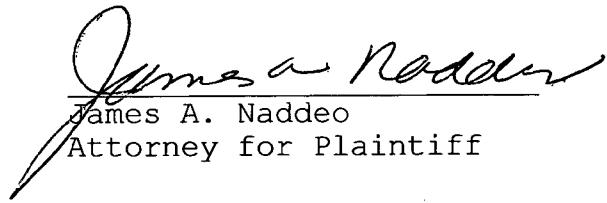
VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Plaintiff's Complaint and Certificate of Merit were served on the following and in the following manner on the 5th day of December, 2005:

First-Class Mail, Postage Prepaid

Allen P. Neely, Esquire
McQuaide Blasko Law Offices
811 University Drive
State College, PA 16801-6699



James A. Naddeo
Attorney for Plaintiff

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

VALARIE J. FLEGAL,
Plaintiff,

v.

LAUREL EYE CLINIC,
Defendant.

*
*
*
* No. 05 - 1505 - CD

*
*
*

* Type of Pleading:

* **CERTIFICATE OF MERIT**

* Filed on behalf of:
* Plaintiff

*
* Counsel of Record for
* this party:

*
* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601

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GR

William A. Shaw
Prothonotary/Clerk of Courts

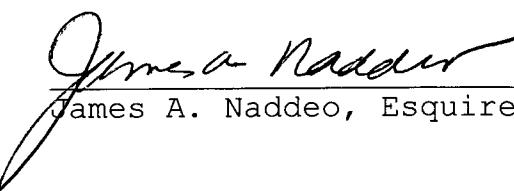
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

CERTIFICATE OF MERIT AS TO LAUREL EYE CLINIC

I, James A. Naddeo, Esquire, attorney for Plaintiff,
certify that:

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


James A. Naddeo, Esquire

Dated: December 5, 2005

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

CERTIFICATE OF SERVICE

I hereby certify that and true and correct copy of Defendant's Notice of Intent to Subpoena regarding Dr. Charukamnoetkanok, County National Bank and Clearfield Hospital, in the above-referenced matter was mailed by regular mail, first class, through Litigation Solutions on the 4th day of January, 2006 to:

James Naddeo, Esquire
P. O. Box 5552
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
Laurel Eye Clinic

FILED NO cc
M 11:33 AM
JAN 10 2006
LHM

William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505

vs.

LAUREL EYE CLINIC,

Defendant.

Type of Pleading:
CERTIFICATE PREREQUISITE
TO SERVICE OF A SUBPOENA

Filed on Behalf of Defendant:
Laurel Eye Clinic

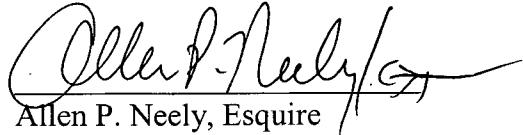
Counsel of Record for This Party:
ALLEN P. NEELY
Pa. I.D. No. 65302

McQuaide, Blasko, Fleming &
Faulkner, Inc.
811 University Drive
State College, PA 16801
(814) 238-4926

Counsel for Adverse Party:
James A. Naddeo, Esquire

FILED
JAN 19 2005
NOCC
cm

William A. Shaw
Prothonotary/Clerk of Courts


Allen P. Neely, Esquire

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valarie J. Flegal

Court of Common Pleas-Civil Division

vs.

Laurel Eye Clinic

Case Number: 05-1505-CD

CERTIFICATE PREREQUISITE TO THE 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, Litigation Solutions, Inc. ('LSI') on behalf of Allen Neely, Esquire of McQuaide Blasko certifies that:

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each 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) No objection to the subpoena has been received, 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.

Date: 1/13/2006

Litigation Solutions, Inc. on behalf of

Allen Neely, Esquire of McQuaide Blasko

Attorney for the Defense

CC:

{ Allen Neely, Esquire
McQuaide Blasko
811 University Drive
State College PA 16801

PENNSYLVANIA COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

Valarie J. Flegal
vs.
Laurel Eye Clinic

Court of Common Pleas-Civil Division
05-1505-CD

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

Provider:	Record Type:
Puwat Charukamnoetkanok County National Bank Clearfield Hospital Clearfield Hospital	All available Employment Financial / Billing Medical

TO: James Naddeo

note: please see enclosed list of all other interested counsel

Litigation Solutions, Inc. ('LSI') on behalf of Allen Neely, Esquire intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served.

Date of Issue: 1/4/2006

Litigation Solutions, Inc. on behalf of:

CC: Allen Neely, Esquire - Court of Common Pleas-Civil Division

Allen Neely, Esquire

McQuaide Blasko

If you have any questions regarding this matter, please contact:
Litigation Solutions, Inc. (412.263.5656)
Brentwood Towne Centre
101 Towne Square Way, Suite 251
Pittsburgh, PA 15227

COUNSEL LISTING FOR VALARIE J. FLEGAL VS. LAUREL EYE CLINIC**County of Clearfield Court of Common Pleas-Civil Division****Counsel****Firm****Counsel Type**

Naddeo, James

P. O. Box 5552 Clearfield PA 16830

Opposing Counsel

814-7405-1401 (ph)
814-7405-8142 (fx)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valerie J. Flegal

Plaintiff(s)

*

Vs.

*

No. 2005-01505-CD

Laurel Eye Clinic

Defendant(s)

*

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

TO: Clearfield Hospital - Billing
(Name of Person or Entity)

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

SEE ATTACHED RIDER

TO: 101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

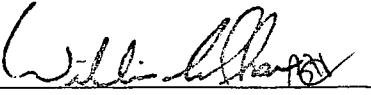
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Allen Neely
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 65302
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

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

DATE: Tuesday, January 03, 2006

Seal of the Court

Rider to Subpoena**Explanation of Required Documents and Things****TO: CUSTODIAN OF RECORDS FOR:**

Clearfield Hospital
809 Turnpike Avenue PO Box 992
Clearfield PA 16830
Attention: Billing Department

Patient: Flegal, Valarie
SS#: 195-42-9384
Date of Birth: 4/24/1952

Requested Items:

Complete copy of any and all itemized bills (include ICD9 & CPT codes) from 10/03 to present, denials for inpatient and outpatient accounts, amount charged, amount paid by insurance or Medicare, amount written off, and any amount owed.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valerie J. Flegal

*

Plaintiff(s)

Vs.

*

No. 2005-01505-CD

Laurel Eye Clinic

*

Defendant(s)

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

TO: Clearfield Hospital - Medical Records
(Name of Person or Entity)

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

SEE ATTACHED RIDER

TO: 101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

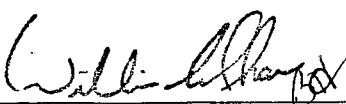
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Allen Neely
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 65302
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Tuesday, January 03, 2006
Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

Clearfield Hospital
809 Turnpike Avenue PO Box 992
Clearfield PA 16830
Attention: Medical Records Correspondence

Patient: Flegal, Valarie
SS#: 195-42-9384
Date of Birth: 4/24/1952

Requested Items:

Please remit: a complete copy of any and all medical records from 4/24/1952 to present, including records, charts, test results, reports, correspondence, office notes, and computerized records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valerie J. Flegal

*

Plaintiff(s)

Vs.

*

No. 2005-01505-CD

Laurel Eye Clinic

*

Defendant(s)

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

TO: County National Bank

(Name of Person or Entity)

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

SEE ATTACHED RIDER

101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Allen Neely

ADDRESS: 811 University Drive

State College PA 16801

TELEPHONE: 814-238-4926

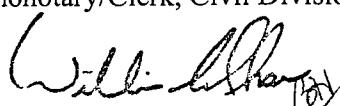
SUPREME COURT ID # 65302

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2010
Clearfield Co. Clearfield, PA

DATE: Tuesday, January 03, 2006

Seal of the Court

Rider to Subpoena**Explanation of Required Documents and Things****TO: CUSTODIAN OF RECORDS FOR:**

County National Bank
P. O. Box 42
Clearfield PA 16830
Attention: Human Resources Department

Patient: Flegal, Valarie
SS#: 195-42-9384
Date of Birth: 4/24/1952

Requested Items:

Complete copy of employment files from 4/24/1952 to present: Application ; Payroll ; Attendance ; Performance ; Reviews ; Disciplinary ; Worker's Comp ; Medical ; Excuses ; Physicals ; Termination, computerized records, etc.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valerie J. Flegal

*

Plaintiff(s)

*

Vs.

No. 2005-01505-CD

Laurel Eye Clinic

*

Defendant(s)

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

TO: Charukamnoetkanok Puwat

(Name of Person or Entity)

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

SEE ATTACHED RIDER

TO: 101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Allen Neely

ADDRESS: 811 University Drive

State College PA 16801

TELEPHONE: 814-238-4926

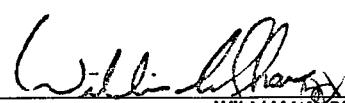
SUPREME COURT ID # 65302

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


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

DATE: Tuesday, January 03, 2006

Seal of the Court

Rider to Subpoena**Explanation of Required Documents and Things****TO: CUSTODIAN OF RECORDS FOR:**

MD Puwat Charukamnoetkanok
203 Lothrop Street Suite 800
Pittsburgh PA 15213
Attention: Records Department

Patient: Flegal, Valarie
SS#: 195-42-9384
Date of Birth: 4/24/1952

Requested Items:

Please remit: a complete copy of any and all documents in your possession regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes) from 4/24/1952 to present
- Billing records from 10/03 to present.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100863
NO: 05-1505-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: VALERIE J. FLEGAL
vs.
DEFENDANT: LAUREL EYE CLINIC

SHERIFF RETURN

NOW, October 12, 2005 AT 9:30 AM SERVED THE WITHIN SUMMONS ON LAUREL EYE CLINIC DEFENDANT AT 235 E. MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JENNIFER GILHOUSER, OPTICAL MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED

01/31/5761
FEB 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	17602	10.00
SHERIFF HAWKINS	NADDEO	17602	20.37

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
My Maulyn Hanner
Chester A. Hawkins
Sheriff

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability
Action*
Defendant. :
: Type of Pleading:
: ANSWER WITH NEW MATTER
: TO COMPLAINT
: Filed on Behalf of Defendant:
: *Laurel Eye Clinic*
: Counsel of Record for This Party:
: ALLEN P. NEELY
: Pa. I.D. No. 65302
: McQuaide, Blasko, Fleming &
: Faulkner, Inc.
: 811 University Drive
: State College, PA 16801
: (814) 238-4926
: Counsel for Adverse Party:
: *James A. Naddeo, Esquire*

FILED NO CC
M 14 2001
MAR 31 2001
JS
William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability
Action*
Defendant. :
:

NOTICE TO PLEAD

TO: Plaintiff

YOU ARE HEREBY notified to plead to the within Answer with New Matter within twenty (20) days from the date of service hereof or a default judgment may be entered against you.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Allen P. Neely

ALLEN P. NEELY
Attorney for Defendant
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: March 30, 2006

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

VALERIE J. FLEGAL, :
: Plaintiff, : No.: 2005 - 1505
: :
: vs. : : *Medical Professional Liability*
LAUREL EYE CLINIC, : Action
: :
: Defendant. : :
: :
: :
: :

ANSWER WITH NEW MATTER OF DEFENDANT

AND NOW comes the Defendant, Laurel Eye Clinic, by and through its attorneys, McQUAIDE BLASKO, and files the within Answer with New Matter, as follows:

1. The averments of Paragraph 1 are denied in that Defendant lacks sufficient knowledge or information to form a belief as to the truth of the same.
2. Admitted.
3. The allegations of Paragraph 3 constitute conclusions of law to which no response is necessary.
4. Admitted.
5. Admitted. By way of a further response, the relevant medical records are hereby incorporated by reference.
6. The averments of Paragraph 6 are responded to as follows. It is admitted that on September 8, 2003, Plaintiff was examined by several employees of the Defendant for the purpose of assessing her fitness to undergo a refractive procedure.

7. After reasonable investigation, Defendant does not possess sufficient knowledge or information upon which to form a belief as to whether, on September 8, 2003, the patient was specifically asked about whether she experienced dry eyes. However, by way of a further response, Defendant submits that this is a standard area of inquiry.

8. Admitted, with clarification. Defendant avers that there was no medical indication for performance of a Schirmer test at the time in question.

9. The averments of Paragraphs 9 are denied in that Answering Defendant lacks sufficient knowledge or information to form a belief as to the truth of the same.

10. Admitted. By way of a further response, the relevant medical records are hereby incorporated by reference.

11. Admitted. By way of a further response, the relevant medical records are hereby incorporated by reference.

12. Admitted.

13. Denied. This Defendant can neither admit nor deny allegations regarding what Plaintiff was allegedly subjectively experiencing. However, the complaints listed in Paragraph 13 do not match the report given by the patient to Defendant's employees on her first post-operative visit. By way of a further response, the relevant medical records are incorporated by reference.

14. Denied. This Defendant can neither admit nor deny allegations regarding what Plaintiff was allegedly subjectively experiencing. However, the complaints listed in Paragraph 14 do not match the report given by the patient to Defendant's employees on October 4, 2003. By way of a further response, the relevant medical records are incorporated by reference.

15. Admitted. By way of a further response, the relevant medical records are hereby incorporated by reference.

16. Denied as stated. The averments of paragraph 16 constitute an oversimplification. By way of providing a more full and complete response, the medical record entries for the date in question are hereby incorporated by reference.

17. Denied as stated. The averments of paragraph 17 constitute an oversimplification. By way of providing a more full and complete response, the medical record entries for the date in question are hereby incorporated by reference.

18. Admitted.

19. Admitted.

20. The averments of paragraph 20 are responded to as follows. It is admitted that on March 6, 2004, Plaintiff reported slight dryness & scratch. With regard to the averment about the enhancement failing to correct visual problems, this allegation is unduly vague and Defendant is incapable of responding specifically to same. By way of a further and more complete response, the relevant medical records are hereby incorporated by reference.

21. Admitted. By way of a further and more complete response, the relevant medical records are hereby incorporated by reference.

22. The averments of paragraph 22 constitute a very general summary of treatment rendered over the course of a number of visits. By way of a response, the relevant medical records are hereby incorporated by reference. The averments of this paragraph are admitted to the extent that same are consistent with the relevant medical records.

23. The averments of paragraph 23 are vague and indefinite and relate to subjective patient complaints. By way of a response, the relevant medical records are hereby incorporated

by reference. The averments of this paragraph are admitted to the extent that same are consistent with the relevant medical records.

24. The averments of paragraph 24 are admitted to the extent that same are consistent with the relevant medical records, which are hereby incorporated by reference.

25. It is admitted that it was suggested to Plaintiff that she consider cauterization of the tear ducts of the left eye. It is denied that the same suggestion was made with regard to the right eye.

26. It is admitted that Brian Gaster, O.D., an employee of Defendant, arranged for the Plaintiff to receive a second opinion from a physician at the University of Pittsburgh Medical Center.

27. After reasonable investigation, Defendant lacks sufficient knowledge or information upon which to base a response to the allegations regarding the specific nature of alleged injuries and/or damages. It is specifically denied that any injury and/or damage which may have been sustained by Plaintiff was the direct or proximate result of any action or inaction by or on behalf of this Defendant or any employees of Defendant.

28. Denied as stated. It is denied that Dr. Charukamnoetkanok characterized the Plaintiff's condition as "severe dry eye." To the contrary, in the correspondence dated September 6, 2005 to Dr. Gaster, she merely stated: "This is a patient with dry eye symptoms..." By way of a further response, the said letter of Dr. Charukamnoetkanok is hereby incorporated by reference.

29. The averments of paragraph 29 are denied as conclusions of law and/or pursuant to Pa.R.C.P. 1029(e).

30. Paragraph 30, and the corresponding subparagraphs, constitute conclusions of law and/or statements of Plaintiff's legal position and thus no response is required. To the extent a response would be deemed necessary, the averments of Paragraph 30 and corresponding subparagraphs are denied per Pa.R.C.P. 1029(e). By way of a further response, Defendant specifically avers that all treatment rendered to Plaintiff was appropriate.

31 - 37. After reasonable investigation, Defendant lacks sufficient knowledge or information upon which to base a response to the allegations regarding the specific nature of alleged injuries and/or damages. It is specifically denied that any injury and/or damage which may have been sustained by Plaintiff was the direct or proximate result of any action or inaction by or on behalf of this Defendant or any employees of Defendant.

WHEREFORE, the Defendant respectfully request that Plaintiff's Complaint be dismissed, with prejudice.

NEW MATTER

38. Answering Defendants raise all from the defenses of the Medical Care Availability and Reduction of Error Act of March, 2002, 40 P.S. §1301.101, *et. seq.*, as amended. Insofar as the Defendant is considered to be a health care provider, he is neither a guarantor nor a warrantor of care.

39. Defendant hereby affirmatively pleads all bars, rights and limitations under the Medical Care Availability and Reduction of Error (MCARE) Act, 40 P.S. § 1301.101, *et. seq.*

40. There was no negligence or other actionable conduct committed by or on behalf of the Answering Defendant and therefore, this action should be dismissed.

41. Any alleged actions or omissions of the Defendant and/or agents of the Defendant which are alleged to constitute negligence were not a substantial cause or factor of any harm resulting to or sustained by the Plaintiff's Decedent.

42. The investigation into this case is ongoing and discovery is continuing; therefore, in order to avoid waiver of any potentially applicable affirmative defenses, the Defendant hereby pleads the defenses of estoppel, release, res judicata, statute of limitations and comparative / contributory negligence, insofar as same may be applicable. Defendant reserves the right to assert and pursue any of these defenses.

WHEREFORE, the Defendant respectfully request that Plaintiff's Complaint be dismissed, with prejudice.

Respectfully submitted,

McQUAIDE BLASKO

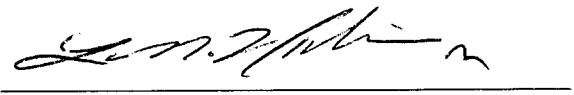
BY


ALLEN P. NEELY
Attorney for Defendant,
Laurel Eye Clinic
811 University Drive
State College, PA 16801
(814) 238-4926

Flegal vs Laurel Eye Clinic

VERIFICATION

The undersigned verifies that as Medical Director of Defendant, Laurel Eye Clinic, he/she is authorized to make this verification in the within action; and that the Answer with New Matter to Plaintiff's Complaint are true and correct to the best of her knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. §4904, related to unsworn falsification to authority.



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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer with New Matter, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 30th day of March, 2006, the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 592
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *am n. m*
ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALARIE J. FLEGAL,
Plaintiff,

v.

LAUREL EYE CLINIC,
Defendant.

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*
*
* No. 05 - 1505 - CD

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*
*
* Type of Pleading:

*
*
* ANSWER TO NEW MATTER

*
*
* Filed on behalf of:
* Plaintiff

*
*
* Counsel of Record for
* this party:

*
*
* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601

*

FILED
04/11/2006
APR 11 2006
Amy Naddeo
UN

William A. Shaw
Prothonotary/Clerk of Courts

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

VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

ANSWER TO NEW MATTER

38. States a conclusion of law to which no answer is required.

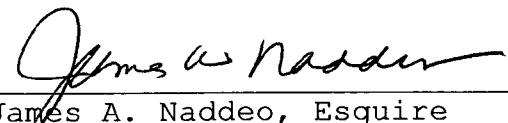
39. States a conclusion of law to which no answer is required.

40. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is generally denied and in further answer thereto Plaintiff incorporates the allegations contained in her Complaint.

41. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is generally denied and in further answer thereto Plaintiff incorporates the allegations contained in her Complaint.

42. States a conclusion of law to which no answer is required.

WHEREFORE, Plaintiff requests judgment as set forth in
her Complaint.



James A. Naddeo, Esquire

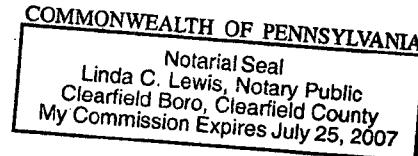
COMMONWEALTH OF PENNSYLVANIA)
ss.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared VALARIE J. FLEGAL, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Answer to New Matter are true and correct to the best of her knowledge, information and belief.

Valarie J. Flegal
Valarie J. Flegal

SWORN and SUBSCRIBED before me this 10th day of April, 2006.

Linda C. Lewis



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

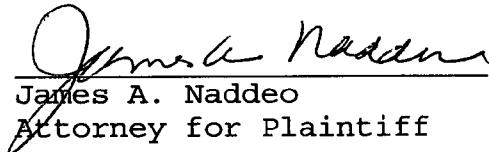
VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Plaintiff's Answer to New Matter was served on the following and in the following manner on the 11th day of April, 2006:

First-Class Mail, Postage Prepaid

Allen P. Neely, Esquire
McQuaide Blasko Law Offices
811 University Drive
State College, PA 16801-6699



James A. Naddeo
Attorney for Plaintiff

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505

vs.

LAUREL EYE CLINIC,

*Medical Professional Liability
Action*

Defendant.

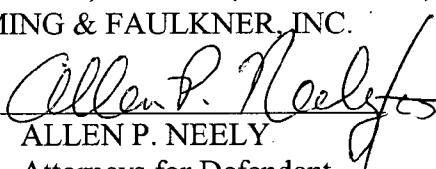
CERTIFICATE OF SERVICE

I hereby certify that and true and correct copy of Defendant's Notice of Intent to Subpoena regarding Richard Johnson, D. O., in the above-referenced matter was mailed by regular mail, first class, through Litigation Solutions on the 7th day of April, 2006 to:

James Naddeo, Esquire
P. O. Box 5552
Clearfield, PA 16830

McQUAIDE, BLASKO, SCHWARTZ,
FLEMING & FAULKNER, INC.

By:


ALLEN P. NEELY

Attorneys for Defendant
Laurel Eye Clinic

FILED
APR 13 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505

vs.

LAUREL EYE CLINIC,

Defendant.

*Medical Professional Liability
Action*

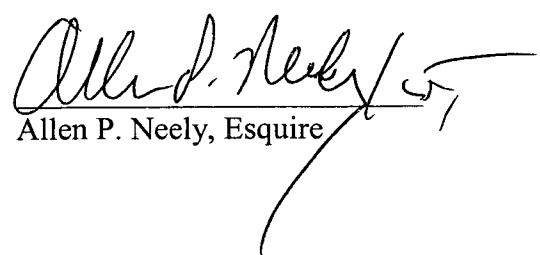
Type of Pleading:
CERTIFICATE PREREQUISITE
TO SERVICE OF A SUBPOENA

Filed on Behalf of Defendant:
Laurel Eye Clinic

Counsel of Record for This Party:
ALLEN P. NEELY
Pa. I.D. No. 65302

McQuaide, Blasko, Fleming &
Faulkner, Inc.
811 University Drive
State College, PA 16801
(814) 238-4926

Counsel for Adverse Party:
James A. Naddeo, Esquire


Allen P. Neely, Esquire

FILED NO CC
MAY 12 2005
MAY 02 2005
WAS
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valarie J. Flegal

Court of Common Pleas-Civil Division

vs.

Laurel Eye Clinic

Case Number: 05-1505-CD

**CERTIFICATE PREREQUISITE TO THE 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, Litigation Solutions, Inc. ('LSI') on behalf of Allen Neely, Esquire of McQuaide Blasko certifies that:

- (1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each 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) No objection to the subpoena has been received, 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.

Date: 4/27/2006

Litigation Solutions, Inc. on behalf of
Allen Neely, Esquire of McQuaide Blasko

Attorney for the Defense

CC:

Allen Neely, Esquire
McQuaide Blasko
811 University Drive
State College PA 16801

PENNSYLVANIA COURT OF COMMON PLEAS

COUNTY OF CLEARFIELD

Valarie J. Flegal
vs.
Laurel Eye Clinic

Court of Common Pleas-Civil Division
05-1505-CD

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

Provider:

Record Type:

Richard Johnson

All available

TO: James Naddeo

note: please see enclosed list of all other interested counsel

Litigation Solutions, Inc. ('LSI') on behalf of Allen Neely, Esquire intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served.

Date of Issue: 4/7/2006

Litigation Solutions, Inc. on behalf of:

CC: Allen Neely, Esquire - Court of Common Pleas-Civil Division

Allen Neely, Esquire
Defense

If you have any questions regarding this matter, please contact:
Litigation Solutions, Inc. (412.263.5656)
Brentwood Towne Centre
101 Towne Square Way, Suite 251
Pittsburgh, PA 15227

COUNSEL LISTING FOR VALARIE J. FLEGAL VS. LAUREL EYE CLINIC**County of Clearfield Court of Common Pleas-Civil Division**

Counsel	Firm	Counsel Type
Naddeo, James	207 East Market Street P. O. Box 5552 Clearfield PA 16830	Opposing Counsel

814-705-1601(ph)
814-705-8142(fx)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Valerie J. Flegal

Plaintiff(s)

*

Vs.

*

No. 2005-01505-CD

Laurel Eye Clinic

*

Defendant(s)

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

TO: Richard Johnson

(Name of Person or Entity)

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

PLEASE SEE ATTACHED RIDER

SEND TO: 101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Allen Neely, Esquire

ADDRESS: 811 University drive
State College PA 16801

TELEPHONE: 814-238-4926

SUPREME COURT ID # 65302

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division


Deputy

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

DATE: Tuesday, April 04, 2006

Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

DO Richard Johnson
820 Turnpike Avenue
Clearfield PA 16830
Attention: Records Department

Patient: Flegal, Valarie
SS#: 195-42-9384
Date of Birth: 4/24/1952

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 4/24/52 to the present regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes) and Billing records from 2003 to the present.

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

VALERIE J. FLEGAL, :
: Plaintiff, : No.: 2005 - 1505
: :
vs. : :
: : Medical Professional Liability
LAUREL EYE CLINIC, : Action
: :
: Defendant. :
: : Type of Pleading: Certificates of
: : Service for Interrogatories and
: : Request for Production [Set One];
: : Expert Interrogatories and Request
: : for Production [Set Two] directed
: : to Plaintiff
: :
: : Filed on Behalf of Defendant:
: : *Laurel Eye Clinic*
: :
: : Counsel of Record for This Party:
: : ALLEN P. NEELY
: : Pa. I.D. No. 65302
: :
: : McQuaide, Blasko, Fleming &
: : Faulkner, Inc.
: : 811 University Drive
: : State College, PA 16801
: : (814) 238-4926
: :
: : Counsel for Adverse Party:
: : *James A. Naddeo, Esquire*
: :

FILED NO
M 11/25/04
SEP 14 2006
U.S. POSTAL SERVICE

William A. Shaw
Prothonotary/Clerk of Courts

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

CERTIFICATE OF SERVICE

I hereby certify that the original Request for Production [Set Two] directed to Plaintiff, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 13th day of September, 2006, to the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 52
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Allen P. Neely
ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALERIE J. FLEGAL,

Plaintiff, : No.: 2005 - 1505

vs. :

LAUREL EYE CLINIC,

*Medical Professional Liability
Action*

Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that the original Expert Interrogatories directed to Plaintiff, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 13th day of September, 2006, to the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 52
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Allen P. Neely

ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

CERTIFICATE OF SERVICE

I hereby certify that the original Interrogatories and Request for Production [Set One] directed to Plaintiff, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 13th day of September, 2006, to the attorney(s) of record:

James A. Naddeo, Esquire
PO Box 52
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *Allen P. Neely*

ALLEN P. NEELY
Attorneys for Defendant
LAUREL EYE CLINIC

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

VALARIE J. FLEGAL,
Plaintiff,

v.

LAUREL EYE CLINIC,
Defendant.

*
*
*
* No. 05 - 1505 - CD
*

* Type of Pleading:

* **PRAECIPE TO DISCONTINUE**

* Filed on behalf of:
* Plaintiff

* Counsel of Record for
* this party:

* James A. Naddeo, Esquire
* 207 East Market Street
* PO Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED cc + 1 Cert of
0/11/2006 ~~disc~~ disc issued
DEC 28 2006 to Atty Naddeo
(WM)

William A. Shaw
Prothonotary/Clerk of Courts

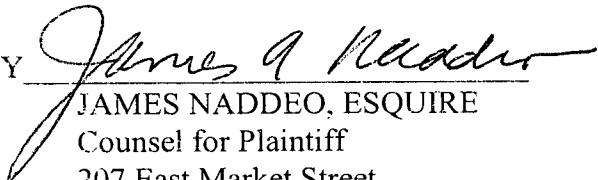
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

VALERIE J. FLEGAL, :
Plaintiff, : No.: 2005 - 1505
vs. :
LAUREL EYE CLINIC, : *Medical Professional Liability*
Defendant. : *Action*

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter discontinued with prejudice.

BY 
JAMES NADDEO, ESQUIRE
Counsel for Plaintiff
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: _____

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

VALARIE J. FLEGAL, *
Plaintiff, *
*
v. * No. 05 - 1505 - CD
*
LAUREL EYE CLINIC, *
Defendant. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Praeclipe to Discontinue was served on the following and in the following manner on the 28th day of December, 2006:

First-Class Mail, Postage Prepaid

Allen P. Neely, Esquire
McQuaide Blasko Law Offices
811 University Drive
State College, PA 16801-6699

James A. Naddeo

James A. Naddeo
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Valerie J. Flegal

Vs.
Laurel Eye Clinic

No. 2005-01505-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 December 28, 2006, marked:

Discontinued with prejudice.

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo Esq. .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of December A.D. 2006.



William A. Shaw, Prothonotary