

05-1881-CD

Selina Demchak et al vs David Obley

Selina Demchak et al vs David Obley et al

2005-1881-CD

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

SELINA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs

vs.

DAVID L. OBLEY, M.D., and
R & R RADIOLOGY
CONSULTANTS, LLC

Defendants

No. 05-1881-CD

Type of Pleading:

**COMPLAINT IN A CIVIL
ACTION**

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Date: 12/11/05

FILED 3cc
m11253601 Atty Guido
DEC 02 2005 Atty pd 85.00

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SELINA DEMCHAK and	:	
NORMAN DEMCHAK,	:	
Plaintiffs	:	
	:	No. _____, 2005, C.D.
vs.	:	
DAVID L. OBLEY, M.D., and	:	
R & R RADIOLOGY	:	
CONSULTANTS, LLC,	:	
Defendants	:	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without 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
Second & Market Streets
Clearfield, PA 16830

(814) 765-2641 Ext. 1300

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SELINA DEMCHAK and	:	
NORMAN DEMCHAK,	:	
Plaintiffs	:	
vs.	:	No. _____, 2005, C.D.
DAVID L. OBLEY, M.D., and	:	
R & R RADIOLOGY	:	
CONSULTANTS, LLC,	:	
Defendants	:	

COMPLAINT

AND NOW, comes the Plaintiffs, SELINA DEMCHAK and NORMAN DEMCHAK, husband and wife, by and through their attorneys, HANAK, GUIDO AND TALADAY, and files this Complaint and in support thereof aver the following:

COUNT I

Selina Demchak, Plaintiff
vs.
David L. Obley, M.D., and
R & R Radiology Consultants, LLC

1. The Plaintiffs, SELINA DEMCHAK and NORMAN DEMCHAK, her husband, are adult individuals, who presently reside at 170 North Yonge Street, Lot 15, Ormond Beach, Florida, 32174.
2. The Defendant, DAVID L. OBLEY, is an adult individual, and at all times material hereto a duly licensed and practicing physician specializing in radiology with professional offices located at the Clearfield Hospital, 809 Turnpike Avenue, Clearfield, Pennsylvania.

16830. Plaintiffs are asserting a professional liability claim against this Defendant.

3. The Defendant, R & R RADIOLOGY CONSULTANTS, LLC, is a Pennsylvania limited liability company, with an office and place of business at the Clearfield Hospital, 809 Turnpike Avenue, Clearfield, Pennsylvania, 16830. Plaintiffs are asserting a professional liability claim against this Defendant by its agent, servant or employee, Defendant, DAVID L. OBLEY, M.D.

4. At all times material hereto, the Defendant, DAVID L. OBLEY, was an agent, servant or employee of Defendant, R & R RADIOLOGY CONSULTANTS, LLC, and was acting within the scope of his employment with regard to the events set forth in this Complaint.

5. On or about February 9, 2004 at approximately 9:45 a.m., est., Plaintiff, SELINA DEMCHAK, suffered a fall as a result of slipping on a patch of ice injuring her right wrist as a result of that fall.

6. As a consequence of that fall and the resultant injuries, Plaintiff, SELINA DEMCHAK, proceeded to the Emergency Room of the Clearfield Hospital, Clearfield, Pennsylvania, for treatment of said injury.

7. In the treatment of said injury, emergency room physician at the Clearfield Hospital ordered an X-ray of Plaintiff, SELINA DEMCHAK's right wrist.

8. On that date, February 9, 2005, Plaintiff had an X-ray of her right wrist performed at the Clearfield Hospital which was interpreted by the Defendant, DAVID L. OBLEY, M.D., who issued a report to the

emergency room physician finding severe degenerative disease is seen at the base of the thumb metacarpal, no acute fracture, dislocation or destructive lesion is seen; severe degenerative changes at the base of the thumb metacarpal involving the first carpal metacarpal joint, the Defendant negligently failed to note that a lateral view showed a discontinuity in the anterior cortex of the distal radial metaphysis, and a defined lucency that may have extended to the distal radius articular surface which indicated a nondisplaced distal radius fracture. A copy of the report of David L. Obley, M.D., regarding his X-ray interpretation is attached hereto and marked Exhibit "A".

9. On or about February 24, 2004, Plaintiff, SELINA DEMCHAK'S private physician ordered an MRI scan of the right wrist at 611 Open MRI & CT, located at 611 University Drive, State College, Pennsylvania, which MRI showed that Plaintiff, SELINA DEMCHAK, had suffered the following:

- (a) A mildly comminuted fracture of the distal radius along the palmar aspect is seen with adjacent marrow edema. The fracture lines extend into the radiocarpal joint;
- (b) Marrow edema is seen along the radial aspect of the navicular bone. No definite navicular fracture is demonstrated.
- (c) A small effusion is seen at the distal radioulnar joint.

10. As a result of the X-ray taken at the Clearfield Hospital, Defendant, DAVID L. OBLEY, M.D., should have ordered a MRI scan of SELINA DEMCHAK's right wrist in view of what said X-ray revealed.

11. As a consequence of the X-ray findings by Defendant, DAVID L. OBLEY, M.D., the emergency room physician treated Plaintiff, SELINA DEMCHAK, for a sprain of the right wrist and right thumb by splinting the right wrist instead of treating Plaintiff, SELINA DEMCHAK, for a fracture of the right wrist.

12. As a result of the failure to note the fracture of the right wrist of the Plaintiff, SELINA DEMCHAK, as above described, the Defendant, DAVID L. OBLEY, caused the emergency room physician to fail to provide proper care and treatment of the Plaintiff, SELINA DEMCHAK, which treatment should have resulted in treatment of a fractured wrist rather than a sprained right wrist.

13. As a result of said improper treatment resulting from Defendant, DAVID L. OBLEY'S negligent interpretation, the fracture of the Plaintiff, SELINA DEMCHAK'S, right wrist collapsed to an angle measuring 25 degrees of the palmar tilt with normal being 10 degrees with her radius also shortened by 5 to 10 mm.

14. Upon discovery of said condition, in an attempt to treat the fracture, the fractured right wrist was casted which was not successful.

15. As a result on September 23, 2004, it was necessary for surgery to be performed upon the right wrist of the Plaintiff, SELINA DEMCHAK, to attempt to correct the deformities as a result of said collapsed right wrist as herein described. Nevertheless, despite said surgery, the Plaintiff, SELINA DEMCHAK, is left with 2 to 3 mm of radial shortening with prominent ulna limited in terms of supination

from the standpoint of her fracture limited in terms of wrist flexion reducing the mobility and use of her right wrist; wrist flexion of 20 degrees impairs the wrist 7%; wrist extension of 45 degrees impairs the wrist 2%; wrist radial deviation of 8 degrees impairs the wrist 2%; adding flexion/extension 9%, radial/ulnar deviation 2% yields 11% impairment; elbow supination of 30 degrees impairs the elbow 2%; an injured grip strength of 35.0 lb. and a normal grip strength of 55.0 lb. contributes 20% to UE impairment; combining wrist 11%, elbow 2% yields 13% impairment; total upper extremity impairment is 30%; total extremity impairment is 30%, as a result of which the Plaintiff, SELINA DEMCHAK's right wrist will be permanently partially disabled which had resulted in a total permanent bodily impairment of approximately 18%.

16. The Defendant, DAVID L. OBLEY, M.D., in interpreting said X-ray, failed to properly diagnose the fractured condition of the Plaintiff, SELINA DEMCHAK's, right wrist and as a result thereof, improper medical treatment was rendered to the Plaintiff, SELINA DEMCHAK, which has resulted in the permanent and partial disability of the Plaintiff, SELINA DEMCHAK, as above described.

17. As a further result of the improper interpretation of the X-rays of the right wrist of the Plaintiff, SELINA DEMCHAK, received improper treatment of her right wrist which was the result of the failure of the Defendant, DAVID L. OBLEY, to exercise a degree of specialized care and skill in the diagnosis and treatment of Plaintiff,

SELINA DEMCHAK'S condition, to be expected of a person in his professional standing.

18. The negligence of the Defendant, R & R RADIOLOGY CONSULTANTS, LLC, by/and its agent, servant or employee, DAVID L. OBLEY, consisted inter alia of the following:

- (a) Failure to possess the degree of care and skill ordinarily exercised in similar cases by other physicians specializing in radiology.
- (b) Failure to exercise a requisite degree of care and skill;
- (c) Failure to possess a degree of knowledge and skill ordinarily possessed by other physicians specializing in radiology;
- (d) Failure to conform to the requisite standards of care under the circumstances;
- (e) Failure to properly diagnose and to properly interpret the X-rays of the condition of SELINA DEMCHAK's right wrist;
- (f) Failing to interpret said X-rays as to detect the fracture of SELINA DEMCHAK's right wrist as above described;
- (g) Failure to properly perform, read, interpret and report results of the X-ray performed on SELINA DEMCHAK's right wrist;
- (h) Failure to exercise reasonable care in the interpretation of said X-rays for which injuries prompt diagnosis and treatment were critical for effective medical care;
- (i) Failure to obtain an MRI scan of Plaintiff, SELINA DEMCHAK'S right wrist which scan was indicated by the results of said X-ray.

19. As a result of the failure to recommend or arrange for an MRI scan of Plaintiff, SELINA DEMCHAK'S right wrist as indicated by said X-rays, and the failure to properly interpret said X-rays, Defendant, SELINA DEMCHAK and R & R RADIOLOGY CONSULTANTS, LLC, by/and its agent, servant or employee, DAVID L. OBLEY, M.D., caused Plaintiff, SELINA DEMCHAK, to undergo great mental anguish and physical pain as well as permanent partial disability as above described and in addition has been and probably will for an indefinite time in the future and probably for the remainder of her natural life be unable to live a normal social life.

20. As a direct and proximate result of the negligence of DAVID L. OBLEY, M.D., and R & R RADIOLOGY CONSULTANTS, LLC, SELINA DEMCHAK suffers from a permanent deformity and scarring of her right wrist and forearm.

21. In order to treat the aforesaid conditions resulting from the negligence of the Defendants as aforesaid, the Plaintiff has been compelled to spend various large sums of money for medicine, hospitalization and medical attention and probably will be required to spend large sums of money for the same purpose in the future.

22. As a direct and proximate result of the negligence of the Defendants as above set forth, the Plaintiff has suffered a loss of wages from the date of the accident to the present time and probably will continue to suffer a loss of wages for an indefinite time in the future and in addition, her earning ability will be severely impaired for an indefinite time in the future.

23. The amount claimed in this Complaint exceeds the sum of Twenty-five Thousand and 00/100 (\$25,000.00).

WHEREFORE, Plaintiffs demand judgment against the Defendants in an amount in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars, plus interest and costs of suit.

COUNT II

Norman Demchak, Plaintiff
vs.
David L. Obley, M.D., and
R & R Radiology Consultants, LLC

24. Paragraphs 1 through 23 are incorporated herein by reference as though set forth more fully set forth at length.

25. As a direct and proximate result of the negligence of the Defendants, R & R RADIOLOGY CONSULTANTS, LLC, by its agent, servant or employee, DAVID L. OBLEY, M.D., Plaintiff, NORMAN DEMCHAK, has been and will permanently be deprived of the assistance, society and companionship and consortium of his wife, SELINA DEMCHAK, to his detriment and loss.

WHEREFORE, Plaintiff, NORMAN DEMCHAK, demands judgment against the Defendants, DAVID L. OBLEY, M.D., and R & R RADIOLOGY CONSULTANTS, LLC, in an amount in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars.

JURY TRIAL DEMANDED.



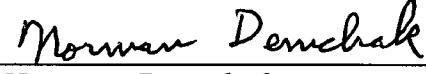
Anthony S. Guido
Attorney for Plaintiffs

VERIFICATION

We, SELINA DEMCHAK and NORMAN DEMCHAK, verify that the statements in the foregoing COMPLAINT IN A CIVIL ACTION are true and correct to the best of our knowledge, information and belief.

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


Selina Demchak
Selina Demchak


Norman Demchak
Norman Demchak

CLEARFIELD HOSPITAL
IMAGING DEPARTMENT
(814) 768 - 2275

PATIENT:	DEMCHAK, SELINA KAY	MR #:	083042
AGE:	57	SEX:	F
DOB:	01/14/1947		
ORD DR:	SHAW, MARK R	ROOM/BED:	
ATT DR:	SHAW, MARK R	PT CLASS:	ED
ALT DR:	DELATORRE, HENRY	PT TYPE:	E FC: I
		HOSP SVC:	E/D ORDER #: 90001

REFERRING DIAGNOSIS: EXTREMITY INJURY

HISTORY/ COMMENTS: PT FELL THIS A.M.; PAIN HEAD OF 1ST METACARPAL INTO LAT ASPECT OF WRIST

IS PATIENT PREGNANT? NA	LMP: NA
SHIELDED: N	NO. OF FILMS: 4
CONTRAST:	AMOUNT: BY:
IV#:	SUCCESSFUL SITE: ATTEMPTS: BY:
UNSUCCESSFUL ATTEMPT SITE:	ATTEMPTS: BY:
UNSUCCESSFUL ATTEMPT SITE:	ATTEMPTS: BY:

ORDER #: 90001

02/09/2004 HAND COMPLETE RIGHT 73130

PROCEDURE ENDED: 02/09/2004 10:56 Initials: ERF

Severe degenerative disease is seen at the base of the thumb involving the first carpal metacarpal joint. No acute fracture or dislocation is seen.

02/09/2004 WRIST COMPLETE => 3 VIEWS RIGHT 73110

PROCEDURE ENDED: 02/09/2004 10:56 Initials: ERF

Severe degenerative disease is seen at the base of the thumb metacarpal. No acute fracture, dislocation or destructive lesion is seen.

IMPRESSION: Severe degenerative changes at the base of the thumb metacarpal involving the first carpal metacarpal joint.

READING DOCTOR: DAVID L. OBLEY, M.D.
ELECTRONICALLY SIGNED: DAVID L. OBLEY, M.D.
TRANSCRIBED BY: CAH 02/09/2004 12:02PM

Exhibit "A"

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

SELINA DEMCHAK and
NORMAN DEMCHAK,
Plaintiffs

vs.

DAVID L. OBLEY, M.D., and
R & R RADIOLOGY
CONSULTANTS, LLC
Defendants

No. 05-1881-CD

Type of Pleading:

CERTIFICATE OF MERIT

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Date: 12/1/05

FILED 3cc
M/12/5301 Atty Guido
DEC 02 2005
WPS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

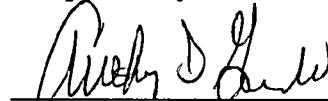
SELINA DEMCHAK and	:	
NORMAN DEMCHAK,	:	
Plaintiffs	:	
vs.	:	No. _____, 2005, C.D.
DAVID L. OBLEY, M.D., and	:	
R & R RADIOLOGY	:	
CONSULTANTS, LLC,	:	
Defendants	:	

CERTIFICATE OF MERIT

ANTHONY S. GUIDO, Attorney for Plaintiffs, hereby certifies:

An appropriate license professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited by R & R RADIOLOGY CONSULTANTS, LLC, by its agent, servant or employee, DAVID L. OBLEY, M.D., in the treatment, practice or work that is the subject of the Complaint fell outside of acceptable professional standards. That the claim against R & R RADIOLOGY CONSULTANTS, LLC, is based on the fact that DAVID L. OBLEY, M.D., as the agent, servant or employee of R & R RADIOLOGY CONSULTANTS, LLC, for whom R & R RADIOLOGY CONSULTANTS, LLC, is responsible deviated from an acceptable professional standard and that such conduct was a cause of bringing about the harm.

Respectfully submitted,



Anthony S. Guido
Attorney for Plaintiffs

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

SELINA DEMCHAK and
NORMAN DEMCHAK,
Plaintiffs

vs.

DAVID L. OBLEY, M.D., and
R & R RADIOLOGY
CONSULTANTS, LLC
Defendants

No. 05-1881-CD

Type of Pleading:

CERTIFICATE OF MERIT

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Date: 12/1/05

FILED 3cc
m 12:53 PM Atty Guido
DEC 02 2005
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

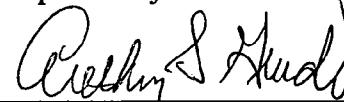
SELINA DEMCHAK and :
NORMAN DEMCHAK, :
Plaintiffs :
vs. : No. _____, 2005, C.D.
DAVID L. OBLEY, M.D., and :
R & R RADIOLOGY :
CONSULTANTS, LLC, :
Defendants :

CERTIFICATE OF MERIT

ANTHONY S. GUIDO, Attorney for Plaintiffs, hereby certifies:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this Defendant, DAVID L. OBLEY, M.D., 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.

Respectfully submitted,



Anthony S. Guido
Attorney for Plaintiffs

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

SELMA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs, : No.: 05 - 1881-CD

vs.

DAVID L. OBLEY, M.D. and
R & R RADIOLOGY CONSULTANTS, LLC,

Defendants.

*Medical Professional Liability
Action*

Type of Pleading:
PRAECIPE FOR ENTRY OF
APPEARANCE

Filed on Behalf of Defendants:
David L. Obley, M.D. and
R & R Radiology Consultants, LLC

Counsel of Record for This Party:
JOHN W. BLASKO
Pa. I.D. No. O6787

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

Counsel for Adverse Party:
Anthony Guido, Esquire

Dated: *December 14, 2005*

FILED NO
m112:5644 CC
DEC 15 2005
S

William A. Shaw
Prothonotary/Clerk of Courts

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY) JURY TRIAL DEMANDED
CONSULTANTS, LLC,)
Defendants.)

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendants, DAVID L. OBLEY, M.D. and R & R RADIOLOGY CONSULTANTS, LLC, in the above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendants
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: December 14, 2005

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.) JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praecipe for Entry of Appearance on Behalf of the Defendants, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 14th day of December, 2005, to the attorney(s) of record:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendants

Procedures for
Sedation and
Anesthesia

REC 152005

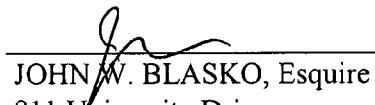
11/05

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

ACCEPTANCE OF SERVICE

I accept service of the Complaint in Civil Action on behalf of the Defendants, David L. Obley, M.D. and R & R Radiology Consultants, LLC, and certify that I am authorized to do.


JOHN W. BLASKO, Esquire
811 University Drive
State College, PA 16801
(814) 238-4926

DATED: December 8, 2005

FILED NOCC
M10:38AM
DEC 20 2005 *CD*

John A. Shaw
Prothonotary Clerk of Courts

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

SELMA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs, : No.: 05 - 1881-CD

vs.

DAVID L. OBLEY, M.D. and
R & R RADIOLOGY CONSULTANTS, LLC,

Defendants.

*Medical Professional Liability
Action*

Type of Pleading:
PRELIMINARY OBJECTIONS TO
PLAINTIFFS' COMPLAINT

Filed on Behalf of Defendants:
David L. Obley, M.D. and
R & R Radiology Consultants, LLC

Counsel of Record for This Party:
JOHN W. BLASKO
Pa. I.D. No. O6787

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

Counsel for Adverse Party:
Anthony Guido, Esquire

Dated: 12/23/05

F I L E D NO cc
mho:46301
DEC 23 2005
William A. Shaw
Prothonotary Clerk of Courts

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

PRELIMINARY OBJECTIONS TO THE COMPLAINT

Defendants file the within Preliminary Objections in response to Plaintiffs' Complaint and in support thereof aver as follows:

I. **Procedural and Factual History**

1. Plaintiffs Selina Demchak and her husband Norman Demchak instituted the instant medical professional liability action by filing a Complaint on December 2, 2005 in the Court of Common Pleas of Clearfield County.

2. Plaintiffs' Complaint generally asserts that the Defendant David L. Obley, a radiologist, negligently failed to diagnose a fracture in the distal radius of Mrs. Demchak's right wrist after a February 9, 2004 fall on ice. See Complaint, ¶¶ 2, 5, 8, 11.

3. Plaintiffs further allege that R. & R. Radiology is vicariously liable for the alleged negligence of Dr. Obley. See Complaint, ¶¶ 3, 18-20.

4. Defendants file the instant Preliminary Objections in response to Plaintiffs' Complaint on the basis that several of Plaintiffs' allegations of negligence are factually deficient pursuant to Pa.R.C.P. 1019(a).

II. **Motion to Strike/Motion for a More Specific Pleading for Failing to Plead the Requisite Factual Specificity in Violation of Pa.R.C.P. 1019(a)**

5. Paragraphs 1 through 4 are incorporated by this reference.

6. Pa.R.C.P. 1019(a) requires that the material facts on which a cause of action is based must be stated in concise and summary form.

7. Where a pleading fails to conform to Pa.R.C.P. 1019(a), Rule 1028(a)(3) provides that a party may file Preliminary Objections on the basis of insufficient specificity.

8. Several of Plaintiffs' negligence allegations within the Complaint are prejudicially vague, overly broad and factually deficient, in violation of Pa.R.C.P. 1019(a).

9. In particular, the Defendants object to the following allegations of negligence asserted against Dr. David L. Obley, M.D. and R. & R. Radiology Consultants, LLC within paragraphs 12 and 18 of the Complaint:

"12. As a result of the failure to note the fracture of the right wrist of the Plaintiff, Selina Demchak, as above described, the Defendant, David L. Obley, caused the emergency room physician to fail to provide proper care and treatment of the Plaintiff, Selina Demchak, which treatment should have resulted in treatment of a wrist fracture rather than a sprained right wrist.

18. The negligence of the Defendant, R & R Radiology Consultants, LLC, by/and its agent, servant or employee, David L. Obley, consisted inter alia of the following:

- (a) Failure to possess the degree of care and skill ordinarily exercised in similar cases by other physicians specializing in radiology;
- (b) Failure to exercise a requisite degree of care and skill;
- (c) Failure to possess a degree of knowledge and skill ordinarily possessed by other physicians specializing in radiology;
- (d) Failure to conform to the requisite standards of care under the circumstances;
- (e) Failure to properly diagnose and to properly interpret the X-rays of the condition of SELINA DEMCHAK's right wrist;

* * *

- (g) Failure to properly perform, read, interpret and report results of the X-ray performed on SELINA DEMCHAK's right wrist;
- (h) Failure to exercise reasonable care in the interpretation of said X-rays for which injuries prompt diagnosis and treatment were critical for effective medical care;..."

Complaint, ¶¶ 12, 18 (underlining added).

10. The above objected-to allegations fail to adequately apprise the Defendants of the specific deviations from the standard of care the Plaintiffs contend occurred.

11. Notably, Defendants do not assert specificity objections to the following allegations of negligence: "Failing to interpret said X-rays as to detect the fracture of Selina Demchak's right wrist as above described;" and "Failure to obtain an MRI scan of Plaintiff, Selina Demchak's right wrist which scan was indicated by the results of said X-ray" See Complaint, ¶ 18(f) and (i). However, the objected to allegations lack the factual basis contained in subparagraphs (f) and (i). Compare Complaint ¶¶ 18(f), 18(i) with ¶¶ 18(a)-(e), (g)-(h).

12. The objected to allegations are prejudicially vague and devoid of proper factual support for example, as above indicated it is alleged that Dr. Obley was negligent in his "failure to possess", "failure to exercise" and "failure to conform to" the standard of care and failing "possess a degree of knowledge and skill ordinarily possessed" by radiologists. See Complaint, ¶ 18(a)-(e). Plaintiffs further allege that Dr. Obley was negligent in his "failure to properly diagnose and properly interpret", "failure properly perform, read, interpret and report" and "failure to exercise reasonable care in the interpretation of " the x-ray results. See Complaint, ¶ 18(g)-(h). Moreover, Plaintiffs claim Dr. Obley was negligent by causing another physician to "fail to provide proper care and treatment". See Complaint, ¶12.

13. If the objected to allegations indeed are in fact separate and distinct from the allegations of negligence set forth at subparagraphs 18(f) and 18(i), the Pennsylvania Rules of Civil Procedure require that the Plaintiffs articulate the distinct factual basis in the Complaint.

14. Finally, Defendants object to the phrase "inter alia" as used in the introductory portion of paragraph 18. By definition "inter alia" means "among other things" and inclusion of the phrase in the Complaint allegations is patently objectionable under Pennsylvania's fact pleading requirements. See Complaint, ¶ 18.

15. The above pleading is directly violative of the well settled fact pleading rules of the Commonwealth of Pennsylvania. In failing to clearly and specifically identify how or in what way Dr. Obley was allegedly negligent in this particular case the Plaintiffs ignore the fact-pleading rules to Dr. Obley's substantial prejudice.

16. The above objected-to paragraphs fail to comply with the Pa.R.C.P. 1019(a) as well as the principals enunciated in Connor v. Allegheny General Hospital, 501 Pa. 306, 461, A.2d 600 (1983), and other cases subsequent thereto.

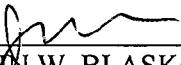
17. If the objected-to allegations are not stricken or promptly re-pled, Dr. Obley will be forced to defend against any and every conceivable theory of malpractice at trial.

18. Because the challenged subparagraphs fail to sufficiently apprise Dr. Obley of the tortuous conduct which Plaintiffs assert, he is unable to appropriately respond or adequately prepare a defense to such allegations.

19. The aforementioned deficiencies within the Complaint are prejudicial to Defendants because Dr. Obley and R. & R. Radiology Consultants, are unable to prepare a response and/or defense to these vague allegations, which may result in the waiver of various defenses and objections pursuant to Pa.R.C.P. 1032.

WHEREFORE, Defendants respectfully requests that this Honorable Court sustain these Preliminary Objections and strike and dismiss paragraph 12, as well as, subparagraphs (a)-(e), subparagraphs (g)-(h) and the term "inter alia" from paragraph 18. Alternatively, Defendants requests that the Plaintiffs be required to plead the aforementioned allegations of negligence with the necessary specificity required by the fact pleading Rules of this Commonwealth.

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY 

JOHN W. BLASKO
Attorneys for Defendants
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: Dec 21, 2001

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Preliminary Objections to the
Complaint on Behalf of the Defendants, in the above-captioned matter was mailed by regular
mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 22nd day of
December, 2005, to the attorney(s) of record:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *John W. Blasko*
JOHN W. BLASKO
Attorneys for Defendants

CA

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

RULE TO SHOW CAUSE

AND NOW, this 28th day of December, 2005, a Rule is hereby issued to show cause why the Defendants' Preliminary Objections to Plaintiffs' Compliant should not be granted.

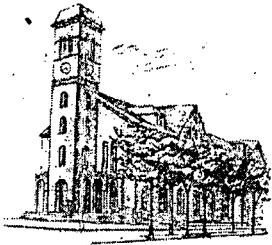
Rule returnable the 31st day of January, 2006, in Clearfield County Courthouse, Courtroom 1 at 2:30 o'clock p.m.



FILED

DEC 29 2005
0/3/06 ✓ 6K
William A. Shaw
Prothonotary/Clerk of Courts

2 CEN to ATT BUASICA



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 12-29-04

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

SELMA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs,

No.: 05 - 1881-CD

vs.

DAVID L. OBLEY, M.D. and
R & R RADIOLOGY CONSULTANTS, LLC,

Defendants.

*Medical Professional Liability
Action*

Type of Pleading:
AFFIDAVIT OF SERVICE

Filed on Behalf of Defendants:
David L. Obley, M.D. and
R & R Radiology Consultants, LLC

Counsel of Record for This Party:
JOHN W. BLASKO
Pa. I.D. No. O6787

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

Counsel for Adverse Party:
Anthony Guido, Esquire

Dated: *January 3, 2006*

Prothonotary/Clerk of Courts
William A. Shaw

JAN 04 2006
FILED
JAN 04 2006
m/s/13:1
William A. Shaw
Prothonotary/Clerk of Courts
n/c/c

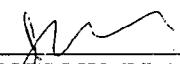
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared John W. Blasko, Esquire, who, being duly sworn, deposes and says that a true and correct copy of the Rule to Show Cause re Defendants' Preliminary Objections to Plaintiffs' Complaint in the above-captioned case was served upon counsel of record: Anthony S. Guido, Esquire, Hanak, Guido and Taladay, 498 Jeffers Street, P.O. Box 487, DuBois, PA 15801.

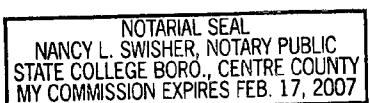
McQUAIDE, BLASKO, FLEMING
& FAULKNER, INC.

BY 
JOHN W. BLASKO
Counsel for Defendant
Mary C. Kruszewski, D.O.

Sworn to and subscribed before me

this 3rd day of January, 2006.

Nancy L. Swisher
Notary Public



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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY)
CONSULTANTS, LLC,) JURY TRIAL DEMANDED
Defendants.)

RULE TO SHOW CAUSE

AND NOW, this 28th day of December, 2005, a Rule is hereby issued to show cause why the Defendants' Preliminary Objections to Plaintiffs' Compliant should not be granted.

Rule returnable the 31st day of January, 2006, in Clearfield County Courthouse, Courtroom 1 at 2:30 o'clock p.m.



I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 29 2005

Attest.


William A. Crammeran
Prothonotary/
Clerk of Courts

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

SELINA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs, : No.: 05 - 1881-CD

vs.

DAVID L. OBLEY, M.D. and
R & R RADIOLOGY CONSULTANTS, LLC,

Defendants.

: Civil Action- *Medical Professional
Liability Action*

: Type of Pleading:
Certificate of Service

: Filed on Behalf of Defendants:
David L. Obley, M.D. and
R & R Radiology Consultants, LLC

: Counsel of Record for This Party:
JOHN W. BLASKO
Pa. I.D. No. O6787
BRITT D. RUSSELL
Pa. I.D. No. 91360

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

: Counsel for Adverse Party:
Anthony Guido, Esquire

Dated 1/30/06

FILED NO
JAN 31 2006
W.A. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

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

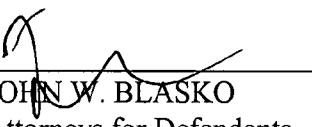
SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendants David L. Obley, M.D. and R & R Radiology Consultants, LLC, Interrogatories and Request For Production (Set One) directed to Plaintiffs, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 30th day of January 2006, to Anthony S. Guido, Esquire, Hanak, Guido and Taladay, 498 Jeffers Street, P.O. Box 487, DuBois, PA 15801.

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO
Attorneys for Defendants
David L. Obley, M.D. and
R & R Radiology Consultants, LLC.

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

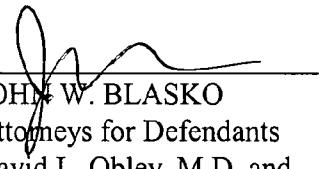
SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY)
CONSULTANTS, LLC,) JURY TRIAL DEMANDED
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendants David L. Obley, M.D. and R & R Radiology Consultants, LLC, Request For Production (Set Two) directed to Plaintiffs, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 30th day of January, 2006, to Anthony S. Guido, Esquire, Hanak, Guido and Taladay, 498 Jeffers Street, P.O. Box 487, DuBois, PA 15801.

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO
Attorneys for Defendants
David L. Obley, M.D. and
R & R Radiology Consultants, LLC.

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.) JURY TRIAL DEMANDED

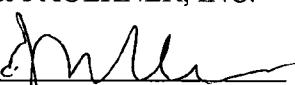
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendants David L. Obley, M.D. and R & R Radiology Consultants, LLC, Expert Interrogatories directed to Plaintiffs, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 30th day of January, 2006, to Anthony S. Guido, Esquire, Hanak, Guido and Taladay, 498 Jeffers Street, P.O. Box 487, DuBois, PA 15801.

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


JOHN W. BLASKO
Attorneys for Defendants
David L. Obley, M.D. and
R & R Radiology Consultants, LLC.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA

SELINA DEMCHAK and
NORMAN DEMCHAK,
Plaintiffs

vs.

CIVIL DIVISION

No. 05-1881-CD

DAVID L. OBLEY, M.D., and
R&R RADIOLOGY
CONSULTANTS, LLC,
Defendants

ORDER

AND NOW, this 31st day of January 2006, this being the date set for argument on Defendants' Preliminary Objections; the Court having been advised by the parties that they have reached an agreement relative the Preliminary Objections.

Accordingly, it is the Order of this Court that upon agreement of the parties, the Plaintiffs shall have 20 days from this date in which to file an Amended Complaint in order to cure the issues set forth in the Defendants' Preliminary Objections. The argument scheduled for this date is hereby canceled and the Preliminary Objections withdrawn without prejudice.

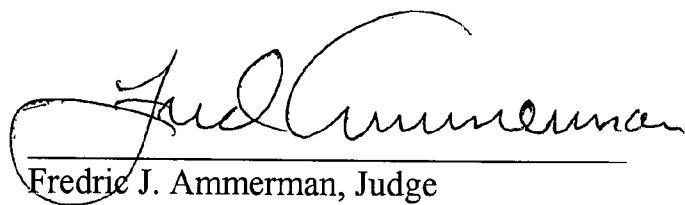
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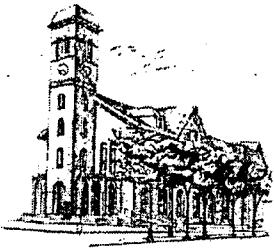
William A. Shaw
Prothonotary/Clerk of Courts

1cc Attnys:
Guido
Blasho
GK

BY THE COURT:



Fredrie J. Ammerman, Judge



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/2/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

SELINA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs, : No.: 05 - 1881-CD

vs.

DAVID L. OBLEY, M.D. and
R & R RADIOLOGY CONSULTANTS, LLC,

Defendants. : Type of Pleading:
Certificate of Service

Filed on Behalf of Defendants:
David L. Obley, M.D. and
R & R Radiology Consultants, LLC

Counsel of Record for This Party:
JOHN W. BLASKO
Pa. I.D. No. O6787
BRITT D. RUSSELL
Pa. I.D. No. 91360

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

Counsel for Adverse Party:
Anthony Guido, Esquire

Dated 2/14/06

FILED NOCC
m/12/4984
FEB 15 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) JURY TRIAL DEMANDED
R & R RADIOLOGY)
CONSULTANTS, LLC,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Intent to Serve a Subpoena to Produce
Documents and Things for Discovery Pursuant to Rule 4009.21 directed to Dubois Regional Medical Center, Dr.
Alexander Krot, Hand & Arthritis Rehabilitation Center, Inc., Saint Vincent Surgery Center, Hand, Microsurgery
& Reconstructive Orthopaedics, LLP, Clearfield Hospital, Dr. Edward McVay, 611 MRI/CT, and Gallagher
Bassett Services, Inc., in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post
Office, Pittsburgh, Pennsylvania, on this 8th day of February, 2006, to the attorney(s) of record:

**Anthony Guido, Esquire
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801**

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
John W. Blasko
I.D. No. 06787
Attorneys for Defendants
David L. Obley, M.D.
811 University Drive
State College, PA 16801
(814) 238-4926
Fax: (814) 238-9624

Date 2/14/06

PENNSYLVANIA COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

Selena Demchak and Norman Demchak **Civil Action- Medical Professional Liability-**
vs. **Clearfield Courthouse**
David L. Obley MD and R & R Radiology Consultants,
LLC **05-1881-CD**

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

Provider:	Record Type:
DuBois Regional Medical Center	Financial / Billing
DuBois Regional Medical Center	Radiology
DuBois Regional Medical Center	Medical
Alexander Krot	All available
Hand & Arthritis Rehabilitation Center, Inc.	All available
Saint Vincent Surgery Center	Financial / Billing
Saint Vincent Surgery Center	Medical
Hand, Microsurgery & Reconstructive Orthopaedics, LLP	All available
Clearfield Hospital	Financial / Billing
Clearfield Hospital	Radiology
Clearfield Hospital	Medical
Edward McVay	All available
MRI/CT	All available
Gallagher Bassett Services, Inc.	All available

TO: Anthony Guido, Esquire

note: please see enclosed list of all other interested counsel

Litigation Solutions, Inc. ('LSI') on behalf of John Blasko, 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: 2/8/2006

Litigation Solutions, Inc. on behalf of:

CC: John Blasko, Esquire - Civil Action- Medical Professional
Liability- Clearfield Courthouse

John Blasko, Esquire
Defense

MCQuade 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 SELENA DEMCHAK AND NORMAN DEMCHAK VS. DAVID L. OBLEY
MD AND R & R RADIOLOGY CONSULTANTS, LLC**

County of Clearfield Civil Action- Medical Professional Liability- Clearfield Courthouse

Counsel	Firm	Counsel Type
Guido, Esquire, Anthony	498 Jeffers Street P.O. Box 487 DuBois PA 15801	Opposing Counsel

814-371-7768(ph) 814-371-1944(fax)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selena Demchak and Norman Demchak
vs.
David L. Obley MD and R & R Radiology
Consultants, LLC

Civil Action- Medical Professional Liability-
Clearfield Courthouse

05-1881-CD

Request For Records Copies Related To Subpoena Document Request

Provider:	Copy Sets Requested:
DuBois Regional Medical Center	_____
DuBois Regional Medical Center	_____
DuBois Regional Medical Center	_____
Alexander Krot	_____
Hand & Arthritis Rehabilitation Center, Inc.	_____
Saint Vincent Surgery Center	_____
Saint Vincent Surgery Center	_____
Hand, Microsurgery & Reconstructive Orthopaedics, LLP	_____
Clearfield Hospital	_____
Clearfield Hospital	_____
Clearfield Hospital	_____
Edward McVay	_____
MRI/CT	_____
Gallagher Bassett Services, Inc.	_____

Please return this completed form to Litigation Solutions, Inc. in the attached self-addressed envelope. Please be advised that Litigation Solutions, Inc. requires prepayment for all requested records above. Therefore, once the requested records are obtained an invoice for prepayment will be generated and sent directly to your attention. This prepayment includes a \$5.00 administrative fee. Once payment has been received the records will be promptly forwarded to your attention.

If you should happen to have any questions or concerns regarding this matter, please don't hesitate to contact Nicole Eterovich at 412-253-1156.

Date of Issue: 2/8/2006

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and

*

Norman Demchak

Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and

*

R & R Radiology Consultants, LLC

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:

PLEASE 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: John Blasko

ADDRESS: 811 University Drive
State College PA 16801

TELEPHONE: 814-238-4926

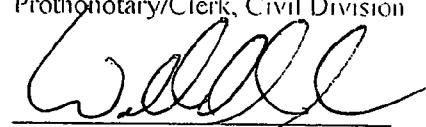
SUPREME COURT ID # 6787

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

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: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Complete copy of any and all itemized bills (include ICD9 & CPT codes) from 1/14/1947 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

Selina Demchak and
Norman Demchak
Plaintiff(s)

vs.

*

David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

No. 2005-01881-CD

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:

PLEASE 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
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address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing the things sought.

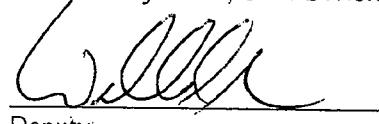
If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Monday, February 06, 2006
Seal of the Court

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

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: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all mental health records from 1/14/1947 to present, including records, charts, test results, reports, correspondence, office notes, and computerized records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and

*

Norman Demchak

Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and

*

R & R Radiology Consultants, LLC

Defendant(s)

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

TO: Clearfield Hospital - Radiology

(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

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: John Blasko

ADDRESS: 811 University Drive

State College PA 16801

TELEPHONE: 814-238-4926

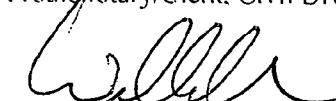
SUPREME COURT ID # 6787

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: Monday, February 06, 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: Radiology Films Library

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: Complete copy of any and all diagnostic films from 1/14/1947 to present, including FILMS OF RIGHT ARM, WRIST, HAND from February 2004 through January 2006.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and
Norman Demchak
Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

*

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

TO: DuBois Regional Medical Center - 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:

PLEASE 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.

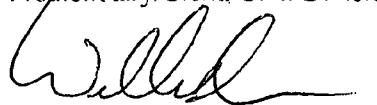
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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: Monday, February 06, 2006
Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

DuBois Regional Medical Center
100 Hospital Avenue
Du Bois PA 15801
Attention: Billing Department

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Complete copy of any and all itemized bills (include ICD9 & CPT codes) from 1/14/1947 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

Selina Demchak and
Norman Demchak
Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

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

TO: DuBois Regional Medical Center - 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:

PLEASE SEE ATTACHED RIDER

TO: 101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

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

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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: Monday, February 06, 2006
Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

DuBois Regional Medical Center
100 Hospital Avenue
Du Bois PA 15801
Attention: Medical Records Correspondence

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all mental health records from 1/14/1947 to present, including records, charts, test results, reports, correspondence, office notes, and computerized records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and
Norman Demchak
Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

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

TO: DuBois Regional Medical Center - Radiology
(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

TO: 101 Towne Square Way Suite 251 Pittsburgh PA 15227

(Address)

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

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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: Monday, February 06, 2006
Seal of the Court

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

DuBois Regional Medical Center
100 Hospital Avenue
Du Bois PA 15801
Attention: Radiology Films Library

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: Complete copy of any and all diagnostic films from 1/14/1947 to present, including radiology films, CTs or MRIs from February 2004 through January 2006.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and

*

Norman Demchak

Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and

*

R & R Radiology Consultants, LLC

Defendant(s)

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

TO: Gallagher Bassett Services, Inc.

(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

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: John Blasko

ADDRESS: 811 University Drive

State College PA 16801

TELEPHONE: 814-238-4926

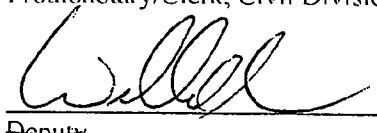
SUPREME COURT ID # 6787

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: Monday, February 06, 2006

Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

Gallagher Bassett Services, Inc.
540 Pellis Road Suite 3000
Greensburg PA 15601
Attention: Records Department

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 1/14/1947 to present regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes)
- Billing records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and

*

Norman Demchak

Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and

*

R & R Radiology Consultants, LLC

Defendant(s)

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

TO: Hand & Arthritis Rehabilitation Center, Inc.

(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

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.

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

NAME: John Blasko

ADDRESS: 811 University Drive
State College PA 16801

TELEPHONE: 814-238-4926

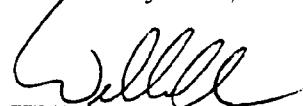
SUPREME COURT ID # 6787

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: Monday, February 06, 2006

Seal of the Court

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

Hand & Arthritis Rehabilitation Center, Inc.
300 State Street Suite 206
Erie PA 16507
Attention: Records Department

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 1/14/1947 to present regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes)
- Billing records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and
Norman Demchak
Plaintiff(s)

Vs.
David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

*

No. 2005-01881-CD

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

TO: Hand, Microsurgery, and Reconstructive Orthopaedics, LLP
(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

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.

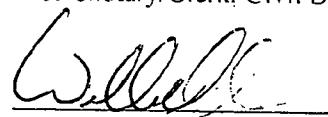
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THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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: Monday, February 06, 2006
Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

Hand, Microsurgery & Reconstructive Orthopaedics, LLP
300 State Street, Suite 205
Erie PA 16507
Attention: Records Department

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 1/14/1947 to present regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes)
- Billing records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and
Norman Demchak
Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

*

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

TO: Alexander Krot

(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

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.

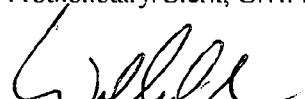
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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: Monday, February 06, 2006
Seal of the Court

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

DO Alexander Krot
83 Hillcrest Drive
Punxsutawney PA 15767
Attention: Dr. Alexabder Krot

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 1/14/1947 to present regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes)
- Billing records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and
Norman Demchak
Plaintiff(s)

Vs.
David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

*

No. 2005-01881-CD

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

TO: Edward McVay

(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

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: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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

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

M.D. Edward McVay
West Unit P.O. Box 447
DuBois PA 15801
Attention: Dr. Edward McVay

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 1/14/1947 to present regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes)
- Billing records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and

*

Norman Demchak

Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and

*

R & R Radiology Consultants, LLC

Defendant(s)

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

TO: MRI/CT

(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

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: John Blasko

ADDRESS: 811 University Drive

State College PA 16801

TELEPHONE: 814-238-4926

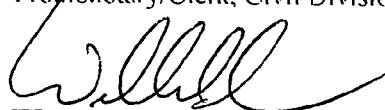
SUPREME COURT ID # 6787

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: Monday, February 06, 2006

Seal of the Court

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

MRI/CT
611 University Drive
State College PA 16801
Attention: Records Department

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all documents in your possession from 2/24/04 to 1/30/06 regarding the above-named patient, including but not limited to:

- Medical records (charts, test results, reports, correspondence, office notes)
- Films (X-rays, MRIs, CTs), Film lists
- Billing records.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Selina Demchak and
Norman Demchak
Plaintiff(s)

VS.

*

David L. Obley MD and
R & R Radiology Consultants, LLC
Defendant(s)

*

No. 2005-01881-CD

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

TO: Saint Vincent Surgery Center - 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:

PLEASE 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.

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

NAME: John Blasko
ADDRESS: 811 University Drive
State College PA 16801
TELEPHONE: 814-238-4926
SUPREME COURT ID # 6787
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: Monday, February 06, 2006
Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

Saint Vincent Surgery Center
312 West 25th Street
Erie PA 16502
Attention: Billing Department

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Complete copy of any and all itemized bills (include ICD9 & CPT codes) from 1/14/1947 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

Selina Demchak and

Norman Demchak

Plaintiff(s)

Vs.

*

No. 2005-01881-CD

David L. Obley MD and

*

R & R Radiology Consultants, LLC

Defendant(s)

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

TO: Saint Vincent Surgery Center - 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:

PLEASE 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: John Blasko

ADDRESS: 811 University Drive

State College PA 16801

TELEPHONE: 814-238-4926

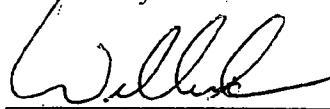
SUPREME COURT ID # 6787

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: Monday, February 06, 2006

Seal of the Court

Rider to Subpoena

Explanation of Required Documents and Things

TO: CUSTODIAN OF RECORDS FOR:

Saint Vincent Surgery Center
312 West 25th Street
Erie PA 16502
Attention: Medical Records Correspondence

Patient: Demchak, Selena
SS#: 184-46-5427
Date of Birth: 1/14/1947

Requested Items:

Please remit: a complete copy of any and all mental health records from 1/14/1947 to present, including records, charts, test results, reports, correspondence, office notes, and computerized records.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

SELINA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs

vs.

DAVID L. OBLEY, M.D., and
R & R RADIOLOGY
CONSULTANTS, LLC, and
~~CLEARFIELD HOSPITAL, S^eB~~
Defendants

CIVIL ACTION-MEDICAL
PROFESSIONAL
LIABILITY ACTION

No. 05-1881-CD

Type of Pleading:

**PRAECIPE TO
DISCONTINUE**

Filed on Behalf of:

PLAINTIFFS

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

FILED

Date: 2/21/06

FEB 21 2006 *TL*

61 n:30/J

William A. Shaw
Prothonotary

3 CENT TO ATT

CENT OF REC TO
ATTY COPY TO C/A

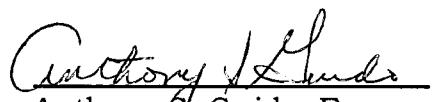
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

SELINA DEMCHAK and :
NORMAN DEMCHAK, :
Plaintiffs :
vs. : No. 05-1881-CD
DAVID L. OBLEY, M.D., and :
R & R RADIOLOGY :
CONSULTANTS, LLC, and :
~~CLEARFIELD HOSPITAL, SCB~~ :
Defendants :
:

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Please mark the above captioned matter discontinued and ended.

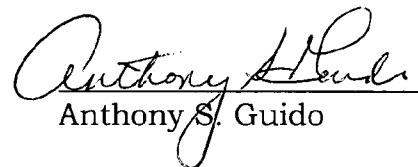


Anthony S. Guido, Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that on the 21st day of February, 2006, I served a copy of the within Praeclipe for Discontinuance by first class mail, postage prepaid, upon the following:

John W. Blasko, Esq.
McQuaide, Blasko, Fleming &
Faulkner, Inc.
811 University Drive
State College, PA 16801



Anthony S. Guido

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

CIVIL DIVISION

**Selina Demchak
Norman Demchak**

Vs. **No. 2005-01881-CD**
David L. Obley MD
R & R Radiology Consultants, LLC

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 February 21, 2006, marked:

Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Anthony S. Guido, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of February A.D. 2006.

William A. Shaw, Prothonotary

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

SELMA DEMCHAK and
NORMAN DEMCHAK,

Plaintiffs, : No.: 05 - 1881-CD

vs.

DAVID L. OBLEY, M.D. and
R & R RADIOLOGY CONSULTANTS, LLC,

Defendants.

*Medical Professional Liability
Action*

Type of Pleading:
*Brief in Support of Preliminary
Objections to the Complaint*

Filed on Behalf of Defendants:
David L. Obley, M.D. and
R & R Radiology Consultants, LLC

Counsel of Record for This Party:
JOHN W. BLASKO
Pa. I.D. No. 06787
BRITT D. RUSSELL
Pa. I.D. No. 91360

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

Counsel for Adverse Party:
Anthony Guido, Esquire

Dated 11/9/2006

RECEIVED

MAN 20 2006

COURT ADMINISTRATIVE
CROSS

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY)
CONSULTANTS, LLC,) JURY TRIAL DEMANDED
Defendants.)

BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO THE COMPLAINT

Defendants file the within Brief in Support of Preliminary Objections to the Complaint and in support thereof aver as follows:

I. PROCEDURAL AND FACTUAL HISTORY

Plaintiffs Selina Demchak and her husband Norman Demchak instituted the instant medical professional liability action by filing a Complaint on December 2, 2005 in the Court of Common Pleas of Clearfield County. Plaintiffs simultaneously filed Certificates of Merit against all Defendants. In response to the Complaint, Defendants filed Preliminary Objections on or about December 22, 2005. The Honorable Fredric J. Ammerman issued a Rule to Show Cause why the Preliminary Objections should not be granted. The Rule is returnable on January 31, 2006 at 2:30 p.m.

Plaintiffs' Complaint generally asserts that the Defendant David L. Obley, a radiologist, negligently failed to diagnose a fracture in Mrs. Demchak's right wrist. Mrs. Demchak allegedly injured her wrist on February 9, 2004 when she fell on ice. See Complaint, ¶¶ 2, 5, 8, 11. She was seen at the Clearfield Hospital emergency room where the emergency room physician ordered an x-ray of the wrist. See Complaint, ¶¶ 6-7. Dr. Obley allegedly interpreted the x-ray and issued a report

indicating Mrs. Demchak had severe degenerative disease. Plaintiffs allege that Dr. Obley failed to recognize that the x-ray showed a nondisplaced distal radius fracture. See Complaint, ¶ 8. Plaintiffs further allege that R. & R. Radiology is vicariously liable for the alleged negligence of Dr. Obley. See Complaint, ¶¶ 3, 18-20. Defendants file the instant Brief in Support of Preliminary Objections on the basis that several of Plaintiffs' allegations of negligence are factually deficient pursuant to Pa.R.C.P. 1019(a).

II. ISSUE PRESENTED

Whether Plaintiffs' vague and broad allegations of negligence within paragraph 12 subparagraphs (a)-(e), (g), and (h) of paragraph 18 are factually deficient in violation of Pa.R.C.P. 1019(a) and, therefore, should be stricken.

(Suggested Answer: Yes.)

III. ARGUMENT

- A. Paragraph 12 and subparagraphs (a)-(e), (g), (h) and the introductory section of paragraph 18 of Plaintiffs' Complaint must be replied and/or stricken as such assert factually nonspecific, conclusory, vague and boilerplate allegations of negligence.

A complaint must do more than put the defendant on notice as to what the plaintiffs' claim is and on what grounds it rests. Baker v. Rangos, 229 Pa. Super. 333, 324 A.2d 498 (1974). Instead, a complaint should formulate the issues by summarizing the material facts, the material facts being those facts essential to support the claim. Id., 324 A.2d at 505. Moreover, Rule 1019(a) of the Pennsylvania Rules of Civil Procedure provides:

“The material facts on which a cause of action or defense is based shall be stated in a concise and summary form.”

See Pa.R.C.P. 1019(a). Several of Plaintiffs' allegations of negligence within the Complaint are factually insufficient under the laws of this Commonwealth. Accordingly, pursuant to Pennsylvania

Rule of Civil Procedure 1028(a), the Defendants filed Preliminary Objections on the grounds of insufficient specificity within a pleading.

1. Pursuant to Pennsylvania's fact pleading requirements, Plaintiffs must plead specific acts that they contend constitute a deviation from the standard of care

Pennsylvania is a fact pleading jurisdiction. See Pa.R.C.P. 1019(a). The purpose of the pleadings is to adequately define the issues and give notice to the opposing party of what the pleader intends to prove at trial so that the opposition may, in turn, prepare to meet such proof with its own evidence. Laursen v. General Hospital of Monroe County, 393 A.2d 761, 766 (Pa. Super. 1981), rev'd on other grounds, 431 A.2d 240 (Pa. 1981). Moreover, Pennsylvania Courts interpret Rule 1019(a) to require that the pleadings formulate the issues by summarizing those facts essential to support each claim. Miketic v. Baron, 675 A.2d 324, 331 (Pa. Super. 1996).

Following the standards set forth in Rule 1019(a), the Pennsylvania Superior Court has held that: "Blind suspicions and unsupported accusations simply do not state a cause of action pursuant to any theory of tort recovery." Feingold v. Hill, 521 A.2d 33, 38 (Pa. Super. 1987). In Feingold, the Court remarked, "[e]ven our present liberalized system of pleading requires that the material facts upon which a cause of action is premised be pled with sufficient specificity so as to set forth the prima facie elements of the tort or torts alleged." Id., *citing* Pa.R.C.P. 1019(a).

If a defendant fails to object to an allegation of negligence for its lack of specificity, and instead simply denies the allegation, the Pennsylvania Courts are required to assume that the defendant sufficiently understood the allegation. Connor v. Allegheny General Hospital, 461 A.2d 600 (Pa. 1983). Under Connor, while the statute of limitations may preclude a plaintiff from amending a complaint to set forth a new cause of action, a plaintiff will not be precluded from merely amplifying a generally worded allegation of negligence in the original complaint. Therefore, a defendant would be

severely prejudiced by failing to object to a vague or general allegation if the plaintiff later seeks to amend the complaint to amplify such an allegation.

Therefore, it is clear that the fact-pleading rules of this Commonwealth require that a plaintiff specifically plead those acts that he or she contends were tortious. General, broad, or boilerplate allegations that unspecified conduct was “negligent” are insufficient. It is also clear that after Conner, a defendant must object to conclusory and general allegations of negligence. Otherwise, the plaintiff may be permitted to amend the pleading at a later date, after the close of discovery, to allege previously unidentified deviations from the standard of care. Such an amendment is prejudicial to defendants because it prevents them from adequately preparing a defense to plaintiff’s claims. Accordingly, through the instant Preliminary Objections, the Defendants seek to hold the Plaintiffs to the fact-pleading requirements of this Commonwealth and request that this Court require them to allege those specific acts that they contend constitute negligence or reckless conduct.

2. Plaintiffs have alleged certain general, broad, and boilerplate allegations of negligence without reference to specific acts that they contend were tortious

The Plaintiffs set forth general averments of negligence within the Complaint. These allegations are factually deficient in violation of Pa.R.C.P. 1019(a). In particular, the Defendants object to the following allegations of negligence asserted against Dr. David L. Obley, M.D. and R. & R. Radiology Consultants, LLC:

“12. As a result of the failure to note the fracture of the right wrist of the Plaintiff, Selina Demchak, as above described, the Defendant, David L. Obley, caused the emergency room physician to fail to provide proper care and treatment of the Plaintiff, Selina Demchak, which treatment should have resulted in treatment of a wrist fracture rather than a sprained right wrist.

18. The negligence of the Defendant, R & R Radiology Consultants, LLC, by/and its agent, servant or employee, David L. Obley, consisted inter alia of the following:

- (a) Failure to possess the degree of care and skill ordinarily exercised in similar cases by other physicians specializing in radiology;
- (b) Failure to exercise a requisite degree of care and skill;
- (c) Failure to possess a degree of knowledge and skill ordinarily possessed by other physicians specializing in radiology;
- (d) Failure to conform to the requisite standards of care under the circumstances;
- (e) Failure to properly diagnose and to properly interpret the X-rays of the condition of SELINA DEMCHAK's right wrist;

* * *

- (g) Failure to properly perform, read, interpret and report results of the X-ray performed on SELINA DEMCHAK's right wrist;
- (h) Failure to exercise reasonable care in the interpretation of said X-rays for which injuries prompt diagnosis and treatment were critical for effective medical care;..."

See Complaint, ¶¶ 12, 18 (underlining added).

The above objected-to allegations fail to adequately apprise the Defendants of the specific deviations from the standard of care the Plaintiffs contend occurred. At times, Plaintiffs' Complaint demonstrates the factual specificity required in Pennsylvania. For example, the Complaint contains the following two allegations of negligence: "Failing to interpret said X-rays as to detect the fracture of Selina Demchak's right wrist as above described" and "Failure to obtain an MRI scan of Plaintiff, Selina Demchak's right wrist which scan was indicated by the results of said X-ray" See Complaint, ¶ 18(f) and (i). However, the objected to allegations lack this factual basis contained in subparagraphs (f) and (i). Compare Complaint ¶¶ 18(f), 18(i) with ¶¶ 18(a)-(e), (g)-(h).

The objected to allegations are prejudicially vague and devoid of proper factual support. Within the Complaint, it is alleged that Dr. Obley was negligent in his "failure to possess", "failure to exercise" and "failure to conform to" the standard of care and failing to "possess a degree of knowledge and skill ordinarily possessed" by radiologists. See Complaint, ¶ 18(a)-(e). These allegations merely state that Dr. Obley breached the standard of care and provide no indication of how,

where or when these alleged breaches occurred. Plaintiffs similarly allege that Dr. Obley was negligent in his “failure to properly diagnose and properly interpret”, “failure properly perform, read, interpret and report” and “failure to exercise reasonable care in the interpretation of ” the x-ray results. See Complaint, ¶ 18(g)-(h). Moreover, Plaintiffs claim Dr. Obley was negligent by causing another physician to “fail to provide proper care and treatment”. See Complaint, ¶12. Each of these allegations fail to identify what Dr. Obley did that was allegedly improper.

Finally, Defendants object to the phrase “inter alia” as used in the introductory portion of paragraph 18. Specifically, Plaintiffs allege that Defendants’ negligence consists of those theories set forth in subparagraph (a) - (i) “inter alia.” By definition “inter alia” means “among other things” and inclusion of the phrase in the Complaint allegations is patently objectionable under Pennsylvania’s fact pleading requirements. See Complaint, ¶ 18. This allegation alone allows for a later amplification of the Complaint allegations to include any conceivable theory of negligence. Plaintiffs already have alleged Dr. Obley failed to detect the fracture of Plaintiff’s wrist and failed to obtain an MRI. To the extent the objected to allegations reiterate these criticisms they should each be stricken as duplicative. To the extent the allegations refer to another act of Dr. Obley, they should be stricken as factually insufficient. If the objected to allegations indeed are in fact separate and distinct from the allegations of negligence set forth at subparagraphs 18(f) and 18(i), the Pennsylvania Rules of Civil Procedure require that the Plaintiffs articulate the distinct factual basis in the Complaint.

In failing to clearly and specifically identify how or in what way Dr. Obley was allegedly negligent in this particular case the Plaintiffs ignore the fact-pleading rules to Dr. Obley’s substantial prejudice. Based upon the foregoing, the aforementioned objected-to allegations fail to conform to Pa.R.C.P. 1019(a), which requires that the material facts on which a cause of action is based be stated in a concise and summary form. These deficiencies are prejudicial to the Defendants because they are

unable to prepare a response and/or defense to these vague allegations, which may result in the waiver of various defenses and objections pursuant to Pa.R.C.P. 1032. If these allegations are not stricken, Defendants will be forced at trial to defend against any number of theories or claims which could potentially be raised under their inclusive terms. This principle was vividly illustrated in the following passage from the Supreme Court case of Connor v. Allegheny General Hospital, 501 Pa. 306, 461 A.2d 600 (1983):

“If appellee did not know how it ‘otherwise failed to use due care and caution under the circumstances,’ it could have filed a preliminary objection in the nature of a request for more specific pleading or it could have moved to strike that portion of appellant’s complaint. . . . It this case, however, appellee apparently understood this allegation of appellant’s complaint well enough to simply deny it in its answer. Thus, appellee cannot now claim that it was prejudiced by the late amplification of this allegation in appellant’s complaint.”

Id., 461 A.2d at 602, n. 3. Accordingly, Defendants’ Preliminary Objections to the above quoted allegations are necessary, proper, and should be sustained.

IV. CONCLUSION

Based upon the foregoing, the Defendants respectfully request that this Court enter an Order striking Plaintiffs' vague allegations of negligence within paragraph 12 and subparagraphs (a)-(e), (g), (h), and the introductory section of paragraph 18 of the Complaint. Alternatively, the Defendants request that the Plaintiffs be required to plead those negligence allegations with sufficient factual specificity required by the Pennsylvania Rules of Civil Procedure and well-settled law of this Commonwealth.

Respectfully submitted,

McQUAIDE, BLASKO, FLEMING &
FAULKNER, INC.

By: Britt D. Russell

JOHN W. BLASKO
Pa. I.D. No. 06787
BRITT D. RUSSELL
Pa. I.D. No. 91360
811 University Drive
State College, PA 16801
(814) 238-4926
Attorneys for Defendants
David L. Obley, M.D. and
R & R Radiology Consultants, LLC.

Dated: January 19, 2006

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

SELINA DEMCHAK and)
NORMAN DEMCHAK,)
Plaintiffs) Civil Action-Medical Professional Liability
vs.) Action
DAVID L. OBLEY, M.D. and) No. 05-1881-CD
R & R RADIOLOGY)
CONSULTANTS, LLC,) JURY TRIAL DEMANDED
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Brief in Support of Preliminary Objections to the Complaint on Behalf of the Defendants, in the above-captioned matter was mailed by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 19 day of January, 2006, to the attorney(s) of record:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: Britt D. Russell
JOHN W. BLASKO
BRITT D. RUSSELL
Attorneys for Defendants

MCQUAIDE BLASKO

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January 19, 2006

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MCQUAIDE BLASKO

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

In Re: Demchak vs. Obley, et al.
Docket No: 05-1881 CD

Dear Mr. Meholic:

Enclosed please find the Brief in Support of Preliminary Objections to the Complaint on behalf of the Defendants, David L. Obley, M.D. and R&R Radiology Consultants, LLC, in the above-captioned matter.

Thank you for your attention to this matter.

Sincerely,

McQUAIDE, BLASKO

By: Britt D. Russell
BRITT D. RUSSELL

BRD/nls

Enclosure

cc: Anthony Guido, Esquire [w/enc.]

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

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